

Oregon QUICWA Data Report

JCIP Advisory Committee Meeting
September 14, 2015

The Oregon QUICWA project uses court observations to collect data on ICWA compliance in four Oregon courts. Data collection began in June 2013 using a checklist created by the Minneapolis American Indian Center (MAIC).

Early data collection efforts and data reports from MAIC showed the need for an Oregon-specific checklist that was streamlined to focus on the issues that were most important to Oregon's tribes, courts, and child welfare agency. Work on the Oregon QUICWA checklist began in the summer of 2014, and the new checklist was piloted in Multnomah County in February and March 2015. Official data collection with the new checklist began on April 1.

This is the first report on data collected with the Oregon checklist. Where possible, data from the new checklist are reported side-by-side with data collected using the national tool. The wording of many questions on the Oregon checklist is slightly different from that on the national tool, and notes at the bottom of each page explain those differences.

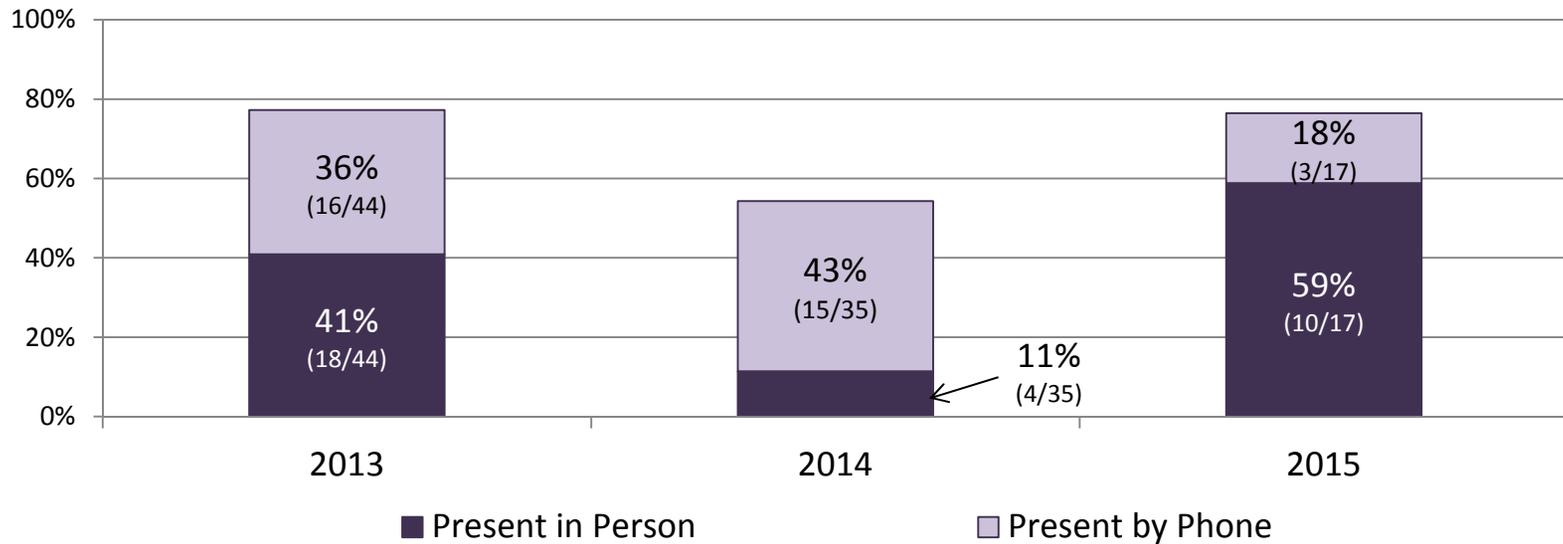
The charts below show numbers of ICWA and non-ICWA hearings observed each year. Data collectors have attempted to observe both shelter hearings, regardless of whether ICWA was known to apply to the case, as well as later hearings for cases that were known to be ICWA eligible.

Because data have been collected in only four courts (Klamath, Linn, Marion, and Multnomah), and because the courts are not evenly represented in each year's numbers, the data cannot be assumed to represent practice for the state as a whole, or for any specific court.

