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Tribal Workers' Knowledge and Perspectives on the Effectiveness of the Indian Child Welfare Act

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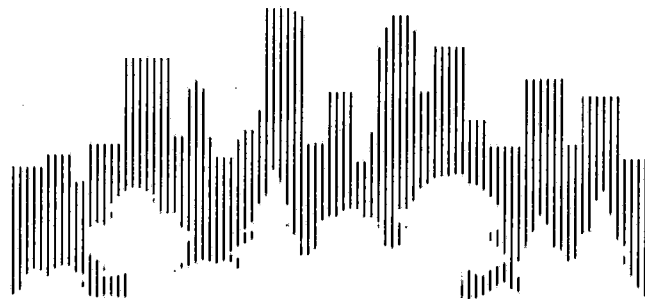
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**MASTERS IN SOCIAL WORK
THESIS**

Linda L. Strong

**Tribal Workers' Knowledge and Perspectives on the
Effectiveness of the Indian Child Welfare Act**

2005

TRIBAL WORKERS' KNOWLEDGE AND PERSPECTIVES ON
THE EFFECTIVENESS OF THE INDIAN CHILD WELFARE ACT

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Submitted in partial fulfillment of
The requirement for the degree of
Master of Social Work

AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA
2005

MASTER OF SOCIAL WORK
AUGSBURG COLLEGE
MINNEAPOLIS, MINNESOTA

CERTIFICATE OF APPROVAL

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Linda Lou Strong

has been approved by the Examining Committee for the thesis
requirement for the Master of Social Work Degree.

Date of Oral Presentation: May 27, 2005

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DEDICATION

This project is dedicated, with love and respect to Ron and my family whose love and support have been my guidance.

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There are many people I would like to thank for their support while traveling this journey. Thank you, Ron for traveling this very long road with me. Most of all thank you for your unconditional love.

To my children Ron, Joe and Pat, thank you for your patience, support and most of all your love.

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ABSTRACT

TRIBAL WORKERS' KNOWLEDGE AND PERSPECTIVES ON THE EFFECTIVENESS OF

THE INDIAN CHILD WELFARE ACT

AN EXPLORATORY STUDY

LINDA L. STRONG

2005

This exploratory study surveyed tribal workers' perspectives on the effectiveness of the Indian Child Welfare Act. The purpose of this study was to gain front line perspectives from the people who work directly with the enforcement of the Indian Child Welfare Act. Do the various tribal workers involved with this study feel knowledgeable, trained, supported and most of all do they feel the Indian Child Welfare Act has been effective? If not, Why? What changes if any need to be made to ensure the effectiveness of the Indian Child Welfare Act? Questionnaires were mailed to tribal workers employed by eleven reservations located throughout Minnesota. The results were analyzed descriptively. The results indicate a large percent of Minnesota tribal workers are college educated, and although they felt they were knowledgeable about the Indian Child Welfare Act, only two of the 27 tribal workers surveyed answered four basic ICWA questions correctly.

TABLE OF CONTENTS

Title page.	i
Certificate of approval.	ii
Dedication.	iii
Acknowledgements.	iv
Abstract.	v
Table of contents	vi
List of tables	viii

Chapter 1: Introduction

Background of the problem.	1
Statement of the problem.	2
Purpose of the study.	3
Research questions.	3

Chapter 2: Review of Literature

Definition of the term Indian.	5
Minnesota Ojibwe.	6
The boarding school era.	7
Removal of Indian children.	10
Indian children in alternative care prior to ICWA.	13
Suicide rates of children removed from home.	14
The Indian Child Welfare Act.	15
ICWA compliance.	15

Chapter 3: Methodology

Introduction.	22
Research questions.	22
Research design.	23
Definition of concepts.	23
Participant demographics.	25
Sample.	25
Data collection.	25
Data analysis.	27
Protection of human subjects.	27
Strengths.	28
Limitations.	29
Summary.	29

Chapter 4: Findings

Introduction. 31
Demographics of participants. 31
Summary. 45

Chapter 5: Discussion

Introduction. 48
Significant findings. 48
Limitations. 49
Implications for social work practice. 49
Local Native American tribal services. 52
Implications for future research. 52
Summary. 53

References. 54

Appendices. 58

Appendix A: Percentage of ICWA hearings out of. . . 59
 compliance

Appendix B: Tribal workers supervisors cover letter. 60

Appendix C: Tribal workers cover letter. 62

Appendix D: Tribal worker survey. 63

Appendix E: Minnesota Reservations. 66

LIST OF TABLES

Table 1	1999 Hennepin County ICWA court.	17
	monitored hearings	
Table 2	2000 Hennepin County ICWA court.	17
	monitored hearings	
Table 3	2001 Hennepin County ICWA court.	18
	monitored hearings	
Table 4	2002 Hennepin County ICWA court.	18
	monitored hearings	
Table 5	2003 Hennepin County ICWA court.	19
	monitored hearings	
Table 6	2004 Hennepin County ICWA court.	19
	monitored hearings	
Table 7	Minnesota's Child Welfare Report for.	20
	2000, 2001 and 2002	
Table 8	Type of Education.	32
Table 9	Employment status.	32
Table 10	Ethnic background.	33
Table 11	Years of experience working with ICWA.	34
Table 12	Location of work.	34
Table 13	Number of tribal workers in office.	35
Table 14	Average number of monthly caseload.	36
Table 15	Have received ICWA training.	36
Table 16	Types of ICWA training.	37

Table 17	Frequency of ICWA training.	38
Table 18	Satisfaction with ICWA training.	39
Table 19	Knowledge regarding ICWA.	39
Table 20	ICWA effectiveness.	40
Table 21	Workers' understanding of ICWA court.	41
	proceedings	
Table 22	Determination of tribal memberships.	41
Table 23	Blood quantum for tribal memberships.	42
Table 24	Exclusions to ICWA.	43
Table 25	Methods of court determinations of Indian. . .	45
	child.	

Chapter 1: Introduction

This thesis surveyed tribal workers' perspectives on the effectiveness of the Indian Child Welfare Act (ICWA). The survey requested tribal worker perspectives on the effectiveness of the Indian Child Welfare Act. The removal of Indian children before and after the creation of the Indian Child Welfare Act of 1978, also known as P.L. 95-608, which became law November 8, 1978 (Mannes, 1995) is also discussed. I will discuss reasons why Indian children were removed and the effect ICWA had on these children and their families. This thesis will also show cause, motive and the importance of the creation of the Indian Child Welfare Act for Indian children (ICWA).

