

Family Preservation

Concepts In
American Indian
Communities

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The National Indian Children's Alliance (NICA) was formed in 1999 between Casey Family Programs and the National Indian Child Welfare Association. The goal of the Alliance is to increase permanency options for Indian children through three targeted project areas: 1) the conduct of research that can contribute to policy development on issues that impact Indian children; 2) the provision of on-site technical assistance and training to tribes to enhance service options for their children and families; and 3) the development of tribal adoption codes that incorporate historically and culturally defined practices and the implementation of a campaign to develop additional foster, kinship or adoptive homes. Together, these three components will provide Indian children with a stronger foundation for achieving the permanency that all children deserve.

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Contents

Abstract	6
Executive Summary	7
Introduction	9
Review of Literature	12
American Indian Family Preservation: Issues and Perspectives	12
Policies of Indian Family Destruction	15
Tribal Reclamation over Indian Family Policy	18
Mainstream Family Preservation	19
Inadequacy of Mainstream Models for American Indian Family Preservation	22
Contemporary Issues in American Indian Family Preservation	26
Summary	31
Methodology	32
Reality Based Model	32
Qualitative Methodology	32
Community Voices	34
Talking Circle 1	35
Traditions	35
Indian Conflicts with Mainstream Service Models	36
Indian Children and Family Preservation	38
Program Recommendations	41
Talking Circle 2	43
Family and Community Destruction	43
Traditions	44
Contemporary Issues	46
Surveys	48
Survey 1	49
Survey 2	52
Community Review Session	58
ICWA Compliance Issues	58
Honoring Spirituality	61
Preliminary Discussion of Findings	63
Internal Sovereignty	65
Recommendations	66
References	68
Appendices	74

LIST OF TABLES

Table 1. Key Differences Between Euro-American and Indian Family Systems	24
Table 2. Ethnicity of Minnesota Children in Out-of-Home Care in 1992–1998	29
Table 3. Definitions of Family Preservation	50
Table 4. Types of Tribal Family Preservation Services Offered and Needed	51
Table 5. Survey 2 Respondents by State and Tribe	53
Table 6. Categories of Definitions of Family Preservation	55

LIST OF FIGURES

Figure 1. Attribution of Cultural Importance of Selected Groups Identified by Respondents	54
Figure 2. Selected Tribal Capacities	56
Figure 3. Identified Barriers to Family Preservation	58

What is tradition? What is culture? Indians have to define and decide for themselves. We have the opportunity to do something. ... This could be a time of great promise or great disappointment. It all depends on what we do as a people. We make history today.

Quote from elder, American Indian
Research and Policy Institute
(1998, p. 20)

ABSTRACT

Family Preservation Concepts in American Indian Communities

This study examines American Indian family preservation. It traces American Indian concepts of family preservation and compares these with mainstream theories that guide services to Indian communities. The study provides a literature review of American Indian perspectives and mainstream family policy. The gathering of data followed a reality based research model that gives primacy to knowledge gained through American Indian experience and oral tradition. The methodology included surveys, talking circles, and a community review process. Major conclusions are a) Indian family preservation is fundamentally linked to tribal sovereignty; b) mainstream social service systems are outgrowths of Euro-American concepts of the nuclear family; and c) American Indian history and tradition are crucial inputs to the further development of contemporary family preservation models.

Family Preservation Concepts in American Indian Communities

This study examines the landscape of public policy that guides American Indian family preservation and appraises the impact of delivery systems providing services to Indian communities. It highlights key provisions of the Indian Child Welfare Act of 1978 (ICWA) that are sine qua non to Indian family preservation, especially those articulations on extended family structure, tribal law and custom, cultural standards, and reunification services. The study also examines confounding events surfacing since passage of the Adoption and Safe Families Act in 1997 (ASFA). The ASFA mandates provisions of permanency planning that may be contrary to ICWA and creates conflict in the arena of Indian family preservation. Pointing to such conflicts is not an effort to criticize but a serious attempt to unveil areas of common concern among Indian professionals and Indian communities.

The methodology follows a protocol referred to as reality based research, which allows the gathering of primary data to provide a more complete picture of American Indian family preservation. Reality based research uses sampling procedures common to mainstream qualitative survey research and assures cultural representation with the use of talking circles. Surveys were administered to participants at two separate national conferences. Each survey was designed to satisfy a need for breadth by gathering data from a

national sample frame. While limited by specific intent, this procedure leads to a broad-based trend analysis in family preservation. The sample frame for talking circles satisfied a need for depth and consisted of Ojibwe elders from Minnesota and Wisconsin.

The review of literature examines historical aspects of federal Indian policy and draws attention to institutional efforts to dismantle Indian culture over a period of several generations. It points to the modern legacy of these efforts that is referred to collectively as the American Indian “soul wound.” Discussion then turns to ICWA as a mediating effort for cultural affirmation. The most recent federal policy, ASFA, is discussed in light of its pitfalls in application to the general population. Its shortcoming with respect to model integrity raises critical concerns among child welfare professionals and tribal program leaders alike. In addition to model integrity, concern among tribal leaders is directed to the application of ASFA provisions that are often—and mistakenly—seen to supercede ICWA.

Community voices present findings from two talking circles, both surveys, and the community review. Talking circles capture perspectives around traditional community organization, tribal law and custom, extended family behavioral dynamics, and traditional healing methods. The surveys gathered data around some issues similar

to those brought up in talking circles, such as definitions of family preservation, cultural relevance of the existing range of services, and barriers to services. The surveys also sought data beyond those issues discussed in the talking circles, such as available funding sources and tribal capacities in family preservation. In tandem, the talking circles and surveys provide a portrait of family preservation as perceived by American Indian professionals and traditional communities. A community review provides an overall critique of the study by traditional elders to assure that this research did not take liberties with traditional knowledge, attitudes, and beliefs.

Community voices closes with a discussion of key findings. These are:

- Contrary to attitudes common among non-Indian professionals, Indian traditions are alive and well in contemporary tribal communities, and traditional ways are in use to foster family preservation.
 - Indian cultural settings do not separate individuals from family or family from community; community, tribal custom, language, religion, and cultural practice are fundamental to family preservation.
 - Mainstream social workers remain ignorant about Indian cultural experiences, and their knowledge deficit is deleterious to tribal children, families, and communities.
 - Cultural repression, past and present, fosters trauma that fuels identity crises, family dysfunction, and community disintegration.
- Mainstream child welfare practice with emphasis on power and control leads to distrust of non-Indian social workers.
 - Mainstream child welfare practice continues to approach Indian families from a perspective of deficit models.
 - Value conflicts persist between mainstream service providers and Indian communities in several areas, including the definition of family preservation, client confidentiality, and credentialism of practitioners.

The study closes with recommendations that draw attention to the importance of Indian values and traditional practices, particularly as guides for family preservation research. As such, the recommendations call for developing tribal codes, elevating traditional practices, demoting mainstream casework practice, and directing resource allocation to support external and internal sovereignty. Finally, it recommends strict attention to ICWA standards of law and custom that mandate active effort as a means to introduce more rigorous standards for prevention, reunification, and rehabilitation of Indian extended families.

Family Preservation Concepts in American Indian Communities

Introduction

Family preservation is not a new concept among American Indians. Indian leadership ranging from traditional elders to formally educated professionals often points to the strengths of culture, family, and community; however, their voices generally count for naught in the American political system. Certainly, case law hinges on the ingrained political concept of trust responsibility, in which the federal government assumes responsibility to assure the social, cultural, and political well-being of tribal people. Actual operations, however, whether through the Bureau of Indian Affairs (BIA) or other federal agencies, to foster tribal well-being have been mixed at best. Over the years, tribes have faced extreme shifts in policy. In general, these policy shifts have been designed unilaterally by Congress and have advanced disparate goals for tribal people ranging from assimilation and termination to cultural preservation. Since the darker periods of policy were intent upon the destruction of the structural and cultural fabric of Indian family systems, it should not be surprising that social disruption in family life is a major concern and issue for Indian families.

The political climate towards American Indians began changing dramatically in the 1960s and influenced President Nixon to introduce an Indian policy of self-determination in 1970. This new framework carried important implications for tribal people because self-determination was

structured to strengthen tribal autonomy without threats of termination. This not only reaffirmed the federal trust responsibility but also framed it in a context to support cultural and tribal well-being. A rash of legislation around education, self-determination, and religious freedom soon followed. Eventually, in 1978, the Indian Child Welfare Act (ICWA) was passed. Collectively, these legislative measures were designed to give tribes control over their own destiny. For a summary of major legislation affecting child welfare, see Appendix A.

In social services, the policy on self-determination laid the groundwork for tribes to organize tribal specific family and child welfare programs to be staffed by tribal members. But this is not the end of the story. The ICWA has mandated culturally appropriate services for nearly a generation, yet American Indian family systems continue to be under attack by child welfare policy and practice. Minnesota, ostensibly a culturally sensitive state, places American Indian children in out-of-home foster care at significantly disproportionate rates. While Indian children make up 1.9 % of Minnesota's children, they represent 11 % of out-of-home placements (Minnesota Department of Human Services, 2000, section 3).

Merila and Bradley (1996) found that in one northern Minnesota county, Indian children are more likely to be placed in care at an earlier age

than their mainstream counterparts, serve longer periods in placement, and are placed in foster homes as opposed to less threatening crisis shelters. In that same state, 1998 data shows that while 66 % of Indian children in foster care are in Indian homes, only 25 % are in kinship care; one-third of Indian children in out-of-home placement are in non-Indian settings; and extended family or kinship care is still not recognized as standard practice. Taken together with more recent policy emphases on termination of parental rights, this data suggests that in a manner similar to the days before passage of ICWA, adoption still serves as a preferred option in the delivery of support services to American Indian families.

Recent federal legislation such as the Adoption and Safe Families Act of 1997 (ASFA) retains aspects of family preservation contained in earlier policy but also redirects efforts to seek permanence through adoption. This blurs the status of family preservation services for American Indians. As ASFA transforms the child welfare policy agenda yet again, its focus on streamlining the adoption process, along with the implementation of a quota system for federal funding, will have serious implications for American Indian tribes, families, and children. As a consequence, the interface between ASFA and American Indian communities remains of great concern, particularly since it mirrors earlier efforts of assimilation, which was in the main, a precipitating cause for passage of ICWA. In this respect, current policy

appears like old wine in new bottles: it recycles old efforts disguised in the language of “the best interest of the child” and remains skewed in a non-Indian paradigm.

Federal policy since Nixon’s announcement on self-determination has certainly influenced growth in tribal-based programs for Indian child welfare. Even so, American Indian children and families continue to be impacted by mainstream social service delivery systems that have never completely shed their assumptions about the cultural inferiority of American Indians. Professional social service organizations, which follow Euro-American concepts of practice such as “in the best interest of the child,” are still incongruent with development of culturally competent family and children’s services. Political lobbyists representing special interest groups for transracial adoptions work persistently to undermine ICWA, and professional schools of social work do not uniformly address applications of cultural competency following tribal law and custom. As a result, questions regarding the necessity and value of ICWA and Indian family preservation among mainstream providers abound.

One statistic remains constant in child welfare: the rate at which Indian children are placed in substitute care is significantly disproportionate to that of children from the general population. This project on family preservation, in conjunction with other efforts, hopes to cast a strategic pathway to stem the tide of child removal and to foster a national ethic of Indian family care and concern. The project is comprised of two parts. First,

it provides an overview of the existing literature regarding the history of family and child welfare policies and their impact on American Indian families. Second, it outlines an Indian framework of Indian family preservation based on information provided by Indian elders and tribal service providers.

The report is organized into four parts. Part one presents a review of the literature, examining issues and trends that collectively explain the state of the art in family preservation. This section explicates historical accounts of efforts to destroy the cultural fabric of American Indian families, discusses attempts to ameliorate historical trauma through passage of ICWA in 1978, and elaborates on the recent policy initiatives to coordinate mainstream programs in child placement and adoption with American Indian family preservation efforts. Part two discusses the methodology used for this project. The conceptual framework guiding the methodology is reality based research, which gives emphasis to maximum participation by Indian communities in social research. As such, the project utilizes a qualitative design that builds a sample frame through purposeful, stratified snowball techniques and field research methods. Part three is presented as a community voices section that articulates American Indian perspectives. As such, the report advances community knowledge about what is happening and what ought to be happening in family preservation. Part four offers recommendations on how to build a cross-cultural bridge for the preservation of Indian families.

Review of Literature

The review of literature draws from a national database in health behavior, social sciences, and American Indian studies. Source materials include journal articles, field reports, annual program evaluations, baseline studies, public documents, and county government reports. In addition, studies funded by national philanthropic organizations are reviewed. The purpose of the literature review is to capture a picture regarding the state of practice in Indian family preservation. This necessarily includes an assessment of mainstream theoretical constructs that influence the organization of Indian programs. The review is organized in separate sections to discuss introductory issues, policies of destruction of family and community, history of Indian child welfare and family policy, tribal reclamation over Indian family policy, mainstream family preservation, inadequacy of mainstream models, and contemporary issues in American Indian family preservation. A chronology of legislation relevant to family preservation is provided in Appendix A.

American Indian Family Preservation: Issues and Perspectives

The ICWA provides a policy framework to guide relationships among sovereign governments in child welfare. According to Vine Deloria, Jr., sovereignty may be classified into two domains, an external and internal domain. Sovereignty in the external domain relates to the legal and political

standing of tribal governments. It requires, among other things, that states give full faith and credit to tribal political institutions, mandates that tribes be informed of pending action in child welfare cases, and recognizes jurisdiction of tribal courts. Without doubt, activities in the external domain have benefited tribes by leading to joint efforts among states and tribes to structure working agreements between the two jurisdictions in child welfare. The internal domain of sovereignty refers to Indian tradition and includes matters associated with tribal family development. It is the establishment of tribal law and custom and tribal socio-cultural standards. The internal domain legally authenticates tribal definitions of extended family systems, which in turn inform the design and standards for Indian family preservation models and practice (cited in American Indian Research and Policy Institute, 1995, pp. 6–7).

Child welfare professionals who presume universal application of Euro-American theories of human development overlook the cultural definitions and standards mandated by internal sovereignty. Many American Indians believe that this oversight means that mainstream policy simply gives lip service to ICWA provisions that require tribal law and custom in definitions and standards of family preservation. In practice, most child welfare professionals neither respect nor understand extended family systems or customary tribal aspects of guardianship. This is clearly illustrated in the Department of Health and Human Services report written by Duquette, Hardin, and

Dean (1999), "Guidelines for Public Policy and State Legislation Governing Permanence for Children." The report provides technical assistance for the development of state statutes and policies that "reflect the best practices in child welfare today" (p. 1). Citing that permanence for children can be achieved in a "number of ways," the report identifies several options, which include remaining with the nuclear family while parents receive services, reuniting with parents who are "rehabilitated," providing "short or long term legally sanctioned care" through "adoption or guardianship," or adoption of children by "non-relatives." Despite the variety of options, the report states, "adoption is generally considered the optimal form of permanence when the biological parents are unable to provide a safe, stable, and nurturing home. However achieved, permanency is a cornerstone of American child welfare policy" (1999, pp. 1–3, emphasis added). Their emphasis on the nuclear family as the ideal social unit and adoption as the "optimal form of permanence" mirrors historical conflicts between Euro-Americans and Indians with respect to the well-being of Indian children. Indian familial systems are based on extended family and clans, and Indian tribes traditionally have a host of support systems other than adoption for their children. Yet, mainstream social services continue to deny the existence of such tribal customary supports and invoke adoption as the only legitimate option. Policies and programs targeted to Indian families do not develop in a vacuum. Scientific inquiry

serves as the Euro-American intellectual foundation for social policy and action. Without doubt, Western science has never been friendly to American Indians. Tribal people served as laboratory specimens for Euro-American contributions to the theory of racism, which initially focused on cranial studies to prove that American Indians were intellectual inferiors to Caucasians (Bieder, 1986). This research soon came under criticism, and studies shifted to evaluate differences in cultures. Anthropologists, ardent advocates of the theory of racism, set out to prove that cultural beliefs and behaviors of American Indians were inferior to enlightened and civilized Euro-Americans (Bieder, 1986; Pearce, 1988). Among the many methodological approaches used to validate Indian inferiority were the use of scales to measure cultural attributes along a continuum ranging from savagism to civilized societies. Euro-American society, by definition, was considered the apex of civilization; hence, its institutions of the nuclear family, English language, and Christianity were established as the baseline to which primitive people should aspire. To bolster this scientific endeavor in the latter third of the 19th century, an array of formal policies, executive decisions, and administrative procedures set out to introduce the savage Indian to civilization. American Indian customs and traditions were assaulted; Indian religion was declared a heathen practice, indigenous language was seen as a yoke on the back of enlightenment, Indian family and

community values were identified as flagrant forms of socialism, and beliefs in animal spirits were viewed as simple depravity. In addition to attempts at destroying Indian society and family structure, the nuclear family lifestyle and an ethos of individualism were forcibly imposed in the effort to civilize Indians (Adams, 1995).