	Shelter Hearings		Non-Shelter Hearings		All Hearings		
	ICWA	Non-ICWA	ICWA	Non-ICWA	ICWA	Non-ICWA	Total
2013	16	96	88	83	104	179	283
2014	27	179	93	43	120	222	342
2015	17	75	18	1	35	76	111
Total	60	350	199	127	259	477	736

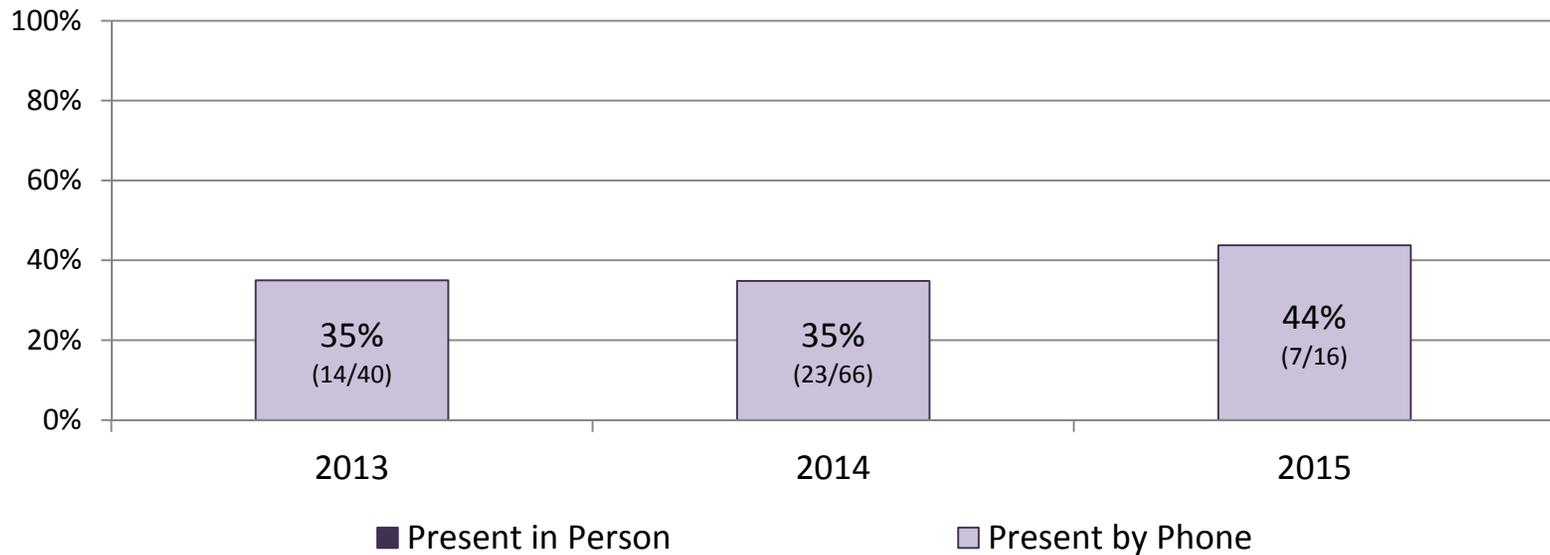
Tribal Presence at Hearings--Oregon Tribes

(Observed ICWA Hearings Involving Oregon Tribes)