Background of the Problem

In the mid 1970s Trentadue and DeMontigny, (1986) defined the removal of Indian children from their homes as at a "crisis level" (p. 496). Prior to the creation and implementation of the Indian Child Welfare Act (ICWA), Indian children were removed from their homes at extremely high rates and placed in non-Indian foster homes, adoptive

homes or into institutions (Kessel & Robbins, 1984; Fischler, 1980). Indian children were removed from their homes, family, culture and traditions with the use of threats or force (Mannes, 1995).

Statement of the problem

Indian children continue to be removed from their homes for various reasons, but the Indian Child Welfare Act states that tribal governments have the ultimate authority as to where these children will be placed. In Hennepin County District Court, each of the eleven reservations in Minnesota is represented by a tribal worker.

Not much is known about the tribal worker. A literature search was completed and no information was found on tribal workers. Are they knowledgeable? Do they have ICWA experience? But most of all are the tribal workers satisfied with the Indian Child Welfare Act? These questions do not appear to be answered.

Purpose of this Study

This exploratory study surveyed tribal workers who are employed on one of the eleven reservations in the state of

Minnesota. The purpose was to identify their perceptions of the effectiveness of ICWA and to gain more insight and knowledge as to who these workers are and to provide information regarding their education, years of experience working with the Indian Child Welfare Act, average monthly caseloads, type of education received and amount of ongoing training, and if the tribal workers are satisfied with the training.

It is important to understand how well the act is working from the perspective of the people who work with it on a daily basis.

A secondary purpose of this study is to gain general information about the knowledge and training received by the tribal workers who represent the welfare of Indian children in the State of Minnesota.

Research Questions

What are the tribal workers' perspectives and education regarding the use of the Indian Child Welfare Act? Do the tribal workers feel satisfied working with the ICWA?

In the next chapter, I review what we know and do not

know about the effectiveness of ICWA.

Chapter 2: Review of Literature

Introduction

This chapter will provide a brief history the Minnesota Ojibwe. The discussion will include the removal of Indian children from their homes and sent to government boarding school. This chapter will also include current ICWA compliance within Hennepin County District Court.

Definition of the term Indian

The definition of Indian is important to understanding the Indian Child Welfare Act.

"The Act's definition of Indian is synonymous with tribal membership, and the tribes themselves determine who may become a member. While some ...tribes require a significant quantum of Indian blood for membership, this is not true of all tribes. Some tribes have set percentages of Indian blood required for membership so low that a member's Indian blood is virtually nonexistent" (Trentadue & DeMontigny, 1986, p.504).

In Minnesota, the Ojibwe tribes require one-quarter blood quantum for tribal enrollment, but the rules vary when considering membership.

Minnesota Ojibwe

The state of Minnesota has eleven reservations. Of these eleven reservations seven are Ojibwe and are located at Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, Nett Lake, Red Lake and White Earth, all in northern Minnesota. The other four reservations consist of members of the Sioux nation. Prairie Island and Medwewakton Sioux (Mystic Lake) are located 40 to 45 miles south of the Twin Cities while the Lower Sioux and Upper Sioux communities are located in southern Minnesota.

In the Ojibwe language the Chippewa are called Anishinabe, which in translation means "one of the people". The Ojibwe were also called Chippewa a French word (pronounced Chip-uh-wah) which means "to pucker up" or "puckered toe" which was in reference to their moccasins which puckered up at the toe (Stoutenburgh, 1960, p.68).

The Ojibwe were at one time one of the largest and the most powerful tribes north of Mexico, governing lands that extended from both banks of Lake Huron and Superior in the East to North Dakota in the West (Tiller-Velarde, 1996 & Waldman, 1988). The Ojibwe belong to what is called the Algonquian family, which consist of several other tribes,

including the Cree, Ottawa and Potawatomi.

In the 1990 United States Census there were 49,909 American Indians in Minnesota. In the 1990 census a person was able to identify only as one race while the 2000 census made changes that a person could identify with one or more ethnic groups. According to the 2000 census in the category of American Indian alone there were 54,967 people. In the category of American Indian plus one other race there were 22,743. In total, there were 77,710 American Indians and mixed race Indians in Minnesota (American Indian Policy Center, 2004)

History

The Boarding School Era

The rationale of the federal government's policies to remove Indian children began with two generations of removal and assimilation welfare policies. The first began with the Boarding School Era (1880s-1950s) and the National Indian Adoption Project of (1958-1968). The primary intent of both was removal of children from the Native American family and culture for assimilation into the dominant society (George, 1997, p. 165).

The removal of Indian children from their homes began in the late 1800s before the existence of the Indian Child

Welfare Act. Indian children were removed at extremely high rates. Children in some cases were literally stolen from their families and homes. The children were then delivered to government boarding schools. Those government boarding schools were operated by government employees. When the parents of the children would not consent to sending their children to the boarding schools, government staff began an exercise called "kid-catching" which was basically taking children by force (Mannes, 1995, p. 266).

The young children who were enrolled in one of the government boarding schools were an average age of six or seven years old when taken and forced to live in the schools and work until about eighteen years old. A vocational training program for many of the students attending boarding schools consisted of students working to generate much of the eggs, dairy and grain products for the school. But most of the products generated by the schools through the labor of the Indian students never made it to the tables of the Indian students. The products were sold for profit.

In 1884, Haskell Junior College founded a government boarding school located in Lawrence, Kansas and the Ojibwe

students were the second largest population. "In 1925 the Haskell students produced two hundred gallons of milk daily for the school, successfully operated a poultry department for eggs and also raised hay, wheat, oats, corn, potatoes, and other vegetables valued at \$14,000 for the year. It comes as no surprise that in 1925 Haskell's superintendent admitted, This school could not long continue without the great amount of free labor contributed by the pupils" (Childs, 1998, p. 35).

It was typical in these situations for children to be taken at extremely young ages and not be allowed to see their family or homeland until the age of eighteen. A government policy prevented the children from going home for a visit. Some children were sent back to the families and homes, "but in a condition largely devoid of conceptions of both their own cultures and their intended roles with them" (Jaimes, 1992, P. 30).