These policies undoubtedly have a residual influence on contemporary behavior in Indian communities. Cross et al. suggests that historical oppression has led to a clinical-type post-traumatic stress in Indian communities; Duran and Duran (1995) echo this observation, noting that past oppression results in a soul wound that is passed from one generation to another. Soul wound is similar to the concept of historical trauma, which is more commonly applied to the experiences of Jews. It is a theory developed to explain the generational consequences of large-scale destructive actions. It is defined as a "cumulative trauma over both the life span and across generations that results from massive cataclysmic events ..." (Yellow Horse Brave Heart, 1999, p. 111; see also Kestenberg, 1982/1990; Lifton, 1988; Nagata, 1991; and van der Kolk, 1987, for other discussions regarding historical trauma). Constant policies of forced removal, forced relocation, forced assimilation, and internment over a period of 500 years can certainly be classified as cataclysmic events in the lives of Indian people. Brave Heart (1999) summarizes the research on

historical trauma and its consequences on Indian people and communities:

An important element of the theory of the historical trauma response is its intergenerational transmission. The psychological transfer of a trauma response across generations has been explained by theories of (a) transposition where descendants not only identify with ancestral history but emotionally live in the past and the present, (b) loyalty to the deceased and identification with their suffering which necessitates perpetuation in one's own life, and (c) memorial candles where descendants assume a family role of identifying with ancestral trauma (pp. 111–112).

Other research postulates possible biological transmission of trauma responses (van der Kolk, 1987). It is critical to make distinctions in this context between collective and individual historic trauma. Collective trauma unfolds as an omnipresent, community wide phenomenon, while individual trauma unfolds as a personal psychological phenomenon unrelated to a collective common experience. American Indian responses to historic trauma are of the collective genre so that observers may encounter community wide "depression and self-destructive behavior, substance abuse, identification with the ancestral pain, fixation to trauma, somatic symptoms, anxiety, guilt, and chronic bereavement" (Brave Heart, 1999, p. 111; see also O'Neil, 1996). It is clear that contemporary Indian family preserva-

tion efforts must incorporate healing of the American Indian soul wound.

In spite of historical oppression and an Indian soul wound, observers of American Indian contemporary family and community life indicate that residuals of positive traditional values and behaviors remain surprisingly strong (Attneave, 1982; Mannes, 1993). The source of this strength is found in the preservation of traditional cultural practice. Yet, like past programs and policies affecting American Indian children and families, non-Indian theoretical frameworks generally inform the design of current family preservation programs. Given the issues surrounding the history of Euro-American intellectual thought and its impact on American Indians noted previously, it is important to assess the degree to which mainstream family service models transcend the colonial orientations of the past. In the case of family preservation, it is critical to examine the degree to which current service models comply with both external and internal sovereignty domains and how American Indian culture and family systems are integrated into family preservation practice. The following section discusses historic aspects of family and child welfare policy and describes the differences between American Indian and Euro-American family and community systems.

Policies of Indian Family Destruction

One of the first Indian-based family policies can be traced to the early boarding schools. This elaborate educational system was designed specifically for American Indian children and was managed by private charitable organizations and the federal government. In fact, boarding schools represent the first out-of-home placement policy in the U.S. and were based on the theoretical premise that American Indian family systems were inferior. In one report on the system, Commissioner of Indian Affairs Jones stated that, “[w]hen a white youth goes away to school or college, his moral character and habits are already formed and well defined ... With the Indian youth it is quite different. Born a savage and raised in an atmosphere of superstition and ignorance, he lacks at the outset those advantages that are inherited by his white brother and enjoyed from the cradle” (cited in Prucha, 1990, p. 201). The answer to this problem, as seen by Jones and others, was the boarding school system. It became, as Adams states, the “institutional manifestation of the government’s determination to completely restructure the Indians’ minds and personalities” (1995, p. 97). The intent, pledged Richard Henry Pratt, designer of the Carlisle Indian School, was to “kill the Indian and save the man” (Iverson, 1998, p. 21).

The analysis of Indian families forwarded by Jones was echoed in nearly all social welfare institutions and clearly dominated Indian policy for over a century. Boarding school strategy removed Indian children from the proximity of their community and dissociated them from daily interactions of Indian family life. Despite wide promulgations and indictments on traditional Indian families circulated at the time, observers recognized the strength that Indian families and communities mustered to defend themselves against these external policy assaults. Proponents of the boarding school system used children as a catalyst for eradication of Indian culture but soon discovered that upon returning to their communities, Indian children quickly immersed back into traditional systems. However, rather than attributing positive values to Indian culture for exhibiting such a resiliency, the opposite occurred.

Failure of the boarding school model to “kill the Indian” led to development of the “outing system.” Under this system, Indian students were not returned to their families but placed with non-Indian families during non-school periods. In these settings, they were taught about individualistic family systems and were given “practical acquaintance with civilized life.” The philosophy behind this method was clearly articulated by Commissioner of Indian Affairs, Thomas J. Morgan, in 1889. “Education,” he stated, “should seek the disintegration of the tribes ... tribal relations should be broken up, socialism destroyed, and

the family and the autonomy of the individual substituted” (cited in Prucha, 1990, p. 177, p. 180).

Following this perspective, the only reasonable child welfare policy was the complete extrication of children from their families and from their Indian identity. In nearly every aspect of structure and curriculum, Indian schools were designed to, “carefully avoid any unnecessary reference to the fact that [the students] are Indians” (cited in Prucha, p. 180). Recognition that Indian families and communities had the strength and capacities to withstand a comprehensive policy of family destruction did not dissuade policymakers. To the contrary, it served as an impetus for a more determined expansion of destructive family policy.

The devastating impact of these early policies on Indian communities cannot be ignored. While Indian tribes exhibited a capacity to defend and survive such annihilistic actions, the price they paid for this survival has been substantial. Horejsi, Heavy Runner, Craig, and Pablo (1992) note that, “the boarding school experience had a far-reaching effect on Native American culture and family structure ... people who spent much of their childhood in boarding schools were deprived of an opportunity to experience family life” (p. 334). The soul wound discussed earlier also reflects the heavy cost borne by Indian communities for these policies. Ironically, at a time when federal policy was directed at destroying Indian families, mainstream family systems were themselves experiencing destabilization. In a review of family studies, Bahr, Wang, and Zhang

(1991) found that most early research focused on the disintegration and fragmentation of mainstream family structure resulting from industrialization.

While the boarding school system, with its attendant philosophical and scientific tenets, failed to achieve its objective to completely restructure Indian families, it was successful in institutionalizing the dominance of nuclear family structures as the model in nearly every aspect of social policy. This dominance resurfaces again and again in each new wave of family and child welfare policy. One illustration of this is reflected in the BIA sponsored Adoption Resource Exchange of North America (ARENA) that operated from the 1950s through the 1970s. ARENA's primary focus was implementation of the Indian Adoption Project, which was a "formalized means of placing Native American children for adoption" and "complemented the widespread pattern of American Indian out-of-home placement policy that was occurring in the child welfare system" (George, 1992, p. 6). As a result, American Indian families were subjected to two overlapping child welfare systems: the mainstream system with its bias against Indian families, and an emergent Indian specific child welfare system designed to place children outside their cultural, tribal, and extended family systems.

The BIA started the Indian Adoption Project in 1957. It teamed with the Child Welfare League of America to, as quoted by the former Department of Health, Education, and Welfare, "operate a clearinghouse for the interstate placement of

Indian children with non-Indian families" (cited in George, 1992, p. 6). The federal government, in collaboration with one of the oldest and largest child welfare advocacy organizations, was successful in placing 395 Indian children for adoption. However, George (1992) suggests that the success of the Indian Adoption Project was not in the number of adoptions successfully completed but in the "adoption movement" that was created. Its most significant accomplishment was the creation of an adoption infrastructure that promoted voluntary participation from Indian tribes and families. The Indian Adoption Project reduced interstate barriers to adoption, established an ethos of adoption as the answer to Indian children in poverty, and reinforced the promotion of non-Indian families as the ultimate rescue for Indian children.

The success of the Indian Adoption Project and its predecessors is reflected in the following statistics. Approximately 25 to 35% of all Indian children were separated from their families in 1974. In Minnesota, almost one in four Indian children under the age of one were placed for adoption (George, 1992, p.12). Reflecting on this "success," one county attorney echoed the rhetoric of the boarding school mentality of a century before; he stated:

If you want to solve the Indian problem you can do it in one generation. You can take all of our children of school age and move them bodily out of the Indian country and transport them to some other part of the

United States. Where there are civilized people ... if you take those kids away and educate them to make their own lives, they wouldn't come back here (cited in George, 1992, p. 6).

National statistics mirrored that of Minnesota. This situation prompted significant outrage that led to changes in national policy and launched efforts to support ICWA of 1978.

Tribal Reclamation over Indian Family Policy

In most respects, ICWA was a compensatory act to reverse historic wrongs. Policies directed at removing children from their homes had proven to be very successful. In the language of the legislation,

[A]n alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children from them by non-tribal public and private agencies and an alarmingly high percentage of such children are placed in non-Indian foster and adoptive homes and institutions (Indian Child Welfare Act of 1978, Public Law 95-608, Sec. 2, Article 4).

Mannes (1993) notes that for the first time in U.S. legislative history, ICWA provided the legal framework for "procedural directives and standards to strengthen tribal sovereignty" in child welfare. The ICWA's importance was not only in clarifying jurisdictional authority of tribal governments over Indian children but also in mandating

that American Indian definitions of family be used as a guide for child welfare. Section 4, Article 2, reaffirms extended family as defined by tribal law or custom. Therefore, it should not be too surprising that ICWA definitions are consistent with the knowledge, attitudes, and beliefs of historic tradition; namely

[An] extended family member shall be defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom shall be a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent (Indian Child Welfare Act of 1978, Public Law 95-608, Sec. 4, Art. 2).

Among tribal people, ICWA reaffirms the structural and cultural integrity of Indian custom in which families organized as bands of households, which in turn, organized into small villages (Arizona Department of Education, 1986; Meyer, 1994; Thomas, 1982). Clans are another set of relations that supplement extended family structures. Moreover, ICWA yanks the principle role of expertise in American Indian family life from the domain of non-Indian professionals. Specifically, the Department of Interior (1979) established a rank order for expert witnesses who must be: (a) a member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices; (b) a lay expert witness having substantial experi-

ence in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or (c) a professional person having substantial education and experience in the area of his or her specialty (44 Fed. Reg. No. 228, p. 323, [Nov. 26, 1979]).

The primacy given by ICWA to the knowledge and experience of Indian tribal custom is significant. First, it recognizes that American Indian family systems differ from mainstream versions and makes explicit that this difference is not, in itself, a cause for determining that Indian child-rearing practices are deficient. Second, it calls into question the expertise of mainstream professionals in child protection to make decisions about American Indian children and families. In explanation of ICWA regulations, the Department of Interior, Bureau of Indian Affairs (1979), states,

[K]nowledge of tribal culture and child rearing practices will frequently be very valuable to the court. Determining the likelihood for future harm frequently involves predicting future behavior—which is influenced to a large degree by culture. Specific behavior patterns will often need to be placed in the context of the total culture to determine whether they are likely to cause serious emotional harm (44 Fed. Reg. No. 228, p. 323, [Nov. 26, 1979]).

In summary, ICWA introduced three major shifts in policy. First, it established the authority and sovereignty of tribal governments over member children. Second, it provided procedures and

priorities for notification of child custody and termination of parental rights. Last, it launched an heroic effort to prevent the breakup of Indian families by influencing child welfare and family preservation services. In this sense, ICWA was a precursor for the Adoption Assistance and Child Welfare Act of 1980 and for conceptual shifts in policy from deficit models to models of strength in health and human services.

Mainstream Family Preservation

In a 1976 report, *Toward a National Policy for Children and Families* the National Research Council stated, “[a]ny report on child development must examine the environment in which most children grow, learn, and are cared for—the family” (National Research Council, 1976, p. 14). As unusual as it may seem, this central focus on family in the nation's child welfare policy agenda reflected a demarcation from past policy and practice.

In one respect, American Indians paved the way for this new orientation toward family preservation. The functional elements of traditional Indian family systems, including their dependence on extended family, community networks, and cross-generational relationships, were being reassessed by mainstream observers and gaining value as the “new” way to address family and community issues. In light of reports and studies documenting the condition of vulnerable children

and families, widespread criticism of family and children services ensued. Thus, in an ironic twist of fate, as ICWA set the stage for a model of family preservation for Indian children, it also paved the way for preservation legislation for non-Indian children.

Passage of the Adoption Assistance and Child Welfare Act of 1980 (AACW) was a major legislative effort to redirect the public child welfare system toward a family preservation focus. Its main components set guidelines for permanency planning, reversed federal incentives that had made foster care placement an advantageous option, and emphasized a need for preventative support services for families (Mannes, 1990, p. 7). The 1985 Edna McConnell Clark Foundation report, *Keeping Families Together: The Case for Family Preservation*, stated that the AACW “pulled together for the first time three main elements: prevention of foster care placement, attempts to reunite foster children with their biological parents, and permanent adoptive families for children who cannot return home” (p. 15).

The AACW linked state supplementary funding for child welfare services to three main requirements. First, states were required to submit plans outlining “reasonable efforts” to prevent separation of children from their families. Second, it required a judicial ruling that such “reasonable efforts” had been made before any federal foster care reimbursement could be granted. Third, states were required to establish preventative

services as a condition for the transfer of unused foster care funds into services budgets or voluntary placement reimbursements (Edna McConnell Clark Foundation, 1985, p. 16).

Even after passage of AACW, however, out-of-home placement was the dominant framework for service. Early and Hawkins (1994) note that the Omnibus Reconciliation Act of 1981 “seriously weakened the effect by cutting appropriations to states by 21% and by dismantling the requirements for how funds were to be spent. This left the bulk of funds available for placement, rather than for working with the family.” Moreover, efforts to enact legislation and provide funds for services to families brought a political backlash from those who argued that such programs promoted “dangerous, criminal behavior” (Early and Hawkins, 1994, p. 313; see also Costin, Bell, and Downs, 1991).

Response to the Act has been varied, particularly with the preventive services requirement. Hess, McGowan, and Botsko (2000) differentiate between two models of family-based services that have developed in response to the federal requirement. One model is geared toward “the provision of intensive brief services” to children in imminent danger of out-of-home placement, and the other is a family support model emphasizing programs that provide a “range of continuously available primary prevention services (FPS) to all families” in perceived need of support (p. 228). Similarly, Mannes (1990) sets family programs into three categories:

1. Family resource, support, and education services are provided to families perceived in need of assistance and may be delivered at community drop-in centers or in the home with a goal to improve parenting skills.
2. Family-centered services provide a range of clinical services including case management, counseling, therapy, education, advocacy, and health care as well as concrete services such as food, clothing, and shelter. These are intended to protect children and stabilize families.
3. Intensive family-centered crisis services are provided for families in crisis when removal of the child is imminent and is guided by a goal, if possible, of family unification (p. 9).

One of the first mainstream family preservation model programs developed was the Homebuilders Model. This program was specifically designed to address the needs of families with children in “imminent danger” of placement. Core strategies of the program were to provide families with flexible, short term, intensive preventative home-based services. Caseloads of social workers in the Homebuilders Model were much lower than traditional caseloads; this ensured ongoing accessibility. In addition, the Homebuilders Model was organized around the notion of providing a range of services tailored to the needs and preferences of families and for an intensive period.

The Homebuilders Model was replicated in various settings and celebrated in the human services profession and among philanthropic foundations. However, over time the model has undergone a variety of evaluations that have yielded mixed

conclusions and seems to be gaining notoriety (Wells and Freer, 1994; see also Besharov, 1994; Rossi, 1992; and Wells and Biegel, 1992). While the verdict on the success of the Homebuilders Models to prevent out-of-home placement of children is still out, general agreement prevails that Homebuilders and similar models represent a public movement toward family-centered, home-based strategies in child welfare.