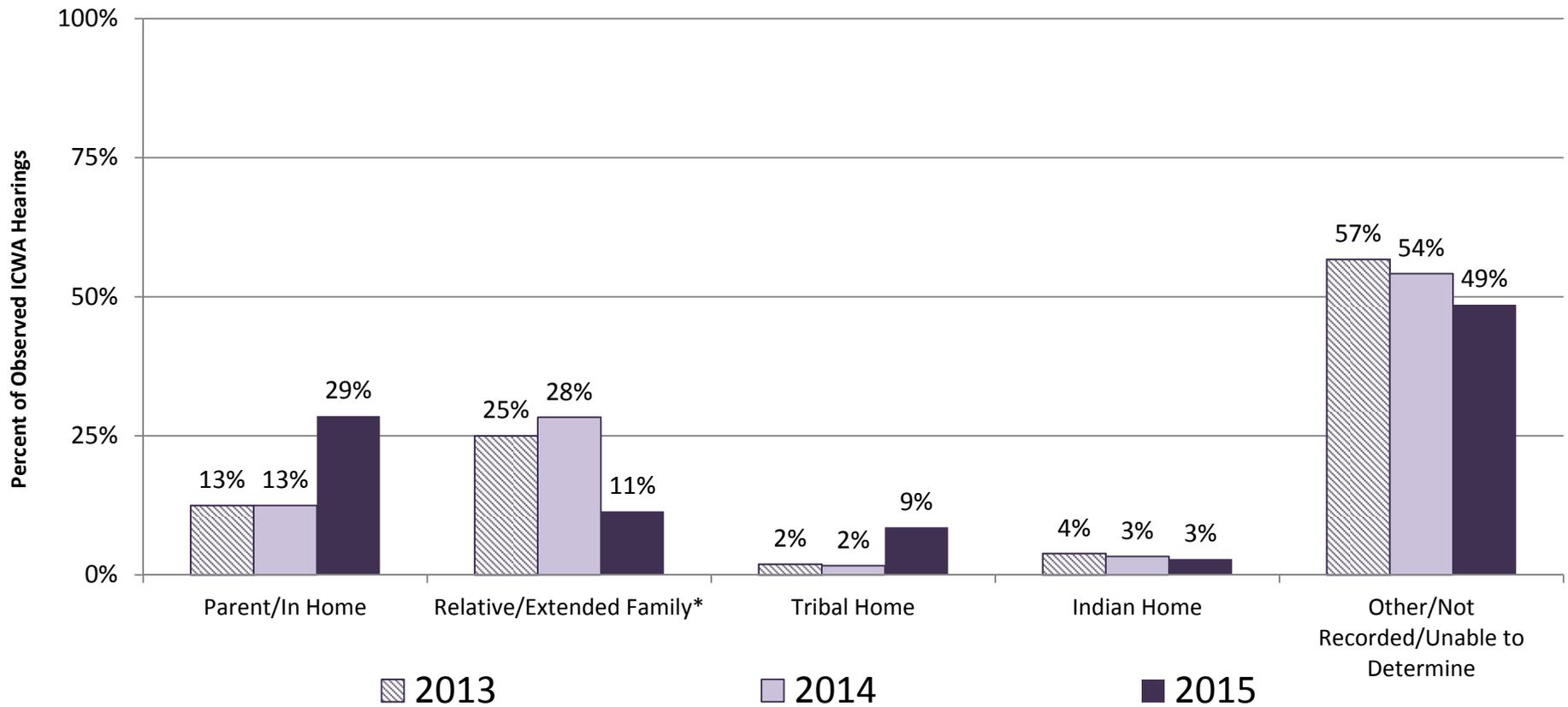


Tribal Presence at Hearings--Out-of-State Tribes

(Observed ICWA Hearings Involving Out-of-State Tribes)



Type of Placement (Observed ICWA Hearings)

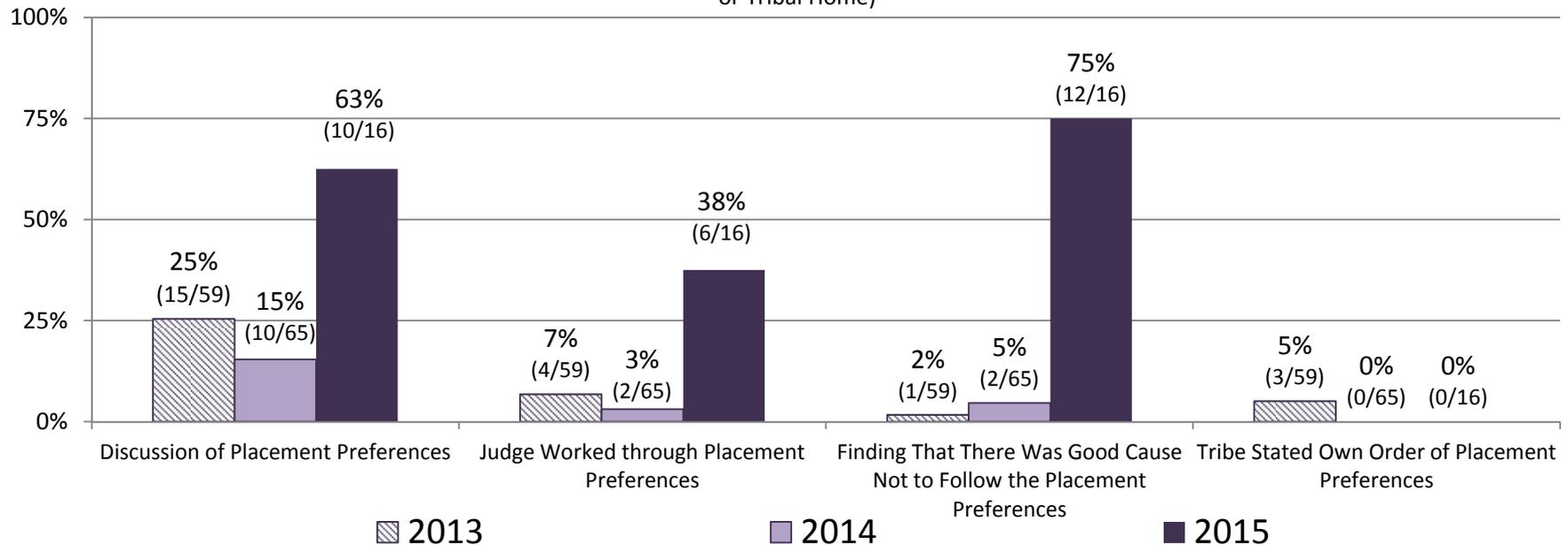


Number of Observed ICWA Hearings by Placement Type

	Placement Type					Total
	Parent/In Home	Relative/Extended Family	Tribal Home	Indian Home	Other/Not Recorded/Unable to Determine	
2013	13	26	2	4	59	104
2014	15	34	2	4	65	120
2015	10	4	3	1	17	35

Placement Preferences

(Observed ICWA Hearings Where Child Was Not Placed with the Parent, with a Relative/Extended Family, or in an Indian Home or Tribal Home)



The wording of the questions on placements preferences differs between the national QUICWA checklist (used in 2013 and 2014) and the Oregon QUICWA checklists (used in 2015):

Discussion of Placement Preferences:

2013/2014: Was there a discussion *on the record* of placement preferences?