According to Jaimes (1992) there were around 265 government boarding schools housing about 34,000 Indian students. This is an extremely high number of government boarding schools designed especially for the assimilation of Indian children. "The schools were managed in a rigid, military fashion...designed to separate a child from his

reservation and family, strip him of his tribal lore and mores, for the complete abandonment of his native language, and prepare him in such a way that he would never return to his people" (Johnson, 1981, P. 435).

Not only were these children stripped of the culture, family, values and language, they were severely punished with the use of corporal punishment if caught speaking their language. Children were known to be placed in a specific type of a box, which was called the guard house when they were out of compliance.

Out of compliance consisted of bad behavior, dressing according to their culture, and speaking their native language. These behaviors indicated the Indian children's refusal to give up their identity. The only things they ever knew for sure was their language, and their customs, and for this they were punished.

Removal of Indian children

Children were often removed based solely on the discretion of government employees and social service workers. Social workers were not familiar with Indian traditions, Indian values and Indian customs, and this led to inappropriate decision making on their part (Miller,

Hoffman & Turner, 1980; Kessel & Robbins, 1984).

Social workers who removed children from their homes frequently gave reasons of abandonment, social deprivation and neglect due to an Indian child being left with extended family members. However, the child was cared for whether or not it was the nuclear family member, since extended family childcare was common among Indian communities. Miller, Hoffman and Turner (1980) stated "Social workers, were not aware of the traditions and lifestyles of Indian people which left Indian families often misunderstood" (p. 469).

Social workers assumed that leaving children with extended family members for any length of time was a form of neglect. Social workers did not understand the customs of Indian families. Indian families did not consider extended family members to be "extended". At any given time in an Indian family home there could be two to three generations residing there.

Neglect of a child was cause for removal of children from their home and could lead to termination of parental rights. It was not appropriate to leave your child(ren) with extended family members, since extended family members were not considered part of the nuclear family (Miller,

Hoffman, & Turner, 1980).

Many non-Indian child welfare employees wanted to remove Indian children from their homes when alcohol use was seen. Many child welfare workers saw this as evidence of being unfit parents. This occurred even when the rates of alcohol usage were no different than in non-Indian families (Kessel & Robbins, 1984).

According to one case study on a reservation in North Dakota (cited in Byler, 1977) very few Indian children were removed from their homes due to physical neglect. This case study was similar to a case study of a tribe in the Northwest. That study stated that 99% of the other cases where children were removed were based on "vague grounds" of neglect, social deprivation or emotional neglect the children were experiencing due to living with their parents (Byler, 1977, p. 2). Byler also states that surveys were completed in 1969 and again in 1974 by the Association on American Indian Affairs (AAIA) in areas where there was an extremely large population of Indian families. These surveys concluded that 25-35 % of "all" Indian children were removed from their families and placed in adoptive homes, foster homes or some type of institutional settings. In some states the problem was worse.

For example, in Minnesota children were put into foster care or other alternative care five times the rate of non-Indian children. In Montana, the placement rate of Indian children was 13 times higher than non-Indian children prior to ICWA. In Wisconsin alone an Indian child had a 1600 percent chance of being removed from their parents than non-Indian children (Byler, 1977).

Indian children in alternative care prior to ICWA

According to a preliminary study conducted by the Association of American Indian Affairs from 1969 to 1974, 25% to 35% of Indian children were removed from their homes and families and placed in alternative care (Kessel & Robbins, 1984). Just in the state of Minnesota alone, one of eight Indian children below the age of 18 had been in an adoptive placement and one out of four Indian child below the age of one year had been adopted (Kessel & Robbins, 1984).

From 1971-1972, a one year span, 34,538 Indian children were living in alternative care (institutional facilities) and 68% of Indian children resided in schools governed by the Bureau of Indian Affairs (Byler, 1977).

In 1974 the Meriam report stated that 34,000 children,

of which 8,000 were ten years of age or younger, were currently attending Bureau of Indian Affairs (BIA) boarding schools; (BIA) provided funding to "day schools" on the reservations or near the reservation. A total of 15% of Indian children from ages five through seventeen were separated from their families. Unfortunately there was no Indian Child Welfare Act at that time to monitor the placement of Indian children.

Suicide rates of children removed from home

Prior to passage of the ICWA, suicide rates were very high among Indian children. At that time social scientists were in agreement that the suicide rates of Indian children were two times the national average, which was attributed by some to be a result of youth being reared in a system devoid of their own culture (Fischler, 1980; Guerrero, 1979). According to Matheson (1996) "to deprive children of their culture is a form of child abuse and even a genocide act" (p.234).

Unfortunately, it still becomes necessary for Indian children to be removed from their homes due to various forms of neglect. But, it is necessary to ensure that the proper procedures of the Indian Child Welfare Act are

followed so that Indian children are placed in Indian foster homes or homes with which Indian children can culturally identify.

The Indian Child Welfare Act

"The Indian Child Welfare Act of 1978, also known as (ICWA) or P.L. 96 - 272, was created to protect the best interest of Indian children and promote the stability and security of Indian tribes and families" (Hunner, 1986 p. 27). It was also created due to the high removal of Indian children from their homes, which Indian leaders considered a crisis. The creation of the Indian Child Welfare Act gave the tribes the ultimate authority as to where their tribal members (the children) were placed when removed from their homes. When the children were removed from their home the Act should ensure that Indian children were placed in Indian homes which should be a mirrored image of their culture and values (McMahon & Gullerud, 1995).

Current ICWA Compliance

Many counties in Minnesota are not in compliance with ICWA. Hennepin County, the largest county in Minnesota, was not in full compliance according to the documentation provided by Indian Child Welfare Court Monitor, Paul

Minehart (Retrieved June 30, 2004; <http://www.maicnet.org/icwa/Qreports/Q4-03.htm>.) His documentation was compiled through the monitoring of all ICWA cases heard in the Hennepin County courts.

Appendix A shows the percentage of ICWA hearings out of compliance in Hennepin County from 1993 to present. In 1993, 15 years after the implementation of the Indian Child Welfare Act, Hennepin County was 33% out of compliance according to the court monitor report Minehart. Tables 1 through 6 show that with each passing year Hennepin County gradually increased their ICWA compliance.