Another model that has developed to address the problem of service fragmentation is the Wrap Around model. The Wrap Around is a planning process that involves the child and the family, and is based upon ecological theory. The model is based on the idea that a team of formal and informal supports are assembled to develop and implement a plan of family services. The child and family are active partners, rather than clients, in the determination of appropriate care. Burns and Goldman (1999) identify several principles or elements of the Wrap Around Model. These are community-based services; individualized services; cultural respect; families are partners; flexibility in funding; team-approach to problem solving; a balance of formal and informal services; interagency collaboration; and family implementation with varying degrees of success. In reality, Wrap Around can best be described again as “old wine in new bottles.” It is similar to multidisciplinary child protection teams where professionals come together to discuss options for services with a family or placement options for the child. Wrap Around also brings professionals together with

the parent(s) included in the discussion. Other family or community members are, in theory, to be included in these discussions. In practice, this tends not to happen, and when it does, the family or community members often feel too intimidated by professionals to be meaningful participants.

Some mainstream critics claim that family preservation models, while an advancement from past child welfare practice, are still too limited to address the scope of the problem. They suggest that even though family preservation is a response to the lack of a coherent or coordinated national family policy, it does not do enough to address the bureaucratic quagmire of service fragmentation that characterizes child and family welfare services. The child welfare system is further criticized as an ad hoc compilation of means-tested programs with little attention to a comprehensive or holistic view of family needs. Kamerman and Kahn (1978) have noted that the “resulting non-system creates a diversity of apparent or alleged (if difficult to measure) incentives and disincentives for family formation and dissolution” (p. 444). They summarize three characteristics that describe the contradictions inherent in family policy (p. 452):

- Since there is no organized, coherent system of social services, the social services that do exist do not reflect any coherent focus for U.S. family policy.
- Social services are organized by and for problem and age categories; there is no family focus for the most part and none seems to

have been intended.

- Social services for families are among the least developed. There is no significant public sector system of family social services, and voluntary sector services are limited and narrow in scale and scope. States and localities have not sought family-related coherence.

Inadequacy of Mainstream Models for American Indian Family Preservation

It is unclear whether mainstream family preservation, as practiced, can meet the standards necessary for American Indian practice. Transforming the child welfare system toward a family focus has proven that legislative enactment is not sufficient to achieve real change. There is ambivalence about the willingness of the child welfare system to join the new programmatic effort. For example, Early and Hawkins (1994) warn, “unless states view this new entitlement broadly, as an opportunity to revolutionize delivery of services to families with children, there is danger that States may simply add two more programs to the existing system” (p. 310). Lindsey (1994) further states:

[F]amily preservation is a residual approach. It focuses on abused and neglected children who are at “imminent risk of placement” in foster care. As such family preservation doesn’t go far enough. It doesn’t go to the root cause of child maltreatment—which is child poverty. Family preservation either skirts the root problem or fails to confront

it. The theoretical underpinnings of family preservation represent an assortment of therapeutic and behavioral theories that essentially identify the cause of maltreatment as rooted in the aberrant behavior of the individual. To bring about fundamental advances for the millions of children living in poverty, and whose problems are rooted in that poverty, will require going beyond family preservation” (p. 286).

More importantly, application of family preservation programs for American Indians faces the same inherent cultural ethnocentrism that characterized past child welfare policies. The monolithic paradigm that promotes the nuclear family and individual autonomy as the norm continues to occupy a central place in family preservation models. The “individual has been encouraged ... to break away from the constraints of his family past, to make his own destiny in accord with his personal merit, to participate on his own responsibility, to build his own associations” (Kamerman and Kahn, 1978, p. 431).

Mainstream family preservation models assume nuclear family systems that promote development of self and independence in a manner such that the individual successfully leaps from a role as child in one nuclear family unit to assume a role of adult responsibility in another nuclear family unit. A corollary expectation is that familial responsibilities decline as children mature, marry, and become parents to their own children (Red Horse, 1997).

McMahon and Gullerud (1995) also suggest that

mainstream family preservation remains deficient in addressing needs of American Indian families. Their concern is that the model encourages intrusive actions on the part of social service professionals, which can be very harmful when dealing with Indian families.

Mainstream family preservation services, despite their positive features, are based on a single model of service delivery. This model emphasizes intense, short-term, multi-agency, crisis intervention to stabilize the family. Such services may be counterproductive with Native American families: they reproduce the aggressive interference in Indian family life that the ICWA was designed to prevent (p. 89).

As noted earlier in this literature review, external and internal sovereignty is the foundational element of Indian family preservation. Mainstream family preservation models do not go far enough in addressing their deficits in dealing with the unique historical and cultural circumstances of American Indians. It is important for child welfare professionals to understand the synergistic interaction of American Indian cultural traits and values with family function. According to Red Horse (1997), “the interaction between the individual and community is vital to an understanding of American Indian mental health. Extended kin systems, clan membership, tribe, and land base represent cornerstones to an Indian sense of self” (p. 218).

Traditional American Indian child rearing prac-

tices include development of roles and responsibilities within the family, clan, and tribe. American Indian families are often comprised of households with several generations in which grandparents play a critical role in family life. In addition, American Indian families have an extensive lateral structure with both physical and social proximity of aunts, uncles, and cousins related through blood, marriage or adoption. These are “equally important social units with whom intense daily contact occurs” (Red Horse, 1997, p. 244; see also Boggs, 1956; Locklear, 1972; Red Horse, Feit, Lewis, and Decker, 1978; and Thomas, 1982). Joe (1989) states that in some tribes, Indian children have multiple mothers and fathers. She describes Navajo tradition in which aunts are “little mothers” and uncles are “little fathers.” Moreover, “because Navajo children belong to the clans of their parents and grandparents, the child can refer to adult female members of his or her mother’s clan as mother or grandmother. Adult male members of the father’s clan are referred to as father or grandfather” (p. 22).

The intricate relational dynamics that characterize American Indian family systems are reinforced by cultural norms. American Indian children’s sense of belonging is rooted in an understanding of their place and responsibility within the intricate web of kinship relationships. In this community setting, “the value of familial relationship denotes ‘belonging’ and is paramount to one’s identity” (Joe, 1989, p. 22; see also, Dubray, 1985; Good Tracks, 1973; Lewis and Gingrich, 1980; Red Horse, 1997; and Trimble, 1976).

Table 1 presents a few selected differences between mainstream and Indian culture with regard to family orientations. Essentially, these are offered as a dichotomy of ideal types, or intellectual extremes, to highlight differing ideas and beliefs; in reality, as with value orientations analyzed by Papajohn and Spiegel (1975) and Attneave (1982), permutations and combinations occur. It is critical to note, however, that while there tend to be contrasting value orientations around family and community between Euro-American and American Indian culture, the

TABLE 1. KEY DIFFERENCES BETWEEN EURO-AMERICAN AND INDIAN FAMILY SYSTEMS

EURO-AMERICAN	AMERICAN INDIAN
Informed by western science	Informed by custom and tradition
Nuclear family structure	Extended family structure
Limited to human kin	Extends beyond human kin
Individualism	Communalism

Euro-American model tends to predominate or control the body of knowledge regarding appropriate conditions of family life. This ethnocentrism has driven child welfare policy and practice for over a century.

Several characteristics distinguish Indian cultures from the Euro-American mainstream. In most American Indian cultures, individual existence is synonymous with community existence. Other noted elements are the prominence of elders, the centrality of spirituality, the existence of native language, and consensus as the foundation of leadership and decision-making.

The central role of elders in Indian communities cannot be overestimated. Indian elders act as parents, teachers, community leaders, and spiritual guides. "Elders are the 'libraries' of Indian knowledge, history, and tradition. They have a great responsibility for keeping knowledge and traditions of Indian people alive, and for this, they are treated with great respect. Their wisdom is the source of strength in Indian communities" (Poupart, Martinez, Red Horse, and Scharnberg, 2000, p. 50). The importance of elders is reinforced by oral tradition that is common across Indian tribes. In contrast to the Euro-American primacy of written documentation, Indian communities tend to rely upon family and tribal histories, along with traditional stories and song, as a way of shaping value orientations and behavior. Authority in non-Indian society derives from occupational position or from academic credentials. In Indian society, authority is vested in

tradition, and Indian elders are the prominent body that interprets that tradition.

Important distinctions also characterize Euro-American practice of religion from American Indian spirituality. The legacy of Euro-American experiences with religious intolerance led to the secularization of public life. The concept of "separation of church and state," however, is foreign to Indian communities. Spirituality is integral to all aspects of daily life, and Indian cultures emphasize harmony and a natural spiritual interconnectedness of all things (Garrett and Garrett, 1994; Poupart et al., 2000; and Skinner, 1991). Explaining this difference in 1911, Eastman wrote:

The original attitude of the American Indian toward the Eternal, the "Great Mystery" that surrounds and embraces us, was as simple as it was exalted. To him it was the supreme conception There were no temples or shrines among us save those of nature.

We believed that the spirit pervades all creation and that every creature possesses a soul in some degree The tree, the waterfall, the grizzly bear, each is an embodied Force, and as such an object of reverence (pp. 3-4).

Another example of the cultural differences between Indians and mainstream society can be illustrated in the way in which leadership is exercised. In Indian communities, spirituality, generosity, and consensus are the values of good leadership. This emphasis defies mainstream

definitions of “expertise,” which tend to be based on academic credentials or professional experience. Cecilia Firethunder notes that Indian leadership “taps the power of the culture” and involves a “commitment to foster the success and growth of the entire community” (cited in American Indian Research and Policy Institute, 1999). Moreover, traditional leadership is exercised not through command and control but through consensus building and reliance on elders. Referencing the character of Indian leadership, Johnston (1990) noted similarities between the Ojibwe and the natural world:

Twice annually, once in late summer and again in early spring does the occasion arise for exercise of leadership among birds. Late in the summer, the birds assemble in flocks under the leader to proceed in the south; in early spring, they return under the guidance of a leader. When the need is ended, so is the leadership (p. 61).

Finally, the role of native language is critical to traditional healing practices. Even mainstream linguists have pointed to the centrality of language in cultural preservation for some time. Language reflects the values of a community and culture through linguistic symbols, and it is the vehicle for the transmission of these community values and symbols across generations. Indian ceremonies, music, dance, and song cannot be translated without distortion of true meaning. Thus, preservation of native language is critical for Indian tribes.

Contemporary Issues in American Indian Family Preservation

Lack of acknowledgement of American Indian family systems exists today just as it did during earlier periods of family and community destruction. Dominance of the Euro-American middle class nuclear family model still functions as the ideal type in contemporary child welfare and family policy. There is even a tendency to “re-interpret” other cultural systems to fit this model. For example, in his cross-cultural analysis of 250 different societies, Murdock concludes that the nuclear family is a “universal human grouping” (Skolnick and Skolnick, 1986, p. 16). In addition, Hareven (1986) claims that Euro-American cultures have always been nuclear-based, and states that, “[p]erceptions of American family life today are governed by commonly held myths about American family life in the past Households and families were simple in their structure and not drastically different in their organization from contemporary families. Nuclear households, consisting of parents and their children, were characteristic residential units” (Hareven, 1986, p. 41; see also Demos, 1970; Goode, 1963; Greven, 1970; and Laslett, 1965).

Hareven (1986) goes on to explain that the nuclear model has become so dominant, that other forms of family organization are misinterpreted as “family disorganization” (p. 54). This interpretation of American Indian extended family systems has contributed to the large number of

out-of-home placements of Indian children. Even today, no adequate explanations in the sociological or psychological research about how or why American Indian values and familial functions are antithetical to family well-being have been put forward. Historically, conclusions about pathologies of Indian families were not based on substantive explanations but upon racial attitudes of cultural genesis; namely, American Indian behaviors were negative attributes because they were American Indian.

Child welfare policies and programs have gotten better and better at defining problems and developing out-of-home placement systems, but little effort is directed toward intellectual or program development of family support or preservation programs outside the individualistic-pluralistic tradition. Criticisms from twenty years ago are not far fetched in assessing the extent to which family preservation has been implemented to date. Kamerman and Kahn (1978) noted that:

Major emphasis is placed on assuring adoption and/or more stable foster care for the hard-to-place, but beyond modest experimental initiatives no service design or comprehensive delivery system has been developed and implemented to maximize work with families and children in their own homes so as to prevent breakdown and placement, or generally to enhance family life and the quality of child rearing and socialization (p. 454).

Both ICWA and the AACW “emphasize the responsibility of social workers to prevent or

eliminate the need for out-of-home placement” (McMahon and Gullerud, 1995, p. 89).

However, mainstream family preservation models do not incorporate cultural distinctions associated with external and internal domains of Indian sovereignty. The practice of mainstream family preservation, notwithstanding tribal definitions, falls short of its promise and seems more to continue to mirror the ethos of cultural colonialism. The experience of Indian children and families indicates that the road to Indian family preservation is still a challenging one. Mannes (1993) states that:

A good deal of evidence supports the argument that in the course of developing programs and services during the modern era of Indian child welfare, policymakers and practitioners have concentrated on protecting children and Native culture. Consequently, the field has primarily emphasized creating opportunities for culturally appropriate placements, and has only secondarily dealt with preserving families” (pp. 142–143).

These conclusions point to a serious dilemma about the way in which dominant family preservation models are practiced. The most acceptable reforms within the child welfare system seem to be the development of cultural or diversity training for social work professionals. The rise of cultural training coincides with a general recognition of the ethnocentric orientation of the social and behavioral sciences, not only with respect to American Indians, but to other population groups as well. Diversity models have

mushroomed and are accompanied by curriculum and training for human service professionals on how to modify existing practice to be more culturally competent when working with minority populations. Ironically, the diversity movement may, in fact, serve to refine out-of-home placement and increase the efficacy of foster care rather than redirect efforts toward reconceptualization of the system of child welfare and family preservation.

One reason for this is that cultural competence models were conceptualized, planned, and developed by non-Indians and without Indian involvement. Definitions and standards are not inclusive of American Indian perceptions, values, and beliefs. While ICWA establishes family preservation as a priority, mainstream child welfare service and diversity models have not re-oriented themselves toward this objective. Following critiques developed by Mannes and others, the shortcoming of family preservation is that it does not, and perhaps never was intended to, establish a framework for children and family services grounded in tribal sovereignty, Indian law and customs, and socio-cultural standards.

Red Horse (1989) elaborates upon this critical analysis by calling for “professional ethics in cross-cultural treatment” that include compliance to the letter and intent of ICWA (p. 58). The problem with cultural competence models is that the means are transformed into ends. The objective, all too often, is focused on training social workers rather than on outcomes for children and

families. As such, the system fails to comply with family preservation objectives set forth in ICWA. Ten years after passage of ICWA, Red Horse stated:

Tribes are not notified for hearings. Preventive efforts are shallow at best but most commonly overlooked. Expert witnesses are not sought out to lend cultural context in child welfare matters. Children are not placed in Indian homes. The upshot is that Indian children suffer greater institutional abuse today than during periods before passage of the Act (1989, p. 59).

Mannes (1993) also draws attention to a federally funded study conducted in 1988 that found that “since the passage of the ICWA, the number of Native children in substitute care rose from roughly 7,200 in the early 1980s to approximately 9,005 in 1986—an increase of about 25%” (pp. 143–144). Statistics from Minnesota show that American Indian children comprise 2% of the population, but account for 11% of children in out-of-home placement in 1997 (Minnesota Department of Human Services, 2000). Table 2 indicates that this is a trend rather than anomaly. The number of Indian children in out-of-home care in the state has remained constant, or increased since 1992 (Fitzgerald and Martinez, 2000, p. 74). Obviously, any systemic change in the child welfare system would reflect a reduction in placements, terminations, and an increase in family health and stability.

The most recent legislation signals yet another policy shift in family preservation. The ASFA passed in 1997, in some respects, is a response to

a conservative political backlash against social programs. ASFA maintains funding for family preservation programs, but it also re-establishes adoption as a priority option. The main objectives of the legislation are to streamline adoption guidelines and timelines and to establish a quota system through funding incentives for increased adoption of children in foster care. Most importantly for Indian families, ASFA is at cross-

purposes with ICWA. The ASFA guidelines call for reasonable efforts while ICWA regulations call for active efforts to prevent or eliminate the removal of the child from the home.