2015: Was there discussion of placement preferences?

Judge Worked through Placement Preferences:

2013/2014: Did the judge start with the first order of placement preference and work through the placement preferences as outlined by ICWA?

2015: Did the judge start with the first placement preference and work through the preferences?

Finding That There Was Good Cause Not to Follow the Placement Preferences:

2013/2014: Did the judge make a finding that there was good cause not to follow the placement preferences?

2015: Did the judge make an oral finding that there was good cause not to follow the placement preferences?

Tribe Stated Own Order of Placement Preferences:

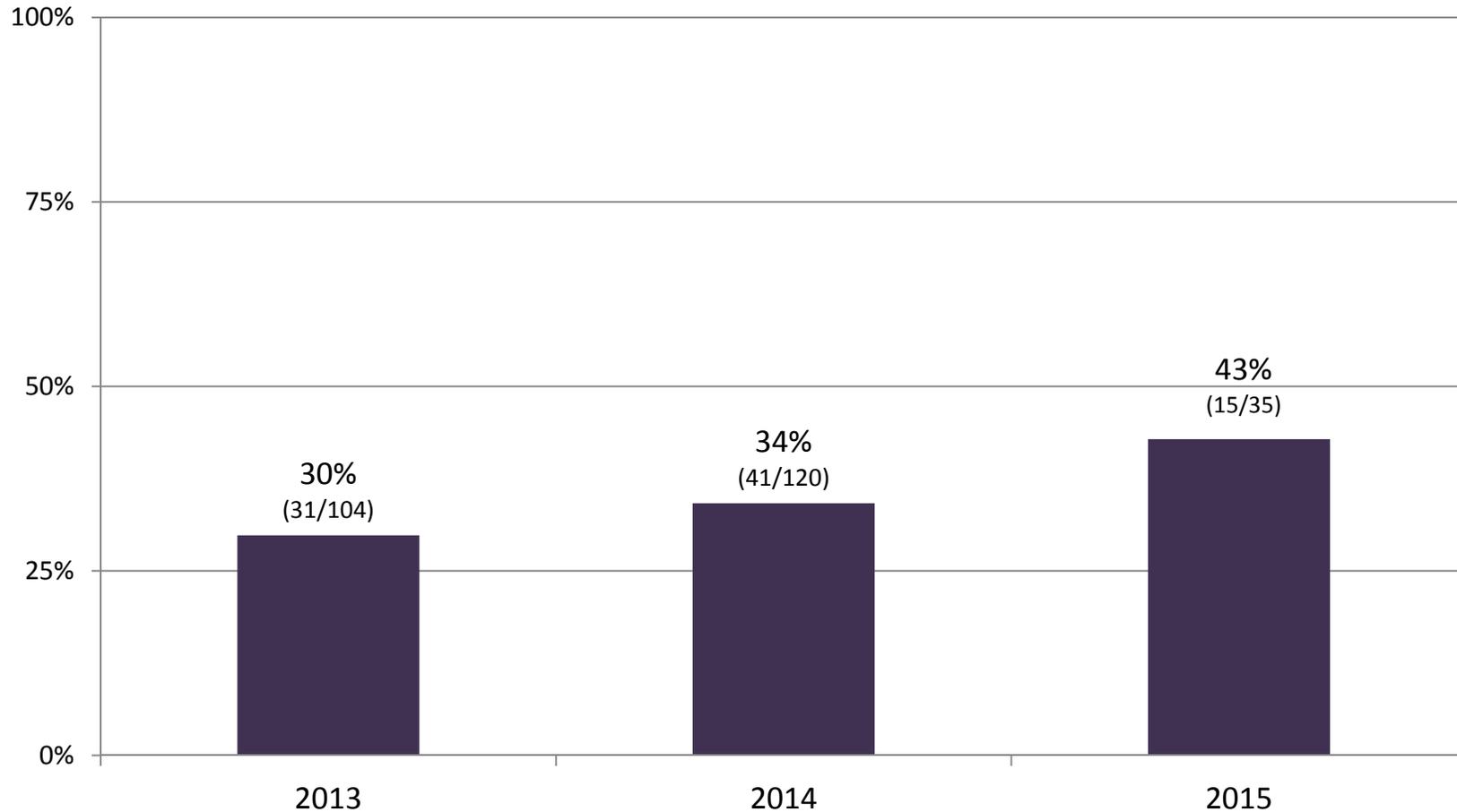
2013/2014: Did the tribe have its own order of placement preferences?