Table 1: 1999 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
39	58	108	189

1999 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
14	5	12	12
15%	9%	11%	6%

<http://maicnet.org>.

Table 2: 2000 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
193	111	141	149

2000 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
22	10	12	17
12%	9%	9%	11%

<http://maicnet.org>.

Table 3: 2001 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
133	97	116	158

2001 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
16	9	12	10
10%	9%	10%	6%

<http://maicnet.org>.

Table 4: 2002 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
144	137	119	98

2002 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
7	11	10	5
5%	8%	8%	5%

<http://maicnet.org>.

Table 5: 2003 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
116	151	88	116

2003 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
11	5	8	7
9%	3%	9%	6%

<http://maicnet.org>.

Table 6: 2004 Hennepin County ICWA Court Monitored Hearings

Quarter 1	Quarter 2	Quarter 3	Quarter 4
137	Not available		

2004 ICWA Hearings Out of Compliance

Quarter 1	Quarter 2	Quarter 3	Quarter 4
7	Not available		
5%			

Statistics were retrieved June 30, 2004 from the World Wide

Web: <http://maicnet.org>.

According to statistics from the Minnesota Department of Human Services there are two categories in which Native American children in Hennepin County foster care are classified. In 2000, 2001 & 2002 the numbers of children in each category are listed on table 6.

Table 7: Minnesota's Child Welfare Report for 2000

American Indian and Alaska Native race only	American Indian and Alaska Native as part of two or more races	Total Children with American Indian and Alaska Native race
567	266	833

Minnesota's Child Welfare Report for 2001

American Indian and Alaska Native race only	American Indian and Alaska Native as part of two or more races	Total Children with American Indian and Alaska Native race
578	223	801

Minnesota's Child Welfare Report for 2002

American Indian Only	American Indian as Part of Two or More Races	Total Children With American Indian Race
515	235	750

(<http://www.dhs.state.mn.us>).

No literature was located that specifically describes the Indian Child Welfare tribal workers and their points of view regarding the Indian Child Welfare Act, and its

effectiveness. A gap in research seems to exist. It is important to know whether tribal workers feel they have the knowledge and training needed to represent Indian children both on and off the reservation.

Chapter 3: Methodology

Introduction

This chapter will explain the methods used to conduct the study. The discussion will include the research questions, research design, participant information, sample selection, measurement issues, data collection, data analysis and the procedures used for the protection of human subjects.

Research Questions

The study was conducted to increase understanding of Minnesota tribal workers' perception of the effectiveness of ICWA and the extent of their education and training about ICWA. The research questions for this study were:

1. What are the tribal workers' perspectives and education regarding the use of the Indian Child Welfare Act?
2. Do the tribal workers feel satisfied with the Indian Child Welfare Act?

Research Design

This research design consisted of a self-administered questionnaire sent to tribal workers on eleven Minnesota reservations. The questionnaire included eighteen closed ended questions regarding the tribal workers' basic demographics and their perspectives on working with the Indian Child Welfare Act.

According to Rubin and Babbie (1997), "The advantages of a self-administered questionnaire over an interview survey are economy, speed, lack of interviewer bias, and the possibility of anonymity and privacy to encourage more candid responses on sensitive issues" (p.369). The disadvantages include limited detail and depth in data collection. A higher return of incomplete questionnaires as well as misunderstood questions (p.369).

Definition of Concepts

The participants surveyed in this study were tribal workers from various reservations located in the state of Minnesota. The dependent variable in this research was the tribal workers' knowledge regarding the use of the Indian Child Welfare Act as well as worker satisfaction with ICWA. The independent variables included years of

experience, the tribal workers' employment status and type of education. Definitions of concepts are as follows:

Tribal Worker: A person employed by a specific reservation to be a representative in court for both the child and the tribe.

Knowledge: The information or understanding that one retains.

Years of experience/employment: The number of years employed as a tribal worker.

Types of training received: In-service, brochures, seminars/conferences, no training and other.

Reservation: Land which was set aside by the United States government specifically for Native Americans.

Government Boarding School: A school created specifically for Native American children.

Indian: A person who is of Native American descent.

Indian Child Welfare Act (ICWA): A law that was enacted in 1978, which gave tribes more authority and ensured that Native American children would be placed in Native American homes or others approved by the tribe.

Participant Demographics

The participants were all tribal workers employed by one of the eleven Native American reservations located throughout the state of Minnesota. The identities of the tribal workers' who participated in this study were not known. The gender and ages of the participants were also unknown.

Sample

The study sample consisted of 27 anonymous tribal workers in the state of Minnesota. The tribal workers consisted of both full-time and part-time workers who worked both on and off the reservation.

Data Collection

A total of 48 questionnaires were sent by U.S. Postal Service Certified Mail with receipt to verify parcel was sent and also to verify parcel was received. A total of 27 questionnaires were returned for a response rate of 57%. Participants were from nine of the eleven reservations in the state of Minnesota. The researcher did not rely on any secondary or pre-designed questions for this survey.

A cover letter introducing the researcher and

describing the research project was faxed to reservation supervisors asking for their authorization to survey tribal workers on their reservation. (See Appendix B.) This was the first of two authorizations required to participate. If a supervisor agreed to participate with the project he/she was asked to sign the letter, indicate the number of tribal workers employed by that specific reservation, and fax the cover letter back to the researcher. Return of this letter indicated supervisor agreement to participate with this project. If a signed cover letter from the supervisor was not received within four days, a second request was faxed and four days later a third and final request was faxed.

The cover letter requesting authorization was faxed to each reservation supervisor due to time constraints. The researcher was concerned that using the U.S mail to get authorization from the supervisors would take too much time.

Once the signed fax was received, the researcher mailed the questionnaires to the supervisor who distributed them to his or her tribal workers.

The tribal workers' packets consisted of a cover letter identifying the researcher, explanation of

directions for completing and returning the questionnaire, the questionnaire, and a self addressed, stamped return envelope. (See Appendix C.)

The tribal workers were informed that their participation in the project was completely voluntary, and that the questionnaires were completely anonymous. They were also informed that consent was presumed upon receipt of a completed questionnaire. The tribal workers' were asked to return their questionnaires to the researcher by February 15, 2004.