Differentiating between “reasonable” efforts and “active” efforts has been a confounding task because concrete federal guidelines do not exist. This leads to arbitrary interpretation of the active effort standard. The AACW “provides that, in

TABLE 2. ETHNICITY OF MINNESOTA CHILDREN IN OUT-OF-HOME CARE IN 1992–1998

	1992	1993	1994	1995	1996	1997	1998
African American	3,459 (19.1%)	3,860 (20.7%)	4,007 (20.4%)	3,685 (19.9%)	3,492 (19.9%)	3,981 (21.7%)	4,107 (21.8%)
American Indian	2,130 (11.8%)	2,108 (11.3%)	2,176 (11.1%)	2,034 (11.0%)	1,995 (11.4%)	2,030 (11.0%)	2,101 (11.1%)
Asian/Pacific Islander	304 (1.7%)	316 (1.7%)	292 (1.5%)	308 (1.7%)	285 (1.6%)	332 (1.8%)	408 (2.2%)
Hispanic	412 (2.3%)	562 (3.0%)	581 (3.0%)	636 (3.4%)	644 (3.7%)	725 (3.9%)	844 (4.5%)
White	11,337 (62.6%)	11,489 (61.5%)	1,658 (59.4%)	11,308 (61.2%)	10,701 (61.1%)	10,897 (59.3%)	11,094 (58.8%)
Not Reported	454 (2.5%)	338 (1.8%)	922 (4.7%)	521 (2.8%)	391 (2.2%)	416 (2.3%)	304 (1.6%)
TOTAL	18,096 (100%)	18,673 (100%)	19,636 (100%)	18,492 (100%)	17,508 (100%)	18,381 (100%)	18,858 (100%)

Source: Years 1992–1997: *Children in Out-of-Home Care. A 1996 Report by Race and Heritage.* Minnesota Department of Human Services. November 1998, p. 8. Years 1997 and 1998: *Children in Out-of-Home Care. A 1998 Report by Race and Heritage.* Minnesota Department of Human Services. May 25, 2000.

each case, reasonable efforts will be made.” The ICWA, Public Law 95–608, “requires proof that active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family.” (Northwest Resource Associates, 1986, Appendix A-1; emphasis added). The conundrum is that no clear standard of practice has been written to differentiate between the two. The term “active,” in the language of ICWA, mandates a more rigorous standard be applied because of

[the] historical pattern of counterproductive and inappropriate interventions into Indian families, with the result that Indian families, cultures, and tribes were significantly endangered. The act was needed to halt these practices and to ensure that the strengths of families and cultures would be reinforced by child welfare services” (Northwest Resource Associates, 1986, Introduction, p. 4).

In practice, there is large variation in applying the active effort standard across states and counties and even within social service agencies. Tribal-state agreements can be one method to define and implement active effort standards. However, even here, compliance is not assured since no sanctions exist for violations. One model can be drawn from the Minnesota Tribal/State Agreement that states:

Active efforts mean active, thorough, careful and culturally appropriate efforts ... to fulfill its obligation under ICWA and the Minnesota Indian Family Preservation Act [MIFPA] to prevent placement of an Indian

child and at the earliest possible time to return the child to the child’s family once placement has occurred (Part I, E [4]).

Based on ICWA and MIFPA, the Minnesota Department of Human Services defines active effort to include, but is not limited to:

- Participation of tribal representative at the earliest point;
- Involvement of expert with substantial knowledge of prevailing tribal social and cultural standards and child-rearing practices to assist in case plans;
- Visitation arrangements (including transportation assistance) with parents and extended family;
- Provision of services including housing, financial assistance, etc.;
- Referrals to Indian agencies for services; and
- Involvement of extended family in case plans.

Active effort in family preservation and Indian child welfare applies to prevention, reunification, and rehabilitation services in the context of tribal law, custom, and cultural standards. The ICWA recognizes the necessity to “explore natural family networks and build on the strengths of the extended families.” In contrast, “state agencies have placed too much emphasis on what are perceived as deficits in Indian family life” (American Indian Law Center, 1986, p. 122).

In addition, some critics argue that “the best interest of the child” concepts used to justify recent legislation such as ASFA are in direct conflict not only with American Indian family

preservation but also with family preservation in general. It is used to promote an orientation in which the interests of families and children are viewed as mutually exclusive. The effect is that commitment to families is reduced, and out-of-home placement and adoption is elevated as the primary strategy for improving the condition of vulnerable children.

Summary

Kelley and Blythe (2000) suggest that model drift poses serious threats to family preservation. Their analysis calls for lateral integration across four distinct areas. These include (a) an identifiable philosophical base to serve as an ethical framework in family preservation, (b) a clearly defined set of program parameters, (c) a methodology to track outcomes of intervention, and (d) a training and technical assistance program that reconciles aspects of family preservation with an intended target audience. Their concern focuses on a national arena of family preservation services that fall short of intended goals. With respect to American Indians, this would be an understatement, particularly since data suggest that family preservation may not be an intended outcome in child welfare practice. The literature indicates that children have been removed at alarming rates during the past twenty-two years (Mannes, 1993; Plantz et al., 1989; Red Horse, 1982; Sudia, 1986). Clearly, as Mannes (1990) notes, ICWA serves primarily as a vehicle for child placement rather than for purposes of strengthening and reaffirming extended kin families.

Observations by Kelly and Blythe (2000) understandably assume a common theory of human development; hence, their observations are a limited assessment of the existing chain of services. Model drift, in their eyes, is concerned with the dilemma associated with "the best interest of the child." This issue divides child welfare professionals into two opposing camps: one supports heroic intervention with biological parents in nuclear households, while the other supports time-limited intervention with eventual adoption and creation of stable, blended families. American Indians are not represented in deliberations of either camp, and development of intervention models around strengths inherent in the social and cultural standards of tribal extended family systems is seldom viewed as an option. This is unfortunate, particularly since cultural patterns continue to be transmitted through American Indian family systems irrespective of whether they are in rural, reservation, or urban areas (Mannes, 1993; Red Horse, 1989 and 1997; Attneave, 1982). Cross et al., cognizant of this pattern of cultural persistence, advances a model of cultural competency. This is designed to bridge the cultural divide between Euro-American models of family social services and tribal family systems. While this is a laudable effort with general application to American Indian families, caution must be exercised to assure that social work professionals do not equate attributes of cultural competency with particular aspects of social and cultural standards of tribes.

Methodology

The methodology guiding the evaluation of the current state of family preservation in Indian country includes several processes designed collectively to advance a representative picture of family preservation programs, to identify markers of promising practices, and to articulate attributes of cultural competence. The purpose of the first year project is to frame an in-depth picture of sovereign tribes, to ascertain tribal definitions of family life, to assess inter-cultural similarities and dissimilarities among tribal programs, and to identify priority areas for research efforts in subsequent years. The project utilizes a reality based model to establish a knowledge building process by blending findings from the literature with outcomes from talking circles, surveys, and a community review.

Reality Based Model

Research and evaluation in Indian Country has resulted in a plethora of studies and documents that categorize and analyze Indian people and communities. However, most mainstream research efforts have little effect on the condition of Indian families and communities. In addition, because of their historical experiences, most Indian communities are skeptical and distrustful of mainstream research. As a result, this project utilizes a culturally based research model called Reality Based Research to address issues of family preservation in Indian Country. This model is being developed by the American Indian Policy

Center¹ with the intent of building a knowledge and research infrastructure that can enhance the capacities of tribal communities from within. The primary focus of the model is to “develop a research design that genuinely involves American Indian people” and “is inclusive of their reality” (Poupart et al., 2000, p. 50). It also places primacy on knowledge gained through experience and oral tradition, both of which are fundamentally core cultural values in the Indian community. Thus, the model stresses the use of focus groups or talking circles (see below), interviews, and community participation. This project uses two of these: talking circles with Indian elders and tribal service providers, and pilot surveys conducted at two national Indian tribal conferences.

Qualitative Methodology

Following the Reality Based Research model, primary data collection is based on qualitative methods that include talking circles, surveys, and a community review. Purposive sampling is used for surveys, and snowball sampling is used for talking circles. In purposive sampling, consideration is made for selecting a sample based on common characteristics desired. In this case, individuals working in tribal family preservation or child welfare programs were needed. Thus, we targeted participants at two national conferences on tribal family services as the population for the survey sample.

Snowball sampling relies on identification of a select number of participants with the required characteristics. These participants then recommend the names of other individuals and so on. This method was used to select talking circle participants. Sampling was based on selecting key informants and stakeholders in Indian family preservation, including tribal elders, tribal program directors, and staff. While subsequent years of this multi-year project will be national in scope, the first year focuses upon Ojibwe tribal communities in Minnesota and Wisconsin.

A third component, a community review, was also included so that Indian community members could evaluate written reports and ensure integrity of information. The community review team includes traditional Indian elders who are recognized for their expertise regarding cultural knowledge, attitudes, and beliefs that guide tribal standards in family life and child rearing. During the initial year of the project, community review occurred only for Ojibwe bands; during subsequent years, community review will be launched on a national basis. The community review process is critical for establishing reliability and validity of identification of traditional healing methods and cultural competence. Finally, data gathered from talking circles and surveys will inform research efforts in subsequent years of the project.

Community Voices

Field research for this project is designed to capture community observations regarding family preservation. Data were gathered through talking circles, surveys, and a community review session. Selection of key informants follows procedures common to qualitative studies. Talking circles were brought together using a stratified snowball process. The sample frame, as such, was drawn from specified informants who represent a broad spectrum of Indian communities in Minnesota and Wisconsin. This assures that urban and reservation providers, community residents, and traditional elders eminent in matters of family life were included in the study.

The surveys were conducted at two national conferences. The sample frame was drawn through convenience sampling procedures to assure that the instrument was administered to tribal participants who were knowledgeable practitioners in family social services.

Talking circles and the community review session were structured to follow traditional methods of deliberation in many Indian tribes and to provide a venue for community members to discuss issues. Talking circles are a process of respectful discussion and are used in an array of decision-making situations in which a community of people can support someone in pain, encourage healing, or discuss community concerns. The circle is an age-old important symbol in Indian tradition and represents the continuity of creation. Each

talking circle was guided by the following questions:

- How is family defined?
- How is family organized?
- How is help sought?
- What are community or family strengths?
- What are barriers to sustaining healthy Indian families?
- How would you organize family preservation programs?

Talking circle discussions are presented in the form of a narrative summary without attribution. This type of presentation captures detail, as much as possible, in the language of the participants. As such, Anishinabe, the tribal word of self-identification, is used throughout the discussions. This usage is common among Ojibwe groups in Wisconsin and Minnesota and even among Canadian bands. In some cases, Anishinabe are referred to as Ojibwe or Chippewa. In addition, the discussions move from the past tense to the present tense. This should not be construed to mean that traditions are not practiced today. In some communities, these practices may have diminished somewhat, but in the main, they continue to flourish despite ongoing efforts to exterminate them. Finally, the reporting style protects the anonymity of participants.

Talking Circle 1

TRADITIONS

Elders began by educating the group about traditional ways of dealing with behavior problems in families. Shared traditional healing practices and ceremonies have been part of Indian community life long before Euro-American therapies and social service models came into existence.

Spiritual leaders offer guidance and support and are respected people within the community. They were, and are, the customary mental health counselors in Indian communities. Spiritual leaders and traditional healers were part of an extended system of resources. Kinship and community networks within tribal communities provided families with support for coping with distress.

Families found strength in their community ties and were not expected to cope in isolation from the community. Healing took place within the community, and there was a natural helping system. People and families were not judged or negatively labeled for their problems, and there was no shame in seeking assistance. As one elder stated, "our way was to bring it out into the open for healing to begin."

There were also consequences for those who chose to violate the norms of family and community. Perhaps the highest form of punishment was banishment from Indian life, "Traditionally, things were handled differently. For example, in cases of abuse, the perpetrator was exposed and

that was the beginning of the healing process. The community shunned that person. They weren't allowed to be involved with others, they were isolated. That is a very difficult existence. People can't live well that way." In contrast, Euro-American practice tends to label or categorize people according to the problems they are experiencing. As one elder stated, "To me it's strange to put labels on people like social workers do we sought healers in the community and used the resources that were available to us, . . . confidentiality was not something we thought about In the traditional community, anyone you went to was a helper." This raises collateral issues in family preservation, such as how one includes the community and simultaneously establishes "confidentiality." It was suggested that it is imperative for American Indian communities to have these discussions and begin to make choices about tribal community standards as they relate to family preservation.

In mainstream social work practice, confidentiality rules are established to deal with the social stigma of negative labels. In addition, there is a built-in cultural bias that promotes individuality through independence and disconnection from the family and community as a demonstration of strength and stability. But for Indian families, it is natural to seek advice and approval from elders, extended family, and kin:

There are unwritten cultural laws. Where I'm from, we raise our grandchildren and

great-grandchildren. They come to us to ask our advice and our approval. But the social worker doesn't understand this. She tells them, 'you have to stand up for yourself and make your own decision.' It's culture clash. For us there is an unwritten law that we ask our elders for direction—these are the things that we do. But if the social worker is not from the community—they don't understand.

Elders shared that the Anishinabe have a historical heritage of cultural resources that continue to serve Indian families in the present day. Traditional Indian life was full of experiences that helped to guide and teach family members about customs and responsibilities. Indian communities had skills and capacities to provide for the physical, emotional, and spiritual well-being of their families.

We had a way of life, a way of taking care of each other that was in place and was intact. Because of the loss of culture and language we are suffering. I have an Anishinabe name. At a young age, I had a drum position, we had our own medicine to cure our illnesses, our own style of home, we had a language to share with others. All of this helped to shield us from the outside world.

We had a whole set of teachings that were our own. Attending ceremonies as a family, respect for each other, love for one another—all these things kept us together. But they were also ways for us to connect to a larger family in the universe. Our ceremonies connected us to all life and helped us to see and know that we are not isolated.

Traditional Indian life is not a thing of the past. As one elder stated, "We had a built-in spiritual program. My message is that we need to get back to what we were originally given."

INDIAN CONFLICTS WITH MAINSTREAM SERVICE MODELS

Conflicts between traditional forms of Indian family support and mainstream social service models are a problem for Indian tribal communities. Participants identified several areas in which mainstream social work and clinical practice are contradictory to Indian family well-being. Mainstream practitioners continue to be uneducated about American Indian family and cultural systems. Moreover, often their only contact with Indian families is through the child welfare system, and they do not have direct experience with healthy Indian families and communities. Both this ignorance and inexperience contribute to development of stereotypes about Indians and ignorance about traditional Indian support systems by service practitioners. The effect is that respectful interactions between social workers and Indian families are lacking. One talking circle participant stated, "Social workers don't speak to us in a good way. When social workers come, they don't see the good things about our way of life." An American Indian social service professional added, "I always tell the social workers that if the only Indian people you know are your caseloads, then you are cheating yourselves. We have

many good families, and unless you begin to understand all of us, you will not do well with them.”

An elder added, “Indian families are afraid to disclose anything about their problems because of the fear that children will be removed from their home. The problem then becomes a crisis situation.” An important issue that constantly resurfaced was that mainstream practice models could directly contradict Indian traditions. One example cited was in the determination of foster care for an elder’s grandchildren. Because of her age, her suitability as a foster care placement was questioned. But, the role of an elder in Indian cultural systems is inherently one of caretaker. The conflict is apparent. As one elder expressed her situation, “Age is sometimes used against us.

Grandparents are the ones that help to raise the children. But social workers don’t think older people should be the caretakers. They use age as a way to prevent us from taking care of our families.” Another added, “It’s hard when there are programs that don’t help us with our families. We are having problems with the elders’ lodge. Some of the elders have children with them, but these were not designed for that.”

In practice, there is a schism between tribal systems and mainstream county systems. As tribal child welfare and family preservation service systems seek to develop models that integrate natural helping networks with mainstream practice, non-Indian county systems fail to recognize or keep pace with this development, “In the Indian

community, the spiritual person is the doctor or therapist. They’re the ones that do the counseling and processing, and bringing out the issues for people.” Most county service professionals continue to regard tribal programs as inferior or without merit and, in some cases, disregard cultural practice. Consequently, there is a problem with planning and coordinating services. One tribal service provider stated:

The larger community is developing programs and setting the standards for us to follow, and they don’t recognize there can be different but just as effective ways of promoting family preservation. More recently, the trend is to develop ‘wrap around’ services. This sounds good, and actually this was present in Indian life long before it became a trend in social work. But even this model is interpreted differently on the reservation. For Indian people, it means you have different parts of the community involved in helping a family. But the mainstream has a different idea of which people should be involved. We say spiritual leaders should be there, but mainstream workers say they don’t fit, or they don’t have the credentials. We need resources for spiritual advisors just as much as for the professionals.