2015: Did the Tribe state that its placement preferences differ from those outlined by ICWA?

Note: Many of the hearings in 2013 and 2014 did not have a response for the questions above. This chart treats non-responses as an indication that the discussion, statement, or finding did not occur. It is possible that the low response rate in 2013 and 2014 was due to partly to the length and complexity of the checklist in use at that time.

Was there discussion of culturally appropriate services for the family?

(Observed ICWA Hearings)



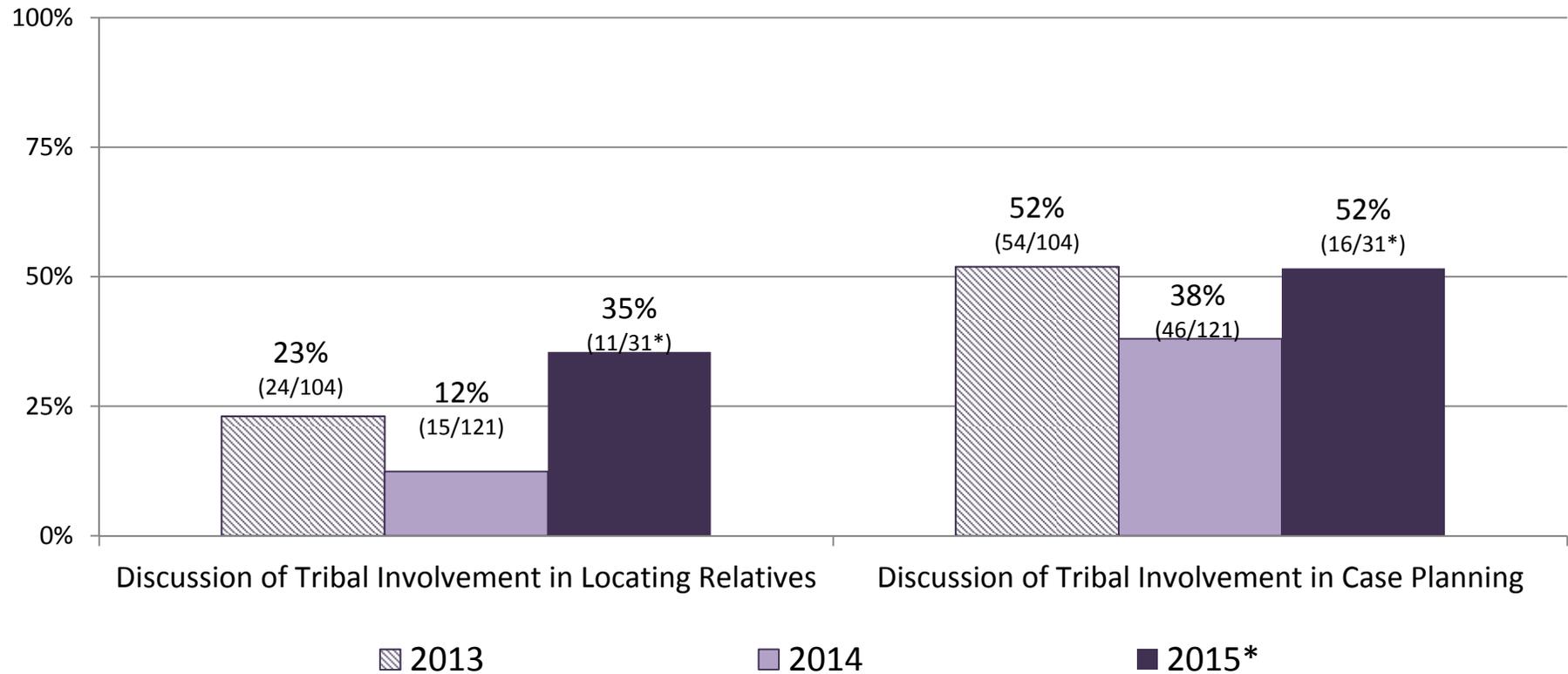
The wording of the questions on culturally appropriate services differs between the national QUICWA checklist (used in 2013 and 2014) and the Oregon QUICWA checklists (used in 2015):

2013/2014: Was there discussion of culturally appropriate services for the family?

2015: Were there any statements or discussion about culturally-appropriate services?

Tribal Involvement

(Observed ICWA Hearings)



The wording of the questions on tribal involvement differs between the national QUICWA checklist (used in 2013 and 2014) and the Oregon QUICWA checklists (used in 2015):

Discussion of Tribal Involvement in Finding Relatives:

2013/2014: Was there discussion of how the tribe has been involved in locating relatives as a resource for the child?

2015: Were there any statements or discussion about how the Tribe has been involved in locating relatives?