Data Analysis

The data analysis consisted of entering the information into the Statistical Program for the Social Sciences (SPSS) to determine the frequency and percentages of responses.

Protection of Human Subjects

The participants in this study were informed in writing regarding the purpose of the study with attention to their protection as human subjects. They were assured that the raw data collected would in no way be a reflection on their staff or agency.

Absolutely no identifying questions were asked of

the participants. They were also informed that the questionnaires were anonymous and the completed information would be kept in a locked cabinet in the researcher's home office. The responses to the completed questionnaires were kept completely confidential and only two people, the researcher and the researcher's thesis advisor, had access to the information. The tribal workers were also provided with a telephone number for the researcher and the researcher's advisor in the event the tribal workers had questions regarding the questionnaire. The data obtained for this research will be destroyed by September 1, 2004. Also, the Augsburg College Internal Review Board approval number 2003-50-3 was included on the questionnaire and cover letters.

Strengths and Limitations of the Study

Strengths

There were several strengths associated with this study. First and foremost there was no risk to the human subjects who voluntarily participated in this study. Secondly, the research study provided more information about a group of people about which there is little information available. Third, the study was extremely cost

effective for the researcher. Fourth, the survey was convenient to tribal workers and involved little time on their part. Mailing out the questionnaire to the tribal workers gave them time to complete the questionnaire on their own time.

Limitations

A limitation associated with this study was time. A four-day waiting period was set for a "no response" time. If a supervisor did not respond within four days, a second request was sent, and four days later a third and final response was sent. One limitation of this study could have been the response rate, although the response rate received for this particular study was better than expected at 57%. Another limitation was the length of the survey. The researcher decided that the questionnaire should not be too long to ensure a response, and kept questions to a minimum. The researcher would have liked to have had more information on tribal workers. Another limitation of this study is that the participants of this study are not representative of the general population.

Summary

This chapter addressed the methods used to conduct

this study. A total of 48 questionnaires were sent to tribal workers throughout the state of Minnesota (N=48). A total of 27 questionnaires were returned, a response rate of 57%. The responses were then entered in the Statistical Program for the Social Sciences program, to determine the frequency and percentage of each response.

In the next chapter I will report the results of the questionnaire.

Chapter 4: Findings

Introduction

This chapter gives the results of this study. The participant demographics, tribal workers' knowledge and tribal workers' satisfaction regarding the use of the Indian Child Welfare Act will be presented. The questionnaire is attached.

Demographics of Participants

There were 27 (57%) participants in the study and 26 (96.3%) of the respondents were employed on a full time basis, 18 (66.7%) were Native American and 24 (88.9%) were college educated.

The tribal workers had various levels of education. One (3.7%) identified his or her education level as high school, and 14.8% identified as having some college, while the largest percent (74.1%) were college graduates, with one (3.7%) not responding.

Table 8 Type of Education

Level of Education	Frequency	Percent
High school graduate	1	3.7
Some college	4	14.8
College graduate	20	74.1
No response	1	3.7
TOTAL	27	100

Most of the respondents (96.3%) were employed full-time with one (3.7%) employed part-time.

Table 9 Current Employment Status

Current Employment Status	Frequency	Percent
Full-time	26	96.3
Part-time	1	3.7
TOTAL	27	100

Almost (66.7%) of the respondents identified themselves as Native American, while 22.2% identified themselves as Caucasian, 7.4% Asian and one (3.7%) identified themselves as both Native American and Caucasian.

Table 10 Ethnic Background

Ethnic Background	Frequency	Percent
Native American	13	66.7
Caucasian	3	22.2
Asian	2	7.4
TOTAL	27	100

Knowledge and experience of respondents

A total of 11.1% had less than one year of experience working with ICWA, while 18.5% had more than ten years. The highest percentage of all categories was 25.9%, which included three to four years of experience.

Table 11 Years of Experience Working With ICWA

Years/experience	Frequency	Percent
Less than 1 year	3	11.1
1-2 years	4	14.8
3-4 years	7	25.9%
5-6 years	4	14.8
7-8 years	1	3.7
9-10 years	2	7.4
More than 10 years	5	18.5
No response	1	3.7
TOTAL	27	100

Thirty-three percent (33.3%) of the tribal workers worked on the reservation, 22.2% worked off the reservation and 40.7% of the tribal workers worked both on and off the reservation.

Table 12 Work location

Work is primarily	Frequency	Percent
On the reservation	9	33.3
Off reservation	6	22.2
Both on and off	11	40.7
No response	1	3.7
TOTAL	27	100

About half (51.9%) of the respondents were employed in an office with one to five tribal workers, 22.2% worked with 6 to 10 others in the office, 14.8% with 11 to 15 tribal workers, while 11.1% had 16 or more tribal workers in their offices.

Table 13 Number of Tribal Workers in Office

# of Workers	Frequency	Percent
1-5	14	51.9
6-10	6	22.2
11-15	4	14.8
16 or more	3	11.1
TOTAL	27	100

Size of Caseload

A total of 29.6% of the respondents had caseloads of 21 or more monthly cases. The fewest responses were 5 cases per month with a percentage rate of 14.8%, while 22.2% had 15 cases per month.

Table 14 Average Number of Tribal Workers Monthly Caseloads

Average # of monthly caseload	Frequency	Percent
5 cases	4	14.8
10 cases	7	25.9
15 cases	6	22.2
21 cases or more	8	29.6
No response	2	7.4
TOTAL	27	100

Tribal Workers Training

An extremely large percentage (92.6%) of tribal workers received ICWA training, while only two (7.4%) of the tribal workers indicated they did not receive ICWA training.

Table 15 Training on The Indian Child Welfare Act (ICWA)

Have you received training on ICWA	Frequency	Percent
Yes	25	92.6
No	2	7.4
TOTAL	27	100

Tribal workers received training through a variety of sources. A total of seven (25.9%) received training

through a combination of seminars, conferences, in-service training and brochures, while one (3.7%) indicated no ICWA training was received and one (3.7%) did not respond to the question.