We have a different idea of who is important—for us, people who have all the letters behind their name, MSW or Ph.D, are not the only important ones. The mainstream only identifies therapists, teachers or professionals as the ones that should be at the table. This is getting better somewhat, but

we still have to push and shove. They tell us what a family network should be

An elder added, “Anishinabe ways are not validated by the system. I keep thinking that if only there was an option for people—to go to a spiritual leader or a psychiatrist. That would be enough. We need to at least have the option.”

Tribal social service providers reiterate the problems of coordination between mainstream and tribal systems. Cultural stereotypes made by non-Indian social workers can impact social work practice. This, in turn, impacts the quality of services that Indian families receive and has significant consequences for Indian children even today. One tribal representative detailed a common occurrence in her work with county social workers. She said,

We are always asked to participate as a last resort—after the fact, after a child is sent to treatment. I ask the social worker if she has talked with the mother about how she felt about this decision. The response is that the mother is not interested. I ask how do they know? They say that they made an appointment with her, and the mother did not keep the appointment. The mother did not answer the door. Well, I know why she didn't answer the door. She feels like, 'why talk to someone when you know you are not going to be respected.' But the problem is that the system labels the mother as non-compliant, or uncooperative. People have been chewed up, and tangled up by all this, how do you deal with that? When I ask the social worker if they know why she didn't

answer, they say no. My feeling is that they didn't try hard enough to communicate. There is a reason for us [Indian service providers] to be there—we know why Indian people act the way they do, and we don't label them for it. If social workers don't sit down and talk with people they are not doing what they are supposed to do. I feel frustrated, because I know why she didn't answer the door.

INDIAN CHILDREN AND FAMILY PRESERVATION

Issues and problems of Indian families are understood to have both historical and contemporary sources. The impact of the Indian soul wound emerges consistently in discussions about the problems in Indian families. Depression and internal familial problems cannot be divorced from the experience of cultural repression. One elder stated,

There is an internalized oppression. We are very hard on our own families. Often, the abuser is so big, that the abused person has no way to confront him or her. So they take it out on themselves, they become depressed—or they take it out on their friends or families. They become withdrawn, lose their connection to their spirituality. It is the same picture for Anishinabe people. We are the small person, and white society is the big one, the one we are forced to live under. We lose our identity, become withdrawn and depressed, and fight with each other. Or people get into a mode where they want to feel good right now for a while, and they become alcohol abusers.

These effects have not escaped today's Indian children, as one tribal service provider recounts, "The children we're seeing are one step beyond depression. They are eight or nine years old and they are filled with rage. They are unable to learn or play simple games because of their rage."

Generations of Indian men and women who were the subjects of past child welfare policies are experiencing the consequences of those policies. Efforts to extract Indian children from their community, family traditions, and culture succeeded in creating generations of families disconnected from their natural support network. "We have too many parents that don't know how to be parents because they were taken away to boarding school, and taken from their family life. They didn't get to learn important things about family." Against their will, these children were deprived of supportive, nurturing family and community life experiences that sustain integrity of extended family and community responsibility. One such child explained, "Because they didn't get to learn these things about family, they didn't get to learn our ways of respect. I didn't talk to elders until I was 16—you were supposed to listen, be seen but not heard. We were allowed to be near and to listen, and when the right time came, we could talk. Those structures are falling apart."

Mainstream social work models that establish ideal family types overlook the range of family structures and traditional ties of contemporary families. Generational differences sometimes occur even within a single-family system. Yet,

an underlying understanding that a distinct American Indian cultural approach to family well-being persists:

I look at my own family. My parents knew the language, practiced the ceremonies, and knew about Indian values. But my siblings and I didn't learn the language or practice the ceremonies. What still came through, though, were the Indian values. I was taught to parent my younger siblings, and my older brothers were taught to parent me. Sometimes, we had two or three families living with us, and then they would leave. It was just understood that's the way it was. Our life was fluid as extended families were always a part of our lives—sometimes living with us, sometimes not.

Emotional distress American Indians feel about their irrevocable loss surfaces repeatedly. Elders advise that it is critical for Indians to have an opportunity to process the natural range of emotions that occur because of forced extraction of children from their families. Anger and rage are intermixed with confusion and self-doubt. Often, the targets of these emotions are parents who are perceived to have abandoned their children:

My sister and I were adopted. It was a bad experience for me. I always knew that I was different from other people around me, but I didn't understand why or how. I've been to treatment centers, and my sister and I were abused. We didn't know any better; we just thought that's the way it was. How come the social workers couldn't see the abuse in my adopted family and what my sister and

I went through? Later, I wanted to know about who I was, so I came back to try and find out from my mother and my clan. I wanted to know why she didn't want me, why she gave me up. When I found my mother, she didn't know anything about my clan or tradition because she had been taken away to the boarding schools.

The task for Indian family preservation seems to focus on gaining an accurate understanding of systemic issues as well as individual circumstances:

There is habilitation and re-habilitation. Habilitation is family and network and kinship systems. Then there is family preservation that is rehabilitation. The focus here is, how do we treat children that were taken away. How do you deal with the rage and the anger that is directed at their mothers? The question of why did you give me up is usually directed at mothers. But the truth is that mothers often fought very hard to keep their children, they didn't give them up. The system took children from them. Part of rehabilitation for Indian families is putting all these pieces together.

However, rehabilitation, in the truest sense, is to return to a former state of mind and being. Mainstream social work does not utilize American Indian community culture and strengths to build healthy families. Instead, it continues attempt to remake American Indian families and communities in the image of white mainstream society.

While symptoms of family stress such as neglect or abuse are identified according to standard

child welfare practice, the source of such stress should not be misconstrued. The American Indian experience is unique, and individuals usually seek healing services that can deal with this experience in a culturally holistic manner. The first call for help is often directed at traditional healing practices that are aimed at re-learning their familial and clan relationships. "When I started trying to find out about my clan and my Indian roots, I went to my tribe. I looked for an elder who helped me and taught me. I went through many ceremonies. I had to take all this Christianity off me. I'm so grateful for the ceremonies that cleansed me."

The importance of traditional healing practices for contemporary families is repeatedly emphasized, "Role models are so important. The elders tell me that after you go through healing, the outside world will still be the same. It may still be mean and nasty, but you will be different. You will have strength and understanding, and balance. Kids in foster care don't get this kind of support. Yet, they know, when they are adopted by white families, that they are different."

Tribal programs are focused on integrating a system of community-wide support services that can assist individuals and families in articulating and processing grief and frustration.

Our families are frustrated. How do we address that? Through therapy, or counseling in our way. There has to be a way of processing that grief. We're going to try and work on this at my reservation—talk about

the grieving. We have to go through a kind of decompression chamber. We have unlimited potential to solve our problems, but we have to find a comfortable way to address them. At our village, we have a talking circle that is part of a family preservation program. We don't just look at problems but normal events, too, as part of our overall processing. Yes, that's what we need to do.

PROGRAM RECOMMENDATIONS

The language in ICWA establishing a policy infrastructure supporting Indian definitions of family and family preservation programs is regarded as a watershed in Indian child welfare. As one elder stated, "When I first read ICWA, I began to think of the old days and my first ceremony. I was pleased to see the law patterned after our own beliefs. I went to county people to make them aware of it." Still, the limited extent to which ICWA has been accepted and institutionalized in mainstream child welfare and family preservation programs is criticized, "and yet over the years social workers that came to us didn't know our culture."

Recommendations include developing tribal codes detailing explicit state and county performance requirements. The capacity of tribes to establish such codes for states and counties vis-à-vis their sovereign authority is an underdeveloped aspect of child welfare policy. One tribal service provider stated, "We need a policy or protocol that requires what county social workers have to do. Instead, the white system tells them what to

do. We should have a protocol that reflects our ways and our values."

Similarly, family preservation and child welfare programs must integrate internal and external resources to assist Indian families. Both Indian elders and service providers emphasize that tribal systems based on Indian traditions must be the cornerstones of Indian family preservation. Mainstream services are also important resources that should be available to Indian families; however, an Indian-based infrastructure must act as the baseline for program planning and implementation. Unless this exists, mainstream models will continue to dominate over Indian family preservation practice. This underscores ongoing concern about protecting the integrity of natural helping systems and regaining tribal authority over the Indian child welfare system.

Contemporary Indian efforts to preserve families are facing challenges from mainstream systems and from other tribal systems as well.

With child welfare laws constantly changing, it's becoming more and more of a job for a social worker to keep children with families. In Minnesota, tribes do not give permission to terminate parental rights. Children can be placed without termination. But we often get the okay from tribes outside Minnesota. We feel very awkward in having to terminate because our position is that we don't back termination.

Yet, the dominance of non-Indian systems is clear. The experience has been that Indian families and

tribal systems “always have to have a permission slip” to implement Indian-based programs.

One elder advised that,

The relationship between the social worker and the client needs to be changed. Initially, when Anishinabe are approached by the social worker, they already have a lot of resources in the community. They have people to talk with about the issue. After they have done this, then a liaison person should be the one to relay information to the social worker. The social worker then, can take the information and deal with the technical stuff. Traditionally, it is our way to seek out help from the community. From there, a person or liaison could work with the social worker about what services are available, and what ‘specialists’ are needed.

Preserving the integrity of Indian-based network and family systems has several components. Integrating traditional cultural practice with mainstream resources, reclaiming intergenerational and extended family networks, and establishing sovereignty over child welfare decisions are critical for Indian family preservation efforts. In addition, an often-cited critical factor is the role of native language. One tribal service provider stated, “History has taught us what doesn’t work, so we know about that. Language is so important. Learning the language changes your life. But it takes all your life to learn these things.”

These elements are critical to reconnecting to traditional Indian values, which serve as the foundation for the viability of Indian families. Indian

elders emphasize that this reconnection is fundamental, even more so than increasing the income or wealth of families, “Often the definition of success is materialism, and money. Ours is not. Money without life is an empty world. We value helping others.”

Non-Indians do not often understand this difference. This conflict was just one of many value conflicts that talking circle members identified as a part of their daily experience. In each talking circle discussion, Indians recounted the myriad of ways in which their belief in Indian ways was challenged. Because American Indians are not in a position of authority or power, their values and beliefs tend to be negated or ignored.

We try to meet with county staff. The first thing they ask about is the per capita payments from casinos. They want to know why people aren’t doing something constructive with the money they are receiving. We have to explain that money just isn’t a value of Indian families. For the mainstream, money is the answer to problems. That’s not the Indian way.

One Indian elder advised, “It seems it is like a river that is full of debris. We are standing on the riverbank cleaning the river of all the garbage, but we’re not attacking the source of where the debris is coming from.” He added, “Children are ready to learn. When I talk at feasts, kids are wide-eyed looking, watching. They look at me so hard. We can’t forget about them. There is specialness about the baby—Indian life is all about family preservation.”

Talking Circle 2

FAMILY AND COMMUNITY DESTRUCTION

Elders discussed the condition of American Indian children and families within the context of historic impacts of non-Native cultures on Native traditions and communities. One elder summarized this experience:

It boils down to two problems. First, we have discovery by a bunch of pilgrims. We are the product of expansion, the search for wealth, and the quest for land. In the search for wealth, they determined that we were pagans, and we were reduced to a state of animals. As a consequence, there was no national conscience about Indians. Then came religion, they wanted to change the pagan Indian. Mission schools were a part of this. They wanted to separate us from our Indianness.

Remembrances of actions and intentions of mainstream society to destroy "Indianness" still reside in the collective memory of elders. Sorrow and grief over degradations and forced assimilation that Indians experience were recounted time and again. The residual impact that these actions have on Indian people today cannot be overestimated. "Before the coming of the white man, we had our own way. Over the years, we see destruction of Indian families. They insist that we adopt their way of dealing with their children. To my mind, this has been a bitter road for Indian people to follow. It's been confusing. There was a lot of hatred; we had to face insults, neglect. As a

consequence, the family value system was destroyed." Another elder added that non-Indian systems continue their domination: "White people don't understand our way. We are all brothers and sisters. The government comes along and tells us what defines family for us. But they are wrong, their definition is not our definition." Another elder reflected on externally imposed definitions that create tensions in Indian communities and families:

There are many ways that the government has hurt us. One is their definition of Indian as being based on blood quantum. We are the only people in the world that have this. It creates problems for us because it creates false or artificial definitions of what it is to be an Indian. Then we get caught up in the government's definitions instead of our own. It's insulting. I was brought up to be an Indian, only an Indian, and nothing else.

The harmful effects that historic events have upon the contemporary American Indian psyche, individual and collective, are expressed in forms of internalized violence. Disproportionate suicide rates and depression are two well-established examples of this. One elder related with sadness the often unseen realities of Indian children who are placed in non-Indian families and alienating environments. She told the story of Indian children who had been placed in a white family:

I remember one child, the little girl, used to sit in the bathtub and try and scrub all the darkness off her. She scrubbed herself raw,

her skin was bleeding, because she wanted to wash the Indian out of her. She wanted to look like the rest of her adopted family. They went through terrible things, those children. The little boy used to bang his head against the wall over and over again. No one knew why he did it.

In virtually every talking circle discussion, children were the focal point. All discussions gravitate toward what is good for the children. This is a reflection of how Indian society functions.

TRADITIONS

Elders then contrasted these destructive experiences with the strengths of the Ojibwe way of life. As discussion focused on Ojibwe traditions, elders explained the significant differences between Indian beliefs and values and non-Indian systems:

Family for Indians is a way of life. When I looked at my birth certificate there were all these categories. Born to: mother's name. Father: there was a question mark. Legitimate: No. So what am I supposed to think? In Indian life, family and clans are relevant. We did not have orphans; there were no such thing as illegitimate children. All children belonged. They belonged to the clan, to their Indian family—we were all brothers and sisters. Even the way our prayers are started with the phrase, 'all my relatives.' This doesn't just mean two-leggeds either. It means all of creation. We had an understanding that we are part of all creation. Our culture—that's what being Indian is.

Elders emphasized the holism of Indian culture and family. No one aspect of traditional practice could be discussed independently of others, and each embodied a multitude of meanings and values. As one elder stated,

There are so many things to talk about. All the different ways that Indians took care of their families and their children. There were so many aspects to this culture. The culture is rich. And it is long. For example, the Dikinaagan [cradleboard] is useful, but it is also symbolic. This was a good way to keep a child safe. We would prop them up so they could sit and learn by observation. It also made us strong and gave us straight backs. Moccasins given to the first-born had a hole in the bottom. It was so that the child would have an entrance to the spirit world. The harvesting of rice, the making of maple sugar—all these things were important to families and children. All our symbols are important—dream catchers, designation of our clans. We had the first disposable diapers made of sphagnum moss and cattail down. I think that we have to preserve what it is to be Indian.

Education of children about their cultural identity is integral to their well-being. Elders shared how this begins even before birth and is a life-long process, "Our children began learning in the womb. The father would sing to the baby in the womb. Children learned they were Ojibwe before they were even born. The wen'enḥ they were the ones that raised you, and disciplined you. My grandmother always told me to respect my

parents, never to say a bad word to them.”
Wen’enhis a child’s namesake.

Community and family were not distinctive or separate spheres of Indian life. Elders described the organic process of community support and help, “My grandfather, he had a garden, and people used to come and see him. Anything that happened on the reservation, the elders would get together, talk about it, and solve the problem. They did it quietly, it wasn’t the government that solved problems, it was the elders. That doesn’t happen anymore. People don’t even visit each other anymore. They’re too busy.” Another elder described this process similarly and explained how family preservation and Indian spirituality are interconnected,

My grandfather and all the old-timers would come together, come to my grandpa’s house, sit outside and tell Wenabozho stories. They talked about our people, our history; they talked about their clan before the reservation was created. If there was a problem in the community, someone would volunteer and give direction to that family. They were all spiritual people. Relying on the Midewiwin [traditional Anishinabe religion], the Big Drum, and pipe ceremonies. When I asked why grandpa got up and smoked the pipe, he said he was talking to the creator.”

Elders also emphasized the importance of language and explained how Native language is vested with traditional meaning. One elder stated,

“Language ... language is so important. Without respect for language, we will have problems in the community. The pressures over the years created separation from language, religion, and culture.” Another elder added, “My grandparents always talked to me and they talked in Anishinabe. I lived with Grandma until I was in high school. I spoke both Ojibwe and English. There’s lots of times when I’m speaking English that I really wish I could use Ojibwe, there’s just no word like I want to use. When I really want to say what’s on my mind I use Ojibwe.”