Discussion of Tribal Involvement in Case Planning:

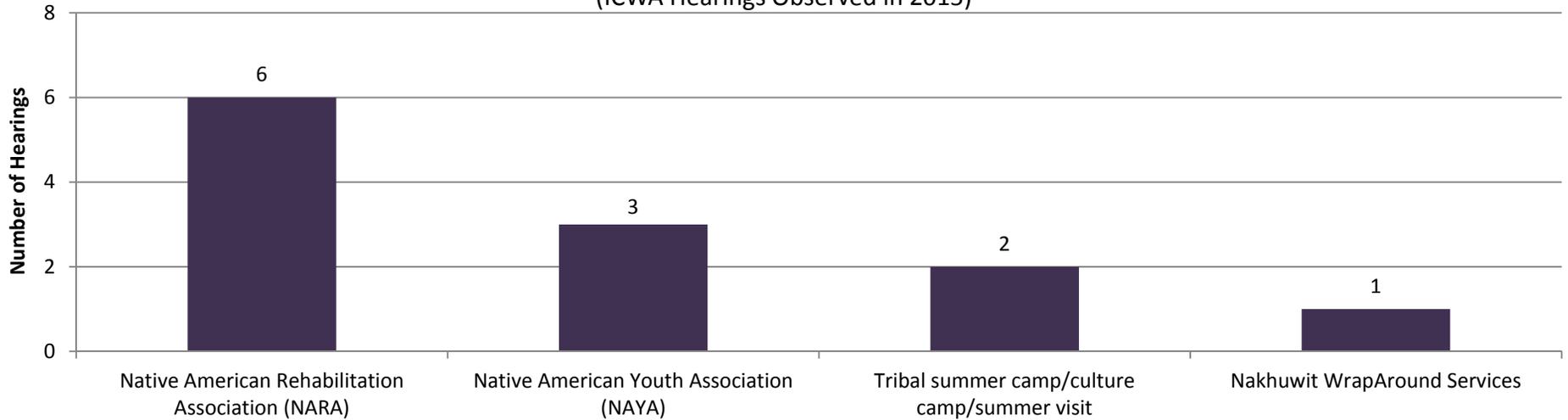
2013/2014: Was there discussion of how the tribe has been involved in case planning?

2015: Were there any statements or discussion about the Tribe's involvement in case planning?

*The statistics for 2015 do not include four hearings where there was a statement that the Tribe had not had any involvement in the case.

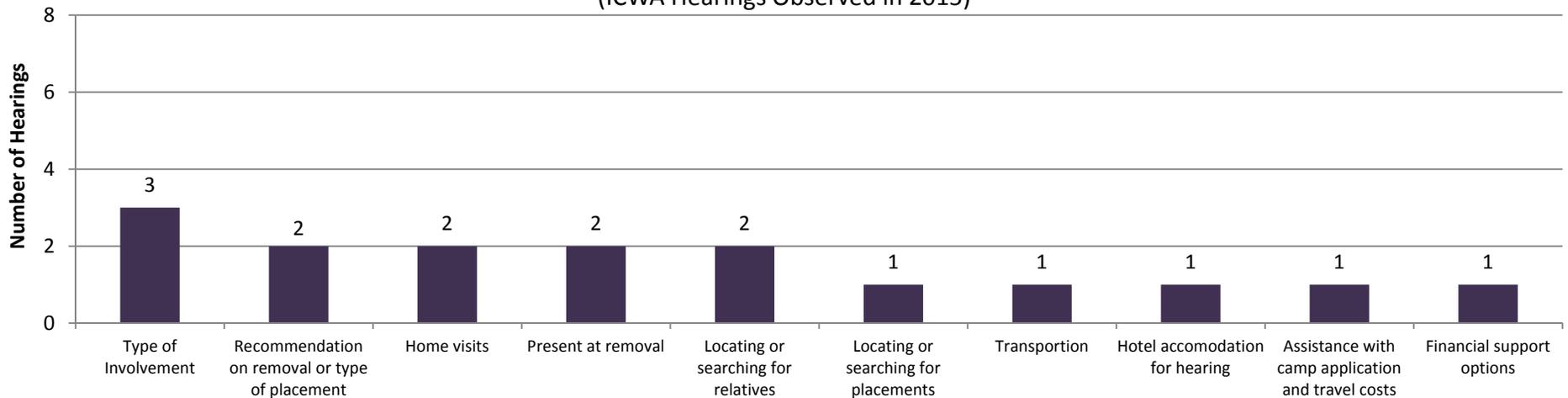
Types of Culturally-Appropriate Services Provided, 2015

(ICWA Hearings Observed in 2015)