Table 16 What Type of ICWA Training Have You Received

Type of training received	Frequency	Percent
Seminars/conferences	7	25.9
No training	1	3.7
Other	2	7.4
In-service, brochures, seminars/conferences	7	25.9
In-service, seminars/conferences	7	25.9
Brochures & seminars/conferences	2	7.4
No response	1	3.7
Total	27	100

The majority of tribal workers (37.0%) received their ICWA training on an annual basis. A total of 25.9% of the tribal workers indicated "other" and described how often they received ICWA training as follows:

- 1 As needed

- 2 can attend any conference with director's discretion
- 3 attend when trainings occur
- 4 whenever available 1-5 times a year
- 5 received a refresher course every two years

Table 17 Frequency of ICWA Training

How Often ICWA training is received	Frequency	Percent
6 months	5	18.5
Annually	10	37.0
Don't receive any training	2	7.4
Other	7	25.9
Did not respond to the question	3	11.1
TOTAL	27	100

Many of the tribal workers (48.1%) were satisfied most of the time with their training while 33.3% listed simply "satisfied". A total of 11.1% were not satisfied with the ICWA training and 7.4% of the tribal workers did not respond to the question.

Table 18 Tribal Worker Satisfaction With the Indian Child Welfare Training

Level of satisfaction	Frequency	Percent
Satisfied	9	33.3
Satisfied most of the time	15	48.1
Not satisfied	3	11.1
Did no respond to the question	2	7.4
TOTAL	27	100

Of the 27 questionnaires received, 92.6% of the tribal workers felt knowledgeable with regard to ICWA and 3.7% did not feel knowledgeable.

Table 19 Tribal Workers' Confidence in Knowledge about ICWA

Feel Knowledgeable	Frequency	Percent
Yes	25	92.6
No	2	7.4
TOTAL	27	100

A majority (77.8%) of the tribal workers felt the Indian Child Welfare Act has been effective with the children and families they serve, 7.4% felt that the Indian Child Welfare Act has not been effective and 14.8% responded with the following statements:

"Appropriate relative and homes are seldom available"

"Not always happy about relative/extended families in some cases"

"In some cases it has been helpful and others it has hindered"

"Yes & no, the most frustrating portion is that the Act does not cover children who are eligible/not enrolled and are recognized by the Indian community as being Indian."

Table 20 Tribal Workers perceptions about ICWA effectiveness With Children & Families Served

Effective with Families you serve	Frequency	Percent
Yes	21	77.8
No	2	7.4
Other	4	14.8
TOTAL	25	100

A total of 25 (92.6%) indicated that they understood the ICWA court proceedings while two (7.4%) indicated they did not.

**Table 21 Tribal Workers Level of Understanding
About the Indian Child Welfare (ICWA) Court
Proceedings.**

Understand ICWA court proceedings	Frequency	Percent
Yes	25	92.6
No	2	7.4
TOTAL	27	100

Tribal Worker's Knowledge of ICWA

The final four questions were included in the survey to test tribal workers' understanding of some of the simpler points of ICWA law. All 27 (100%) of the tribal workers correctly indicated that it is the tribe who determines whether or not a child is considered Indian for the purpose of ICWA.

Table 22 Determination of Indian Status

Who determines if a child is Indian	Frequency	Percent
The tribe	27	100
TOTAL	27	100

The largest number (44.4%) of the tribal workers

indicated that a child needs to have a blood quantum of 1/2 to be considered Indian, while 37.0% felt there was no set limit. Seven point four percent stated a child must be 1/8, while 3.7% indicated 1/16 and 3.7% indicated both 1/4 degree and not set limit, and 3.7% did not respond to the question. The correct response is that there is no set limit, due to the fact that each tribe decides their blood quantum for membership.

Table 23 Tribal Worker's Responses Regarding Level of Indian Blood To Be Considered Indian For ICWA

Level of Indian blood to be considered Indian for ICWA	Frequency	Percent
1/16	1	3.7
1/8	2	7.4
1/4	12	44.4
No set limit	13	37.0
1/4 & no set limit	1	3.7
No response	1	3.7
TOTAL	27	100

In response to a question about situations in which ICWA does not apply the majority (66.7%) indicated the act does not apply in the case of divorce, 3.7% indicated

adoption, 7.4% indicated both divorce and other, while 22.2% indicated "other" with the following statements:

"Custody issues, separate from divorce.

"Juvenile placement (through juvenile court)".

"Not a factor in family court matters. May not apply concerning delinquencies cases".

"In a custody battle between 2 bio-parents, i.e., divorce unless the other bio-parent I suppose is/could put the child @ risk".

"Custody of a child".

"Various tribes decide based on enrollment and blood quantum; if ineligible the case is in the general court proceedings".

Table 24 Exclusions To The Indian Child Welfare Act

When ICWA does not apply	Frequency	Percent
Divorce	28	66.7
Adoption	1	3.7
Other	6	22.2
Divorce & Other	2	7.4
TOTAL	27	100

ICWA does not apply in the case of divorce.

Tribal workers were asked how the court knows if it is dealing with an Indian child. Over half (51.9%) of the tribal workers indicated the option "other", while 25.9% indicated the court asks in every case, 11.1% felt it was a combination of two answers, "the courts asks in every case" and "other" with the following responses:

"Attorney will also indicate".

"The tribe now requires DNA testing for tribal enrollment".

"If any child is at risk for out-of home placement or is in out-of-home placement, that provider who comes into contact w/family needs to ask if the child/ren could be or is Indian. Should be one of the 1st questions asked".

A total of 7.4% answered with a combination of two answers, "the child looks Indian" and "other" with the following responses:

"Or family has identified themselves to be Indian".

"Past records".

The final response was 3.7%, which indicated all three answers. "The court asks in every case" if the child in

question is Indian, "the child looks Indian" and "other" with the following responses:

- 1 "Different things that they use to determine".

Table 25 Tribal Workers Perception of How the Court Knows a Child is Indian

How the court knows a child is Indian	Frequency	Percent
The court asks in every case	7	33.3
Other	14	51.9
1. Court asks in every case	3	11.1
2. Other		
1. The child looks Indian	2	7.4
2. Other		
1. Court asks in every case	1	3.7
2. The child looks Indian		
3. Other		
TOTAL	27	100

It is the court's responsibility to ask in every case whether the child in question is Indian.