According to elders, preservation of Indian culture is the pathway to Indian family preservation. Transmission of tradition and customary relationships is critical, “We have to have a way for our children to learn. We have to have it at home and in our schools. We have to hold on to our spirituality, naming ceremonies, marriage ceremonies.” Elders also advise that Indian values and traditions are qualitatively different from the mainstream, “I believe it has to come down to ceremonies. You seek it out. We don’t believe in Christianity. Our way is that you have to seek it out. We don’t believe the way Christians do; they proselytize. We believe it’s an inner journey. We celebrate with our children. When we had college graduates, we gave them a medicine bag and an eagle feather. How many other schools do that?” This difference must be acknowledged in all institutions of public life. “We have to have reality in our own schools. For white people, religion is

institutionalized, whereas our spirituality comes from within. You have to seek out spirituality. It's hard to teach children, to have schools without tradition." Moreover, as difficult as preserving traditions on tribal reservations is, transmitting the culture to those who reside off the reservation was expressed as a major concern, "We seem to be drifting away. Not learning by observation. About half of Indian people now live in urban areas. They are not up to speed about Indian ways."

CONTEMPORARY ISSUES

The loss of generations of family and cultural support through a system of mass Indian adoption is identified as a major cause of the condition of Indian families today, "When they took children away from homes—that's when we really lost everything. They came back, and they didn't even know their own parents. They got into alcohol. They had to come back because nobody else wanted them." These children were deprived of customary Indian practices, and the repercussions of this deprivation follow them well into their adult lives:

A lot of our children were taken away from us. Taken away from their family, their clan, and their tribe. It is very hard for these children when they grow older. Many try to come back, but they were not raised Indian. They have a difficult time being accepted because they don't know how to act or our ways. We want them to come back, but when they come back we don't have ways to bring them back in to our culture. They're

searching for their roots. They have to come back, though, because no one else wanted them.

Another elder reinforced this point. "It makes me so bitter that they take our children away from us. They are lost. They wanted to get back. Some did, but they were so different. They didn't know what an Indian was. We have no idea what goes through children when they're taken like that."

In addition, contemporary attractions of non-Indian society present new and challenging issues for today's Indian children. External forces constantly undermine the primacy of family and community relationships, "Our old traditions are replaced by television and automobiles. We haven't had a chance to develop our children's self-respect." Indian parents and families are in crisis situations, "We parents have to listen to children and hear what they are saying. Children are losing respect for their families. We have to listen and find out how we can get them back to their own homes. It's worse now than it was for their parents."

Considering kinship relations, an elder explained, "There was no such thing as illegitimate children. We had families, clans, and tribes. We are related linguistically to the Algonquin people. We are related to all of creation." Traditional Ojibwe kinship relations are extensive. If a child was born to an unmarried mother, there was a protocol that required the mother and father to form a relationship for the child. One elder stated that, "it used to be that your mom and dad, your grand-

parents took care of you. The elders they took care of you. All they had to do was look at you when you were doing something wrong. You knew what was wrong or right, you knew” Just as importantly, Indian children have a community of caretakers “You were taught to always respect your mother and father. My grandmother used to say that if you don’t behave, I’m going to tell your wen’enh” We were all part of a family—the wen’enh had a responsibility to the child, and the child had responsibility to the wen’enh”

The issues that Indian families face today are substantial, but elders see the root of these difficulties in the isolation and alienation that has occurred. They identified three areas of concern for Indian families: (a) alcohol abuse or chemical dependency, (b) education, and (c) the loss of culture. The impact of alcohol abuse on tribal families was cited as a specific concern, “Kids that are adopted out—they have FAS [fetal alcohol syndrome]. They don’t fit anywhere. I don’t know how anyone can address that.” Another elder who said, “alcohol—that is a big problem,” reiterated this concern, “We are losing our children, a lot of our children. FAS is a big problem. I’ve seen a lot of symptoms of these problems. FAE [fetal alcohol effect] is a very big problem here, too. A lot of our children are taken away because the parents are drinking. The children are losing respect.” Elders admonished the devastating effects alcohol and chemical dependency are having on Indian communities. Alcohol abuse, they warned, not only affects parenting behaviors, it fundamentally

violates Indian spirituality, “Drugs, and alcohol—these things take parents away from their kids. Along the way many of us became involved with alcohol and this destroyed our ability to have a vision. Sobriety is needed to have a connection between myself and the creator.”

Education was identified as another critical issue for Indian children. Elders advised that a value for education needed to be developed, “Our parents, they have to be responsible. I feel sorry for these young kids. If parents don’t take care that the children are educated, then they will not do well. On the different reservations, it is very important to get parents involved in education.” The contemporary situation of Indians is to integrate resources from both mainstream and Indian systems, “Our goal should be to learn about both worlds. Learn about the white man, his tools and skills but keep the ways of the Indian people.”

This integration, however, is difficult. Indian people still must contend with the fact that mainstream systems do not yet honor, much less understand, Indian values. One elder remembered,

There are things we can do to preserve Indian life, but it’s hard to figure it out sometimes. I remember in December 1975, when our Indian kids boycotted the schools. There were about 13 young people who got tired of the way they were being treated. We started our own school. Culture and language are emphasized in that school. But there are still gaps. It is there, but it is still difficult to say the least. We are still in a process of recapturing our spirits.

The strength of Indian culture continues to draw Indian children and families. Despite social intrusions, young people have a capacity and desire to build upon the strengths provided by Indian traditions. Elders understand that many of those returning to reclaim their identity do not fully comprehend Indian traditions, but it is nonetheless a positive occurrence, "Children and young people today want so desperately to learn, but they don't know the ways. In their desperation, they are making their own pipes. People are going to sweats all the time. Years ago, they didn't have sweats like this, the Midewiwin set the sweats." Even as change is occurring, there is a permanency and longevity of Indian culture that will never be eradicated. By tapping into this strength, families will not only be preserved, but they will flourish. One elder explained,

We're going through change and healing in our community. I don't think we are ever going to be 100% white. We will always know we are Ojibwe. I think our language is gone. Our generation is the last to know the language fluently. But it will be retained, it will never go away; it is lodged in our ceremonies. How we retain all these things is through practice. When I was four days old is when I got my Anishinabe name. Honor and respect; that is the way.

The elders closed the talking circle by offering their advice and recommendations about what Indian communities must do to preserve their families. First, they advised that Indians must

secure against appropriation of their culture, "Too often, though, writers come as thieves. They write, but it's not their story they tell. The real teachers are informants or people that writers talk with. There are so many things to tell about." Second, they re-emphasized the principles of Indian life that are rooted in honor and respect of elders, "We have to honor our elders; in honoring our elders we are respecting our Indian ways. We are also showing what family is." Third, they reiterated the centrality of Indian traditions, "Get close and stay close to the culture. That's all you have are these old customs and traditions. The creator put us down here for a purpose. We need to remember and tell our children. The rocks, the trees, and animals, they were here long before us, and they can live without us. But we could not live without them."

Surveys

Two surveys were administered on a pilot basis to selected American Indian family service personnel drawn from a controlled sample of participants at two national American Indian child welfare and family preservation conferences. The first was the Tribal IV-E Conference, "Gaining Equal Access: Making IV-E Work for Our People," sponsored by the National Indian Child Welfare Association (NICWA) at Cloquet, Minnesota, in June 2000. The second was a conference on Indian family preservation, "Weaving New Strategies to Strengthen Indian Families: Tribal, State, and Federal Partnerships," sponsored by the

Department of Health and Human Services in Washington, D.C., in July 2000. Participants at both conferences included tribal and county service providers, tribal council members, tribal attorneys, state child welfare representatives, and non-profit child welfare and family service organizations. A purposive sample of tribal service providers and representatives was drawn from the list of registered participants of the two conferences (See Appendix B and C for survey instruments).

The first survey was administered to participants at the NICWA conference. The instrument included open-ended questions designed to provide baseline information regarding tribal perspectives on definitions of family preservation, family preservation services currently offered, additional services needed, and funding for tribal family preservation. The survey yielded 32 responses representing 13 tribes and 10 states. Of the 32 respondents, 29 were affiliated with a tribe, and three were not. Twelve of the respondents were Ojibwe, four were Navajo, and three were Sioux. The remaining 10 respondents represented 10 different tribes. A complete breakdown of respondents by tribal affiliation and state is presented in Appendix D.

The second survey was administered to participants at the DHS conference. A follow-up mailing of the survey was sent to a sample drawn from conference participants who were tribally employed and included broad geographic and tribal representation. Based on the data collected

in the first survey, the second instrument was designed to solicit more detailed and specific information on Indian family preservation including tribal definitions of family preservation, cultural importance of tribal and mainstream resources for family preservation, services currently offered, and barriers to effective tribal family preservation.

SURVEY 1

The first survey contained open ended questions on tribal definitions of family preservation, funding levels, types of tribal family preservation services offered, and identified tribal family preservation service needs. A review of responses generated by the survey is presented.

Definitions of Family Preservation

In defining family preservation, respondents detail an array of elements that should be considered rather than following narrow definitions cited in the literature.

Table 3 presents a summary of responses with categories to illustrate their range and complexity. As can be seen, service professionals working with Indian tribes tend to have a more comprehensive view of family preservation and family than is found in the professional literature. The literature review yields definitions of family preservation that focus narrowly on the provision of services, while respondents overwhelmingly cite definitions

that include extended family and tribal relationships. This research shows that respondent definitions mirror or are consistent with ICWA's definition of Indian family.

This finding is significant particularly since mainstream family preservation literature presumes a common understanding of family without attention to critical differences among cultures. Survey responses report elements conspicuously absent in the literature such as language, traditional

ceremonies, tribal resources, tribal authority, and community development. While the survey indicates that mainstream definitions are included, tribal workers provide added elements to their definitions; this results in a much richer and expansive understanding of family and family preservation. Prevention services, early intervention, and reunification of families are important aspects of family preservation, but according to respondents, these are not in and of themselves adequate.

TABLE 3. DEFINITIONS OF FAMILY PRESERVATION

CATEGORY	SURVEY RESPONSES
FAMILY	<p>Healthy environments for families result in healthy children</p> <p>Preservation of families (extended, nuclear, tribal)</p> <p>Include children not eligible for enrollment but recognized in the community</p> <p>Strengthen families</p> <p>Need to define family from a tribal perspective which includes extended family and tribal family</p> <p>Reunite families</p>
CULTURE	<p>Traditional ceremonies and rituals</p> <p>Tribal resources (elders, clans, culture)</p> <p>Language revitalization</p>
SERVICE-ORIENTATION	<p>Active efforts</p> <p>Prevention</p> <p>Early intervention</p> <p>Early or immediate response</p>
RELATIONSHIPS	<p>Healthy family choices</p> <p>Community development</p> <p>Promotion of lifelong relationships</p>

Services Offered

Table 4 presents a summary of tribal family preservation services or programs offered or needed by the respondents' tribes. Again, the inclusiveness of different types of programs by the respondents such as mental health counseling and domestic violence prevention suggests that tribal perspectives on family preservation are more comprehensive in nature than mainstream models. Responses also indicate that these services are most effective if they include and use existing

strengths of the tribal community. Several respondents specifically stated that tribal communities should be "empowered" to support family preservation.

Funding

Respondents were unanimous and emphatic about the lack of adequate funding for family preservation services. Selected comments suggest that, "funding is limited ... [and] grants and contracts must be frequently resubmitted and

TABLE 4. TYPES OF TRIBAL FAMILY PRESERVATION SERVICES OFFERED AND NEEDED

SERVICES OFFERED	SERVICES NEEDED
Child Protection Services	Family services that involve the community
Foster Care	Holistic approaches to family
Family Based In-Home Services	Relative and kinship care
Parenting Services and Workshops	Mentorship programs between parents and elders
Domestic Violence	Eldercare services
Mental Health Counseling	Time limited services
Adoption	Training
No Services are offered	Title IV-E services
	Parenting skill building and counseling
	Home-based services
	Training for tribal members to become service providers
	Family counseling
	Mental health services
	Resources for tribal programming
	Absentee parent mediation services
	Prevention education and Reunification services
	Emergency services
	Men's advocacy
	Development of local capacities through training

renegotiated.” One respondent captured an overall sense of fiscal barriers by stating, “[Funding for family preservation] has never been adequate. Because of insufficient infrastructure, inability to compete with other better established tribal programs for highly desirable grant dollars.”

SURVEY 2

The second survey was administered in two ways. First, the survey instrument was distributed to conference participants on-site at various workshops at the DHS sponsored conference in Washington, D.C., in July 2000. In addition, a follow-up mailing was sent in August 2000, to 86 conference attendees representing tribal social service programs. The mailing yielded 47 responses, a 54% return rate. Table 5 identifies the distribution of the 47 respondents representing 26 tribes drawn from 15 states. The data are presented in this aggregate manner to protect anonymity of survey respondents who are typically drawn from small, identifiable communities. Survey respondents were asked to rate the importance of tribal family preservation staff, state and county providers, tribal leaders, extended family and kin, and tribal elders in relation to family programs and planning. Based on information collected in the first survey, this instrument was refined to collect more specific and detailed information for a baseline analysis of the status of tribal family preservation.

Cultural Importance of Selected Groups

Survey participants were asked to rate the cultural importance of key groups to tribal family preservation. Figure 1 presents a bar graph of this data. A significant finding drawn from this data is that extended family and kin receive the highest number of “essential” ratings across all groups, even tribal program staff. Moreover, the essential rating received 74% of the responses attributed to extended family and kin. Tribal elders are also rated highly in the survey, with over 50% of their ranking in the essential column. This echoes findings from talking circles in which participants emphasized that over the years, elders have provided continuity of cultural values, retained tribal languages, and passed on oral histories that serve as beacons for modern generations. It was also noted that there is a reciprocity in Indian family systems whereby caregiving is a two-way street in which children also assume important roles in family preservation.

In stark contrast, state or county providers are attributed secondary importance by survey respondents. Still, while this group received the lowest number of essential ratings, it is regarded as somewhat important to the process. In part, this finding demonstrates the tensions that characterize the operation of tribal family preservation programs. Interpretation of the data suggests that county and state providers are considered important resources to tribal families. However, tribal resources and capacities in the form of extended

TABLE 5. SURVEY 2 RESPONDENTS BY STATE AND TRIBE

TRIBAL AFFILIATION	STATE															TOTAL
	AK	AZ	CO	MN	MT	NE	ND	NV	NM	OK	SD	TX	WA	WI	UT	
Alaska Natives	2															2
Apache		3						3								6
Arapahoe									1							1
Cheyenne					1											1
Chickasaw									2							2
Choctaw									1							1
Colville Confederation													1			1
Fort Peck Tribes					1											1
Hopi		1														1
Ojibwe				4										2		6
Muskogee									1							1
Northern Cheyenne					1											1
Ottawa									2							2
Oneida														2		2
Osage									1							1
Paiute															1	1
Pueblo								1			1					2
Quinault													1			1
Reno Sparks								1								1
Shawnee									1							1
Sioux								1			4					5
Tohono O'Odham		2														2
United Tribes of ND								1								1
Ute			1												1	2
Winnebago						1										1
Yakima												1				1
TOTAL	2	6	1	4	3	1	1	2	4	9	4	1	3	4	2	47

family and kin, elders, and tribal program staff are regarded as critical and more essential to establishing the framework or agenda for family preservation practice. This correlates with a point raised by talking circles in which tribal elders and service providers express serious concern over the capacity of mainstream social service systems to exert controlling power over family and child welfare decisions. Talking circle participants stated that non-Indian systems and providers continuously attempt to establish parameters for Indian family decisions, rather than to act as one set of an array of resources to tribal family preservation efforts.