Types of Tribal Involvement in Case Planning, 2015

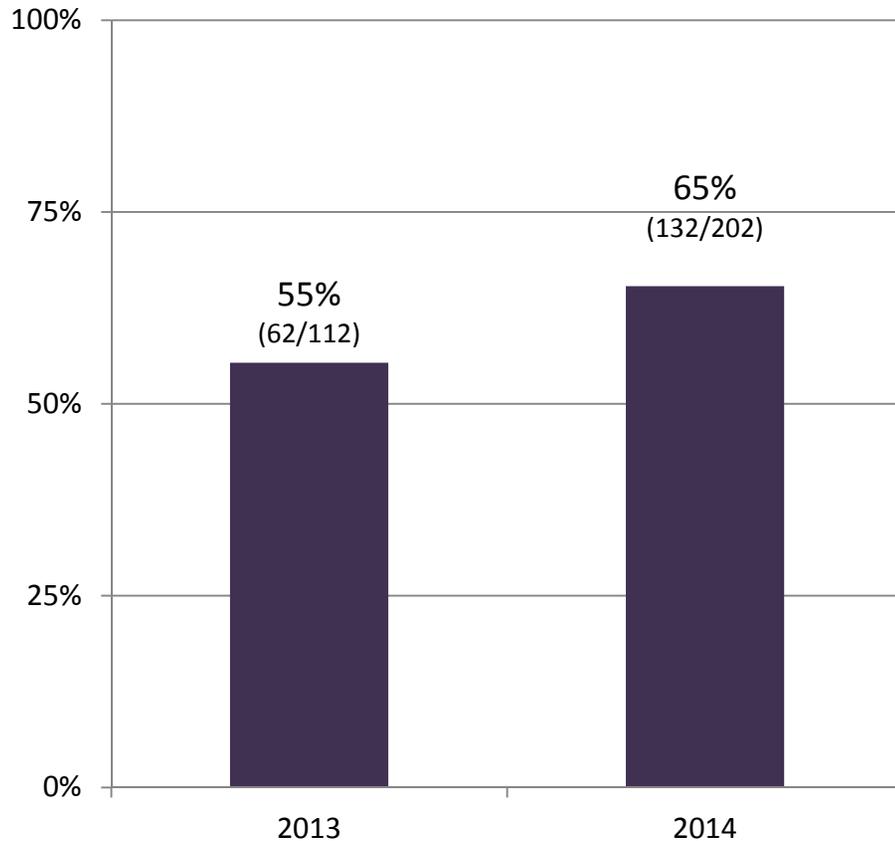
(ICWA Hearings Observed in 2015)



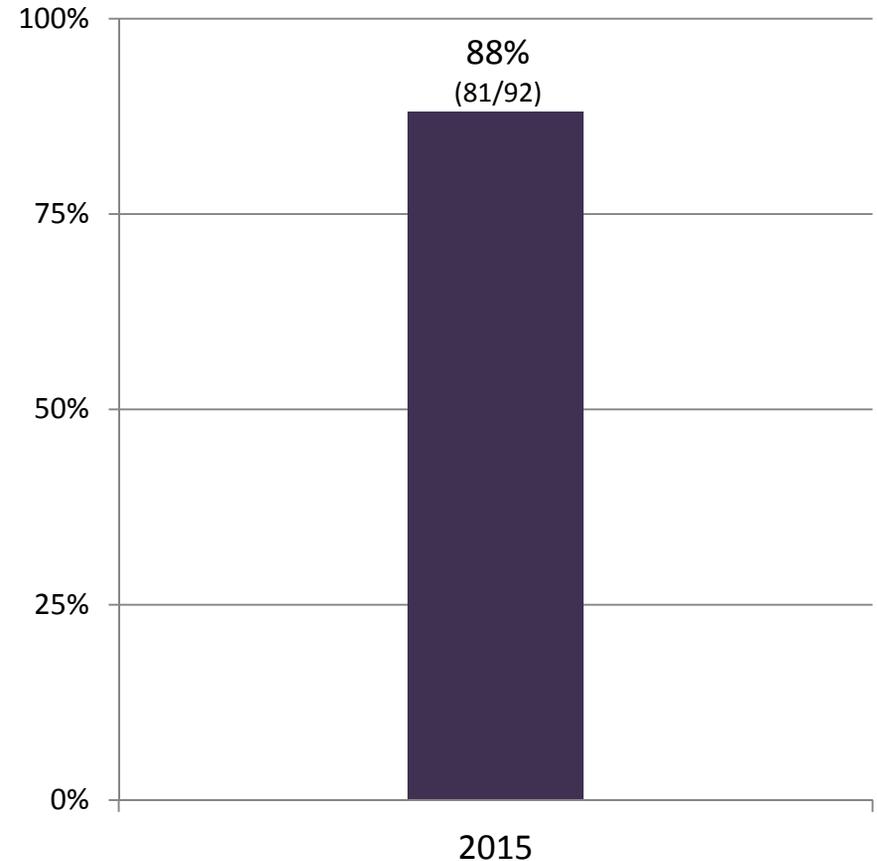
If a hearing included discussion of culturally-appropriate services or of tribal involvement in case planning, the data collectors were asked to briefly list the culturally-appropriate services provided, and to briefly describe the Tribe's involvement in the case. The charts above show services or activities that were listed by data collectors.