Summary

This chapter presented the findings from a survey mailed to 48 tribal workers throughout the state of

Minnesota. The response rate in this study was 57%. A large majority (92.6%) of the tribal workers indicated that they understand the court proceedings. A total of 77.8% felt that the ICWA has been an effective tool with the children and families they serve. An extremely large number (92.6%) felt knowledgeable with regard to ICWA and 33.3% of the tribal workers were satisfied with their ICWA training, and 48.1% were satisfied most of the time.

Of the two tribal workers who indicated they did not understand the ICWA court proceedings, one answered all four ICWA questions correctly. The other tribal worker who stated she/he did not understand the ICWA court proceedings but felt knowledgeable about ICWA answered two of the four questions correctly.

The following is how the other twenty-five tribal workers answered the four ICWA questions.

Even taking into consideration that 92.6% of the tribal workers felt knowledgeable with regard to ICWA and stated they understood the ICWA court proceedings, not all tribal workers answered the questions correctly. Their answers produced the following results:

Three (12%) of the tribal workers answered all four

questions correctly. Eleven (44%) of the tribal workers answered all three of the questions correctly, but five (45%) of the eleven tribal workers gave two answers to the questions and one of those two answers was the correct one. Seven (43%) of the tribal workers answered two of the four questions correctly, but three (43%) of the seven tribal workers gave two answers to the questions and again one of those two answers was the correct one. Finally four (28%) of the tribal workers answered one question correctly.

The next chapter will be the discussion chapter. The researcher will discuss the findings in more detail.

Chapter 5: Discussion

Introduction

The purpose of this study was to gain a better understanding of the tribal workers' knowledge of and satisfaction with the Indian Child Welfare Act and their ICWA training. This chapter will discuss the results as well as the strengths and limitations of the study.

Significant Findings

Of the 48 tribal workers invited to participate in the Study 27 (57%) completed and returned a questionnaire. An extremely high number 74.1% were college graduates, 25.9% of the tribal workers have three to four years ICWA experience and 29.6% of the tribal workers identified having 21 or more cases on a monthly basis. A surprisingly high number 92.6% of tribal workers felt they were knowledgeable in their field.

According to the four questions asked regarding ICWA, only one question was answered correctly by all of the participants. It would be difficult and unfair to say the tribal workers are out of compliance with regards to their lack of ICWA knowledge. But on the other hand all four of

the questions were extremely basic questions and should have been easily answered. The researcher was surprised that all four questions were not answered correctly due to their simplicity.

The tribal workers are an interesting group of people. They are the eyes and ears of the tribe. The tribal workers also are the primary enforcers and the protectors of a federal law we call The Indian Child Welfare Act.

Limitations

This study was limited due to the sample size and cannot be generalized to the general population.

Implications for Social Work Practice

Social workers should be involved in all areas of the Indian Child Welfare Act. In Hennepin County it is not only the tribal workers who attend the ICWA court hearings, but also the ICWA child protection social workers. Many of these ICWA workers are not Native American, which is why it is extremely important for social workers to have basic cultural knowledge about the people with whom they are working as well as "the capacity for empathy which is vital for engaging and working with parents effectively" (Horejsi,

Heavy Runner Craig & Pablo, 1992 p. 331). "When the parent is Native American, the worker must, in addition, be alert not only to cultural differences but also to the events of remembered history that have shaped the attitudes of native people toward child welfare agencies, social workers and other professionals" (Horejsi, Heavy Runner Craig & Pablo, 1992, p. 331). According to Johnson (1982) it is important for social work educators to lay the foundation for their students who choose to work with the Native American population or on reservations by developing educational material on the history of federal policies concerning tribal sovereignty for policy and child welfare classes.

Thirty-seven percent (37%) of the tribal workers indicated that they have received ICWA training annually and over 18% indicated that they have received ICWA training every six months. Over 55% of the tribal workers received ICWA training, over 80% were satisfied with the training and the largest group of respondents indicated they had 3-4 years experience. Why then did most of the tribal workers not know the answer to three of four very simple ICWA questions? The tribal workers who failed to answer all the ICWA questions correctly were not only the newest and inexperienced tribal workers.

Should ICWA training be revised and tribal workers tested on their ICWA knowledge in order to ensure understanding? Are these tribal workers able to represent the best interests of the tribe and Indian families? Since tribal workers are the "eyes and ears of the tribe", and ICWA is the main enforcement tool for ensuring the tribal perspective in Indian child welfare, these workers should be knowledgeable in all areas of ICWA legislation. The study indicates the tribal workers may not be as knowledgeable as they thought. More attention needs to be focused on the tribal workers training, which would include testing the workers' knowledge.

Over 40% of the tribal workers indicated they worked both on and off the reservation and over 29% of the tribal workers indicated they have average monthly caseloads of 21 cases or more. The tribal workers who worked both on and off the reservation not only have extremely high caseloads they are also doing a lot of commuting. One implication of this overload is that the tribal workers' ability to effectively represent the best interest of the tribes may be lessened. Funding could be a dilemma, requiring tribal workers to take on more cases than what is generally required. Tribal workers are a main ICWA enforcer

and with increased caseloads this may interfere with tribal workers compliance.

A universal ICWA training should not only be delegated to the tribal workers. It should also be delegated to the child protection workers, ICWA attorneys and any other parties working specifically with ICWA cases.

It was no surprise to the researcher that the majority of tribal workers were Native American. Most tribes tend to hire within the tribe, possibly due to Indian preference.

Local Native American Tribal Services

The Minnesota Indian Woman's Resource Center, which opened in 1987 with funds from the state of Minnesota and Hennepin County, "provides culturally intensive services to Native American families with strong cultural content for several years, center staff have a sense that the greater the strength and resiliency of a tribal group's customs, practices, and language, and the greater the connectedness a family has with those traditions, the greater is the receptivity and responsiveness to family-based services" (Mannes, 1993 p. 147).

Implications for Future Research

Future research would be an asset in this area. There is a large gap in literature regarding the tribal workers. This study was completed on tribal workers in Minnesota. Who are the tribal workers outside of Minnesota and is ICWA a useful tool for them?

Summary

Over half of the tribal workers who participated in this project were college educated, satisfied with their training and indicated that the use of the Indian Child Welfare Act has been an effective instrument for working with the children and families they serve. Although the study was limited by sample size, the findings indicate that tribal workers may not be thoroughly knowledgeable about ICWA legislation. This could result in inadequate representation in ICWA child welfare proceedings, which could affect service to Indian children and families.