Definitions of Family Preservation

Table 6 presents a summary of family preservation definitions yielded from the survey. Respondents were simply asked in an open-ended fashion to provide a definition of family preservation. Upon review of the data, a set of three themes emerged. First, respondents define family preservation in terms that focus primarily on nurturing and supportive relations within the family and on preserving viability of the family unit. Second, definitions also tend to incorporate concepts of the extended family and tribal relationships as a requisite element. These definitions of

FIGURE 1. ATTRIBUTION OF CULTURAL IMPORTANCE OF SELECTED GROUPS IDENTIFIED BY RESPONDENTS

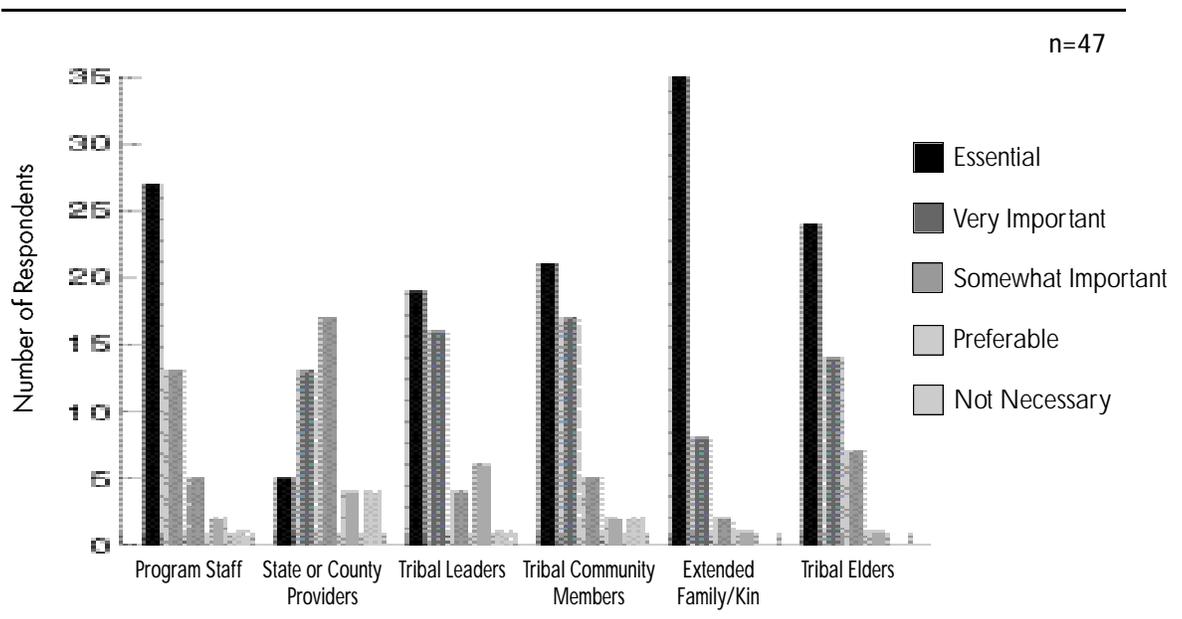


TABLE 6. CATEGORIES OF DEFINITIONS OF FAMILY PRESERVATION

	DEFINITION OF FAMILY PRESERVATION
FAMILY RELATIONSHIPS	<p>Maintaining a healthy, safe family environment for those children who need advocacy.</p> <p>Keeping the family together. Preserving family traditions, morals, and values as well as the family unit.</p> <p>Preserving the family, doing what it takes to hold the family heritage together.</p> <p>Educating, rebuilding, and strengthening family values and morals that help families stay intact.</p>
TRIBAL OR EXTENDED FAMILY	<p>Retaining and maintaining all family and tribal ties. Providing services to keep children with parents and extended family.</p> <p>Holding an extended family together. Keeping the child within the family includes extended family.</p> <p>Keeping the extended family as a coherent unit. Providing services to keep children with natural parents and extended family.</p> <p>Using extended family relatives for placement to help children feel connected.</p> <p>Keeping the extended family together, spiritually, traditionally, and culturally.</p>
SERVICES	<p>Stabilizing families with services to keep them unified, stable, safe, enabling them to make good decisions and to bond as a family unit.</p> <p>Educating, rebuilding, and strengthening family values and morals to help families stay intact.</p> <p>Assisting “at risk” families in an effort to stay together in a safe, healthy family system.</p> <p>Preserving Indian families by means of education, training, counseling, guidance, providing resources, therapeutic counseling, support.</p> <p>Preserving Indian families by providing resources that supports their unity and well-being.</p> <p>Preserving family units, family structure, and strengthening the community at large.</p>

family preservation mirror responses from Survey 1. Third, many responses included a reference to services as a functional part of the definition of family preservation.

Again, the most significant finding is the emphasis respondents place on extended family and tribal relationships. This is similar to the analysis found in Survey 1. This is, again, in stark contrast to standard definitions of family preservation found in professional literature, which tends to focus on the process of service provision. In contrary fashion, respondents point to substantive

conditions of extended families by articulating a holistic, culturally grounded, tribally connected, community-based understanding of family preservation. These are rarely addressed among the mainstream professionals.

Tribal Capacities

The survey asked respondents to indicate whether or not their tribes have established tribal codes, tribal-state agreements, training and technical assistance for tribal staff, outreach programs for urban tribal members, and county cooperation.

FIGURE 2. SELECTED TRIBAL CAPACITIES

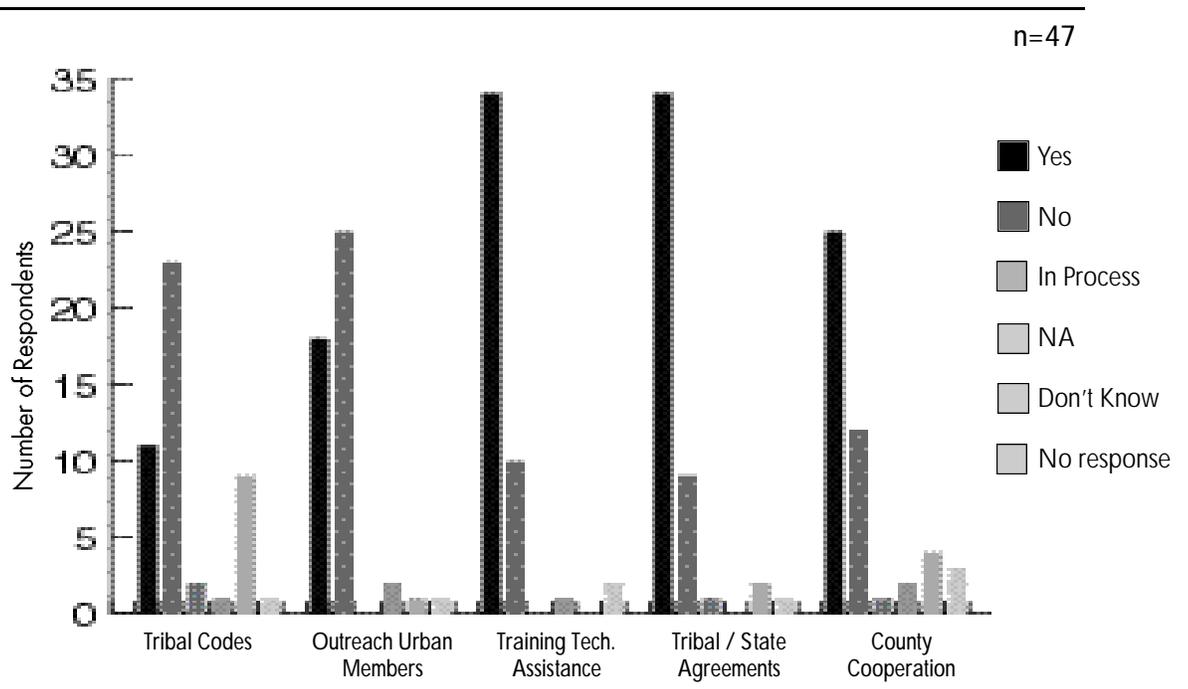


Figure 2 summarizes this data. Only 13 of the 47 responses (28%) indicated that tribal codes for family preservation exist or are in the process of being developed. Interestingly, nine of the responses indicated that they did not know if such codes existed or not. This raises an important issue: while tribes have legal and political authority to exercise internal sovereignty over child welfare, this area is relatively undeveloped in Indian Country.

The survey also revealed that a majority of the respondent tribes have existing tribal-state agreements and training/technical assistance for their staff in some form. Of the 47 responses, 34 (72%) indicated that there were tribal-state agreements in place and that training and technical assistance was provided for tribal program staff. In addition, approximately two-thirds of the respondents have established some form of cooperation with county systems. Approximately one-third of the respondents indicated that tribes have outreach programs to urban tribal members.

Barriers to Family Preservation

Figure 3 presents data on barriers to Indian family preservation. Respondents were asked to name critical barriers encountered in tribal family preservation practice. Among the barriers cited are cultural oppression, drug and alcohol abuse, lack of resources, poverty, problems working with mainstream agencies, lack of tribal system capacity, family issues, and lack of access to transporta-

tion. These barriers are similar to those identified by talking circle participants.

Because most survey participants listed several obstacles in their responses, the total cited in Figure 3 is 87. Responses were grouped into aggregate categories, and those with the highest frequencies are reported. The barrier to family preservation with the highest frequency is substance abuse. Family issues such as domestic violence and child abuse and neglect are also often identified and are included in the family issues category. The instrument was designed to allow for identification of barriers separately; professional practice suggests that in fact these are not discrete variables but often appear collectively within families. Participants in talking circles also expressed concern about the effect of substance abuse in American Indian families.

Three other areas were explicitly identified as barriers: the inability of mainstream social services to work effectively with Indian families, poverty as a contributor to keeping families together, and the lack of resources available to provide adequate services. Finally, cultural oppression was also mentioned as an important factor in Indian family preservation. Again, this finding is critically important in that it identifies that American Indian tribes and families continue to experience cultural colonialism.

Community Review Session

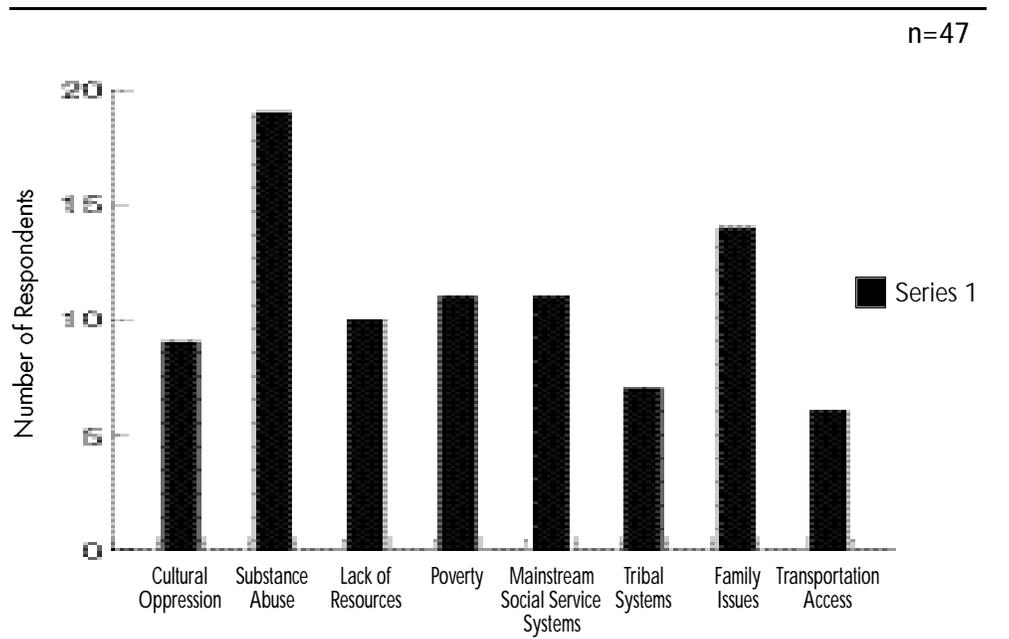
A community review of elders drawn from the talking circles convened on September 29, 2000, to provide feedback on the report compiled by the research team. This provided a forum for elders to verify that narratives reflect accurate content and capture the intent of their statements portrayed in “community voices.” Elders read the preliminary draft and commented on the presentation of findings. This yielded a number of issues that elders believed were critical to include in the document. Three prominent issues were identified: a) issues related to ICWA compliance,

b) a need to acknowledge explicit distinctions between Indian spirituality and non-Indian religion, and c) the impact these two factors have on the future of Indian children and families.

ICWA COMPLIANCE ISSUES

Implementation of ICWA is a primary concern among elders. They stated that ICWA was a significant legislative achievement, which established an Indian-defined child welfare system. Its important features provide a mechanism for self-definition, and guidelines for capacity-building based on tradition are critical to Indian Country. One

FIGURE 3. IDENTIFIED BARRIERS TO FAMILY PRESERVATION



Note: Total responses are greater than 47 due to multiple responses in each survey.

participant stated, “When I read ICWA, I began to think of the old days—the very first ceremony I went through was the naming ceremony. I was pleased to see the law patterned after our own beliefs. When the law came out, I went to county people to make them aware of it.” Inasmuch as ICWA represents a policy avenue for tribal Indian child welfare and family preservation, elders also cite the need to be vigilant in addressing issues of ICWA compliance. Several areas require attention. First, elders observe that many social workers continue to be uneducated and have little to no first hand experience in Indian culture. One elder stated, “And yet over the years, social workers that have come to us don’t know the culture. This leads to misunderstanding.” Even those who received training and education on Indian culture fail to understand the full implications of their training. The task for social services, according to one elder, is:

Workers have to turn themselves around. They have to learn that for Indian people, traditional healing isn’t an ‘alternative.’ Western medical practice is the alternative, English language is the alternative, and Christianity is the alternative. Traditional Indian culture was and always has been the core. We have to remember that we have our own ways of taking care of ourselves—their way is foreign. White systems are the alternative to us. It can be empowering to recognize our own ways.

Elders note that a pan-Indian assumption is made by non-Indian social service and education

systems, “Understanding of Indian families and communities depends on the tribe. You can’t group all Indians together. We have different traditions and customs, different languages. Just because you know one, doesn’t mean you know another.” As carriers of cultural ignorance, non-Indians mistakenly believe that they are culturally knowledgeable and in compliance with the spirit and intent of ICWA. In truth, they are not, “It is very important to recognize the difference of tribes. We all have different languages, religions, and geographic areas. There is also a difference in when and how we came into European contact.” As one elder stated, “Placing Indian children doesn’t necessarily mean that you are placing children in a culturally appropriate home. Social workers think they are helping, but they’re not. Just being placed in an Indian home is not enough. It is important that when children have to be removed they are placed in homes that will keep traditions alive.”

External sovereignty also resurfaced as a major concern. One elder stated that the problem is one of “full faith and credit. They create all these laws and complain about Indians, but they don’t follow their own laws. If you’re going to look at Indian family issues, you cannot overlook things like that. You can talk about developing tribal codes, but there comes a time when you have to hold people accountable to their own laws.” Tribal authority over family and child welfare programs is undermined by the policy and budgetary process,

A famous trick of government is to write a law but with no enforcement mechanism. The apportionment [sic] process is just as critical as the law itself. Many times, a law is created, but with no budget for implementation. And then even when the money is apportioned [sic], it is funneled to the states. The state then becomes the authority on how the funds are distributed. Tribes then have to work with states, and [states] are completely unwilling to relinquish any authority to the tribe. Basically the fox is guarding the hen house.

Another elder emphasized that compassion is a missing component in the child welfare system, in spite of ICWA, “The most important thing I see is the lack of compassion that people [some Indians as well as non-Indians] still have toward Indian families and children. They are so judgmental, judging us all the time. Until they develop compassion they will never be able to really see or understand us.” Another elder added, “People tend to point fingers at Indians, talking about all our problems. They say, ‘Look how bad those Indians are.’ They don’t stop to take responsibility for their ancestors and their ancestors’ actions towards Indian people.”

In traditional Indian life, children participated in seasonal activities, “Years ago, the home was the place of learning everything from religion to social behavior, obligations to the household, neighbors and community. We didn’t have to be told—we sat down and listened and looked at instruction with the kind of respect that runs

with parenthood. I believe the old family system produced a young man capable of adult responsibility at the age of 15.” Euro-American claims to land areas that Indians used freely brought dramatic changes to the seasonal routines that had been a way of Indian life. Loss of land had deep and widespread consequences that even penetrated the ways in which children learned about responsibility:

As tribal people we lived on the land, and there was a purpose to the area of land that we occupied. It met our needs. Children learned by observing, and by having responsibilities. When it was time to make sugar, we would break and go to sugar camp. Everybody worked, including the young. I couldn’t pick up a heavy load, but I did what I could. I was supposed to get the water. If I couldn’t handle a big bucket, I was given a little one, but I had responsibility. After that, we moved camp and went to where the herbs and berries grow. That was in a different part of the land area. This was a special time; we gathered and talked and learned. Next, came the ricing season. We learned how to bundle the rice, dance on the rice to thrash it, and we learned how to burn it. After that it was time to hunt, so we moved again and went to the hunting areas. Then when it got too cold we moved to winter quarters. This is where a clan and family was designated an area to live. Our chief system oversaw that kind of distribution. You didn’t trespass. It was taboo to go on another family’s area. It was like stealing if you did that. Our chores were getting water, getting firewood. We learned from the stories. We learned our religion, culture,

and community responsibility. We did this from the time we were able to walk. So the whole year was learning, and no one interfered with the discipline and the final authority that rested within that lodge, and with the clan.