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APPENDICIES

Appendix A: Percentage of Hearings Out of Compliance

<http://maicnet.org>

Appendix B: Tribal Worker Supervisor Cover Letter/ Request
Augsburg College IRB Approval Number: 2003-50-3

January 1, 2004

Dear Tribal Worker Supervisor:

As we discussed on the telephone I am a Native American social work graduate student at Augsburg College located in Minneapolis, Minnesota. I am in the process of completing my graduate degree. One of my final projects is to write a thesis. My thesis is a questionnaire of tribal worker's perspectives on the Indian Child Welfare Act. This information will be of interest to tribal workers and others who work with American Indian children and families.

The purpose of this research is to survey the tribal worker's training, knowledge and perspectives with regards to The Indian Child Welfare Act.

I am contacting the supervisors for their prior approval to send each tribal worker a questionnaire. The tribal worker's participation is completely voluntary. **Their responses to this questionnaire are completely confidential and will be viewed by my thesis advisor and myself only.** No identifying information will be asked.

I do not want tribal workers to put their name or any identifying information on the questionnaire. Upon receiving a completed questionnaire it will be considered as their informed consent to participate with this project.

There will be no direct benefit to the tribal workers. There are no indirect benefits with the exception for an opportunity to contribute to the social work community's general understanding of this law and its effect on services to American Indian children and families. The raw data collected will in no way be a reflection on your staff or your agency. The raw data will be kept in a locked cabinet in the researcher's home and will be destroyed by September 1, 2004.

If you have any questions about this study, you may contact researcher, Linda Strong at (612) 840-4552 (cell

phone) or if you have additional questions, you can contact my thesis advisor, Nancy Rodenberg at (612) 330-1430.

Your signature on this form and returning by fax to (651) 638-1981 is your authorization to mail questionnaires to the tribal workers in your office. Please choose to participate. Your time and support is truly appreciated.
Migwetch,

Linda L. Strong

Signature _____

Title _____

Number of tribal workers in your office _____

Date _____

Appendix C: Tribal Workers Cover Letter/Request

Augsburg College IRB Approval Number: 2003-50-3

January 13, 2004

Dear Tribal Workers:

I am a Native American social work graduate student at Augsburg College located in Minneapolis, Minnesota. I am in the process of completing my graduate degree. One of my final projects is to write a thesis. My thesis is a questionnaire of tribal workers' perspectives on the Indian Child Welfare Act and whether or not you feel it has been effective and useful in your work.

Your participation is completely voluntary. Also, there are no direct benefits for your participation in this study. Your decision to participate will not affect your employment or your relationship with Augsburg College. **Your responses to this questionnaire are completely confidential and will be viewed by my thesis advisor, two thesis readers and myself.** I do not want you to put your name or any identifying information on the questionnaire.

Upon receiving a completed questionnaire it will be considered as your informed consent to your participation with this project. **Please return the completed questionnaire in the enclosed self addressed envelope by February 15, 2004.**

The raw data will be held in a locked cabinet in the researcher's home and destroyed by September 1, 2004.

If you have any questions about this study, you may contact me at (612) 840-4552 (cell phone) or if you have additional questions, you can contact my thesis advisor, Nancy Rodenborg (612) 330-1430

Your time and participation is truly appreciated.

Migwetch,

Linda L. Strong

Appendix D: Tribal Worker Questionnaire

Augsburg College IRB Approval 2003-50-3

Tribal Worker Questionnaire

Background Information:

1) Type of education: (check one)

- some high school
 high school graduate
 some college
 college graduate
 other

2) Current employment status: (check one)

- full-time part-time

3) What is your ethnic background: (check one)

- Native American Caucasian African
 American
 Asian Hispanic
 other: Please indicate:

4) Years of experience working with Indian Child Welfare: (check one)

- less than 1 year 1-2 years 3-4
 years 5-6 years
 7-8 years 9-10 years
 more than 10 years

5) Work is primarily: on the reservation off the reservation:
 both (check one)

6) Number of tribal workers in your office: (check one)

- 1-5
 6-10
 11-15
 16 or more

7) What is the average number of your monthly caseload: (check one)

- 5 cases
 10 cases
 15 cases
 20 cases
 21 cases or more

Training:

8) Have you received training on The Indian Child Welfare Act (ICWA): (check one)

- yes no

9) What type of Indian Child Welfare Act (ICWA) training have you received? (check one)

- in-service
 brochures
 seminars/conferences
 no training
 Other: please indicate:
-

10) How often do you receive Indian Child Welfare Act (ICWA) training? (check one)

- monthly
 6 months
 annually
 don't receive any training
 other: please indicate:
-

11) Are you satisfied with the Indian child welfare training: (check one)

- satisfied
 satisfied most of the time
 not satisfied

Some ICWA questions are confusing to a lot of people. How would you answer the following questions?

12) Do you feel knowledgeable with regard to ICWA generally: (check one)

- yes no other: please indicate:
-

13) Do you feel the ICWA has been effective with the children & families you serve: (check one)

yes no other: please indicate:

14) Do you understand the ICWA court proceedings: (check one)

yes no

15) Who determines if a child is Indian: (check one)

parent court tribe
 child

16) How much Indian blood must a child have to be considered Indian? (check one)

1/16 1/8 1/4 1/2 no set limit

17) When does the Indian Child Welfare Act **not apply?** (check one)

divorce foster care placement
 adoption other: please indicate:

18) How does the court know if it is dealing with an Indian child: (check one)

the court asks in every case if the child in question is Indian

the child looks Indian

other: please indicate:

Appendix E: Minnesota Reservations**Minnesota Reservations**

Bunny Jaakola, Development Coordinator
 Fond du Lac Reservation
 1720 Big Lake road
 Cloquet, MN 55720
 Phone: 218 878-2134
 Fax: 218 878-6007

Fred Smith, Social Services Director
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 Cass Lake, MN 56633
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Adrainne Adkins, Human Services Director
 Minnesota Chippewa Tribe
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 Services Director
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 Red Lake Human Services
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Jan Smart, Family Service Director
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 877 768-3311