HONORING SPIRITUALITY

Elders advise that spirituality and religious practice lead to value conflicts between Indians and non-Indians:

In traditional Ojibwe Indian spirituality there is no such thing as heaven or hell. The Midewiwin road is not a path to heaven or to hell. The Midewiwin road goes back to the spirit world. We have a circle of life. Our spirituality says that the highest virtue is Namadji. Namadji means honor, dignity and respect. Christians talk about love. We have love too, but it's not the highest goal. If you have honor dignity and respect, then you can truly love. You can love yourself and you can love and serve others. We believe that our journey is to learn how to truly practice Namadji.

Elders also strongly advise that it is important to distinguish between principles of traditional Indian spirituality and Christianity, "Ojibwe people don't have a struggle about whether there is or isn't a God, or whether we will return to the spirit world. We know we will return. We know that spirits are with us. Where is the love in hell, where is the sharing, where is the good news of life?" They warned that imposing Christian values upon Ojibwe people might have destructive consequences. One elder reminisced about communi-

ty fragmentation that resulted from historical efforts to convert Indian people,

As a child, I remember when a man who was traditional would come down the road and children would run and hide. They would yell, 'Here comes a pagan.' It was because if you didn't go to Christian churches, you were considered a pagan. I realized later as an adult that our spirituality had to be kept underground. I marvel that we've kept our religion despite all this. That's the one hope I have for our children, that they will be able to practice their traditional spirituality.

Elders believe that unless recognition of these differences is acknowledged, social stresses on Indian families will continue, "Clashes in value systems are what are messing up kids today." But elders also recognize that, historically, Indian families and communities did not experience the types of family problems that exist in contemporary society, "You didn't have the kind of trouble that you hear about today. It wasn't there. The trouble that families experience today was unknown to American Indians before the onslaught." Family preservation and the future of Indian children depend on core traditions such as spirituality to guide development of solutions, "Spirituality defines who you are. Some Indian people don't have anything to believe in; they can't hold their head up. People think that they're shy or bashful, but it's because they are confused about who they are. When you know who you are ... when you know that you are Anishinabe you can look at people." Another elder added, "Ojibwe people

have no trouble in believing. Christians teach to prepare for death. Ojibwe teach to prepare for life. Teaching comes from the elders—written word is meaningless—it has to be given voice by elders.”

Adoption and out-of-home placement are destructive impositions to culture. Their impacts follow children well into adulthood. Elders witness the effects of internal discord among adults who return to their reservation communities after being placed in non-Indian homes, “I used to hear my dad talk to people who were coming back to the reservation from white foster homes, trying to find their Indian identity. They were raised Christian, so they have doubts about Indian spirituality. My dad would ask them, ‘If white people hadn’t come here what would you have for religion?’ ” Another elder stated, “They are scared of Indians because that is what they were taught. They come back looking for their families and want to reconnect with their Indian ways. But at the same time they are afraid of Indians in the village. They are taught that Indians are bad and no good. Even when they come back, they are still lost.”

Adopted children are pulled by two cultures. Their Indian roots drive them to seek their Indian family and culture, and yet, their non-Indian upbringing has taught them to deny the value of Indian culture; they are not at home in either, “But even in spite of all the bad things they learn about Indians, they still come back.

Maybe they think it will be different for them; they are so lonely.” Boarding schools, of course, imposed destructive forces akin to adoption and out-of-home placement. Boarding schools fragmented families by yanking children away from traditional role models, “Kids copy their parents. If their parents aren’t good role models, the kids will do the same thing the parents do. The kids that were sent away to boarding schools are now raising kids. They are bitter about their experiences and that comes out in the kids.”

By way of summary, one elder cautions that we must never forget the effects of cultural colonialism, but we must remember to reframe the cultural picture with a positive aspiration. She suggests that the pathway to family preservation is built upon the success stories of traditional families. As such, Indian elders clearly suggest that we must transcend the idea of cultural competence by introducing a more robust, tribally appropriate theory of sovereignty to guide family preservation.

Preliminary Discussion of Findings

Results from surveys and talking circles should serve as guideposts for the development and documentation of Indian family preservation models. However, this research points to an important issue among human service professionals; namely, they act as if Indian tribal traditions exist only in the past tense. Talking circles belie this observation and point out that many tribal communities continue to practice traditional ways that promote family preservation. A major finding is that it is virtually impossible to separate the individual from family and family from the community. Community, tribal custom, language, religion, and cultural practice are fundamental elements of Indian family preservation. American Indians repeatedly emphasize that American Indian culture is a way of life. It is holistic, which means family preservation cannot be divorced from other customary practices. Poignant stories reveal the sorrow Indian communities feel about the continuous need to reaffirm cultural self-determination when dealing with mainstream social services. Hence, any family preservation program must focus on retention of Indian culture as the foundation of Indian well-being.

Distrust of mainstream child welfare systems is cited as a major barrier to successful American Indian family preservation. This distrust influences interactions between Indian people and non-Indian professionals and is a recipe for

disaster when coupled with a lack of knowledge and skill among mainstream social workers interacting with Indian families. A vivid example was given in a discussion about an Indian mother who would not come to the door for a non-Indian social worker. The social worker concluded that the mother did not care about her children, made official determinations to that effect, and removed the children from their home. In fact, as the Indian social service provider explained, the mother was in fear of the professional power of the social worker. In the end, what the Indian mother sought to avoid actually occurred.

Mainstream social workers are, in the main, still ignorant about American Indian culture and Indian experiences. Talking circles vividly describe the impact that this lack of knowledge has on tribal children, families, and communities. It is critical for American Indian researchers to advance, in a culturally respectful way, the contemporary “voice” of Indian communities so that cultural and community strengths can be accentuated. This “voice” benefits both mainstream and tribal policy makers and practitioners. Essentially, it must be the beacon for the development of indigenous models of cultural competence.

Talking circles reveal that experiences of cultural repression are not simply historical events. Participants describe many examples of contemporary trauma that Indian people experience, even today. Together with the trauma associated

with boarding schools and historical out-of-home placement systems, healing of Indian families and communities certainly requires a holistic and community-wide approach. Criticisms of fragmentation that plague the family and child welfare system are compounded when applied from an American Indian perspective. Issues of identity, family dysfunction, and community disintegration are all interrelated, and unless family preservation efforts acknowledge and incorporate this fact, they will remain ineffective for American Indians.

Examples echo throughout the talking circles and illustrate the continued application of deficit models to Indian communities. Participants cite many examples of social workers who immediately assume the worst about Indian parents and who do not understand that parents want to seek tribal community helpers. Combined with the lack of cultural understanding and unwillingness to support parental efforts to seek traditional community intervention, mainstream social work practice often leads to unnecessary removal of Indian children from families and communities.

Value conflicts between mainstream human service providers and Indian communities persist in a variety of areas. One example is illustrated in the way family preservation is defined. Talking circles and survey respondents present comprehensive, holistic definitions of family preservation in contrast to strict service-based definitions used by mainstream systems. Another conflict identified

by talking circles is the tension between individual oriented and community oriented concepts of family. Mainstream social service focuses on the individual or nuclear family as the therapeutic unit. Within this framework, community-wide and extended family resources are viewed as irrelevant at best and detrimental at worst. This is reinforced by a host of codes and regulations that, from a mainstream perspective, are appropriate but from an Indian perspective are offensive and destructive. An example can be illustrated in the issue of client confidentiality. Confidentiality is unnecessary in traditional practice because no stigma is attached to those seeking help. Traditional Indian culture accepts that everyone needs assistance when something in life is out of balance and organizes a system of healing methods involving family, clan, and community. In a related public forum, one community leader stated:

According to Indian people, nothing happens by accident. There's always a purpose to the path you take. But there are certain things you need to consider as guides along the road. Whether they are good or bad, you have to acknowledge them and say, 'Do I want to follow this one? Is that one put here to show me that I'm not supposed to follow it? Or is it put here to take me to another level?' (Betty Greencrow quoted in American Indian Research and Policy Institute, 1998, p. 10)

Moreover, the extended family, clan, and community orientation of American Indians promotes an extended healing network. Confidentiality

directly hinders this process by isolating individuals and families from their support network; those who can act as support are denied information about the family.

Another example of the value conflicts between American Indian and mainstream practice is shown in the issue of professionalism cited by talking circles. In mainstream society, ascribed authority and expertise is attached to formal education, particularly advanced professional degrees. Such credentialism contrasts with tribal communities, which attach importance to spirituality, cultural experience, wisdom of elders, service to community, and traditional practice. Several talking circle participants advance an imperative that mainstream social workers need knowledge of as well as interaction with healthy Indian families and activities in the Indian community if they are ever to become culturally competent. Social work professionals must constantly develop knowledge and skill to work from a strengths perspective with Indian families.

Internal Sovereignty

The findings of this project suggest that American Indian family preservation must evolve from a framework of internal sovereignty. Traditional law and custom can only be addressed adequately by tribal communities and tribal people themselves. The myriad of customary practices that are critical to the healing of Indian families are devalued in mainstream systems.

Grandparents, the traditional caregivers for children, are questioned based on mainstream criteria of age and competence, and traditional healers are considered inferior to credentialed therapists.

Tribal service providers and Indian elders in this study emphasize that family preservation must be defined within tribal communities. One participant broke this into two parts: (a) "habilitation is the [ongoing function of traditional networks like] family kinship systems," and (b) "rehabilitation is family preservation that focuses on reuniting families and helps them deal with identity [problems] and other crisis issues." Rehabilitation is, and always has been, an Indian way of life, and if it is going to be effective, it must occur in the context of Indian cultural tradition.

Recommendations

Indian knowledge, attitudes, and beliefs must guide research into family preservation. Following this caveat, our recommendations touch upon models of practice and credentialism that reinforce internal and external sovereignty. As such, we need to:

- Develop tribal codes relating to child welfare that follow law, custom, and cultural standards of the tribe.
- Develop tribal practice models drawn from social casework with extended families that will guide how social workers should work with Indian families to “reflect our (Indian) ways and our values.” This case study infrastructure should guide all services to Indian children, including those offered by mainstream services.
- Mandate external social service providers to support family preservation models following ICWA provisions of law and custom.
- Organize internal social service resources around traditional methods gathered from oral histories passed down by elders.
- Reaffirm internal sovereignty by designing extended family preservation programs that include traditional healing methods.
- Follow the casework mandate of active effort by invoking more rigorous standards for prevention, reunification, and rehabilitation services with Indian extended families.
- Increase the availability of funds to expand both mainstream and Indian based programs to work with extended families.
- Reaffirm internal sovereignty by using traditional elder networks as advisory groups as well as talking circles to gather information and knowledge on how to develop and implement traditional healing practices.
- Document models of active practice that may be shared with other tribal programs.
- Design active practice to retrain American Indian social workers who have been trained in mainstream theories of practice.
- Design funding guidelines in extended family preservation for Indian communities that follow tribal definitions of family and preservation rather than on inflexible categorical funding streams.
- Comply with ICWA provisions of law and custom by making mainstream models subordinate to traditional practice.
- Implement programs to mediate historical and contemporary soul wounds that impede prevention, reunification, and rehabilitation efforts in extended family preservation.

In conclusion, two Indian elders articulated the most fitting recommendations for future family preservation efforts:

It seems [Indian family preservation] is like a river that is full of debris. We are standing on the riverbank cleaning the river of all the garbage, but we're not attacking the source of where the debris is coming from. Children are ready to learn ... wide-eyed, looking, and watching. They look at me hard. We can't forget about them. There is

specialness about the baby—Indian life is all about family preservation.

And:

Too often, though, writers come as thieves. They write, but its not their story they tell. The real teachers are ... people that writers talk with.

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APPENDIX A

Child welfare and family support policy has slowly evolved at the federal level over the last century. A summary of major legislation concerning children and families is listed below.

1935 Social Security Act

Title IV-A established Aid to Dependent Children (ADC) (funded through combination of federal, state, and local funds). Title V established Child Welfare Services to help state and local agencies provide preventive and protective services for children including foster care.

1961 Social Security Amendments

Established Aid to Families with Dependent Children—Foster Care Program (AFDC-FC) on a temporary basis for children removed from “unsuitable” homes and places with foster families.

1962 Public Welfare Amendments to the Social Security Act

Made AFDC—FC permanent and expanded eligibility coverage to cover children placed in private childcare institutions.

1967 Social Security Amendments

Moved the Child Welfare Services Program to Title IV of the Social Security Act and doubled the programs authorized funds. Required states to establish AFDC—FC programs, increased the federal match for foster care benefits, broadened eligibility for the program, and made permanent the coverage of children in child care institutions.

1974 Social Services Amendment

Established under Title XX of the Social Services Act, a program of grants to states for social services directed at preventing and remedying child abuse and neglect, preserving families, and preventing or reducing inappropriate institutional care by providing for community or home-based care. Title XX was made a block grant in 1981.

1974 Juvenile Justice and Delinquency Prevention Act

Provides federal funds for alternatives to incarceration for juvenile delinquents, discourages institutionalization, and provides grants for community development programs for runaway youth.

1974 Child Abuse and Neglect Prevention and Treatment Act

Assists states and other bodies to develop programs to identify and prevent abuse and neglect and to provide ameliorative services.

1978 Indian Child Welfare Act

Increases Indian tribes' control over the foster placement and adoption of Indian children. Establishes American Indian standards and definitions of family. Authorizes child welfare and family preservation services.

1980 Adoption Assistance and Child Welfare Act

Institutionalizes the concept of permanency planning to deal with foster care drift. Provides incentive funds that require states to institute practices and programs to prevent unnecessary foster placement. Continues federal payments for foster maintenance of poor children and offers adoption subsidies for children with special needs.

1988 The Family Support Act. Public Law 100-485

1993 Omnibus Budget Reconciliation Act of 1993. Public Law 103-66

Family Preservation and Support Services Program. Title IV-B of the Social Security Act. The overall aim is "to promote family strength and stability, enhance parental functioning, and protect children through funding a capped entitlement to states to provide family support and family preservation services, which the law defines broadly" (Edna McConnell Clark Foundation, 1985).

1997 Adoption and Safe Families Act

APPENDIX B

Family Preservation Survey

June 7, 2000

Please take a few minutes to fill out this survey. Your answers will help the National Indian Children's Alliance to begin to define how family preservation is viewed in Indian Country throughout the United States.

State in which you work

Your tribal affiliation (if any)

Your job title

1. List the family preservation services provided by your tribe:
2. What other family preservation services are needed by your tribe?
3. Is funding for your tribal family preservation programs adequate?
4. How would you define family preservation from a tribal perspective?

Use the back to write any other comments you wish to make about tribal family preservation.

Please turn this into the registration desk.

Thank you for your assistance.

Does your tribe have the following:

	Yes	No	Don't know	Not Applicable
Tribal codes regarding family preservation	___	___	_____	_____
Outreach services to urban Indian members	___	___	_____	_____
Training and technical assistance for tribal staff members	___	___	_____	_____
Tribal/State agreements	___	___	_____	_____
County cooperation	___	___	_____	_____

Additional Comments:

Thank you for your time in filling out this survey. If you would like to receive the results of this survey OR if you would be willing to be interviewed for follow up questions please fill out the appropriate information on the next page. In order to ensure confidentiality of your answers, please detach the next page when you return the survey.

APPENDIX D

TABLE 7. SURVEY 1 RESPONDENTS BY STATE AND TRIBE

TRIBAL AFFILIATION	STATE										TOTAL
	AK	AZ	CA	KS	MN	MT	NM	SD	WA	WI	
Blackfeet						1					1
Canadian					1						1
Chehalis, Nisqually, Shoalwater Bay, Skokomish, Squayin Island									1		1
Sioux								3			3
Colville Confederation									1		1
Crow						1					1
Makaw									1		1
Navajo		3					1				4
Ojibwe					9					3	12
Potawatomi Nation				1							1
San Pasqual			1								1
Tungit	1										1
Apache		1									1
TOTAL	1	4	1	1	10	2	1	3	3	3	29

n=32: Tribal tallies do not equal 32 because of 3 non-responses

Footnote

1 The American Indian Policy Center is located in Saint Paul, Minnesota. A summary of the Reality Based Research Model is published in John Poupart, et al., *To Build A Bridge: Working with American Indian Communities* Saint Paul, MN: American Indian Policy Center, 2000.