ICWA Inquiry at Shelter Hearings

Did the judge ask in court whether or not the child is affiliated with an Indian Tribe through maternal relatives and paternal relatives?
(Observed Shelter Hearings)



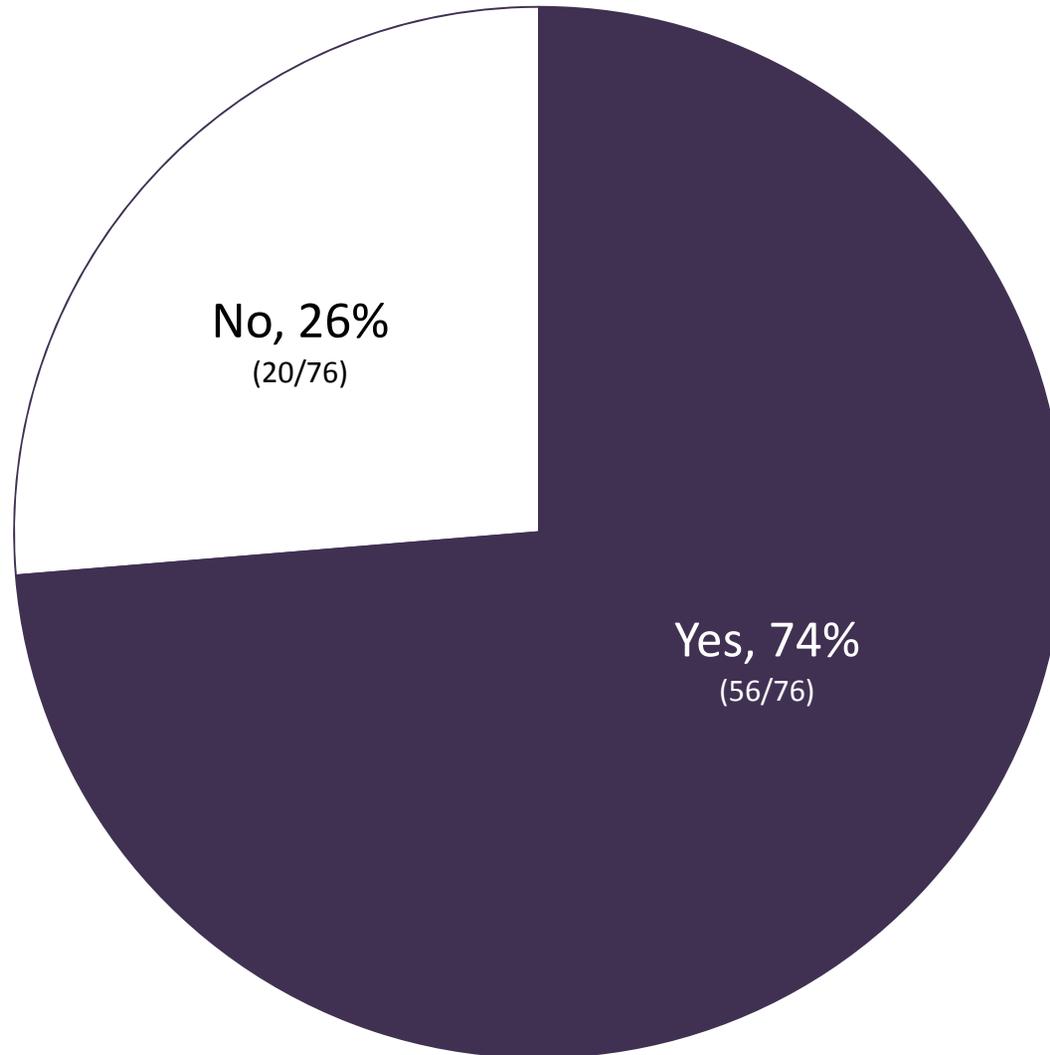
Were there any statements or discussion about whether the child is a member of an Indian Tribe, or eligible for membership in an Indian Tribe?
(Observed Shelter Hearings)



Note: The new Oregon checklist (used in 2015) differs from the national QUICWA checklist (used in 2013 and 2014) in that the new checklist asks whether there were any statements or discussion about tribal membership, while the national checklist asks whether the judge asked in court about tribal affiliation. For some 2013 and 2014 hearings where the question was answered 'No', the judge may not have asked about tribal affiliation because that information was already presented by the State, by the DHS caseworker, or by another party to case.

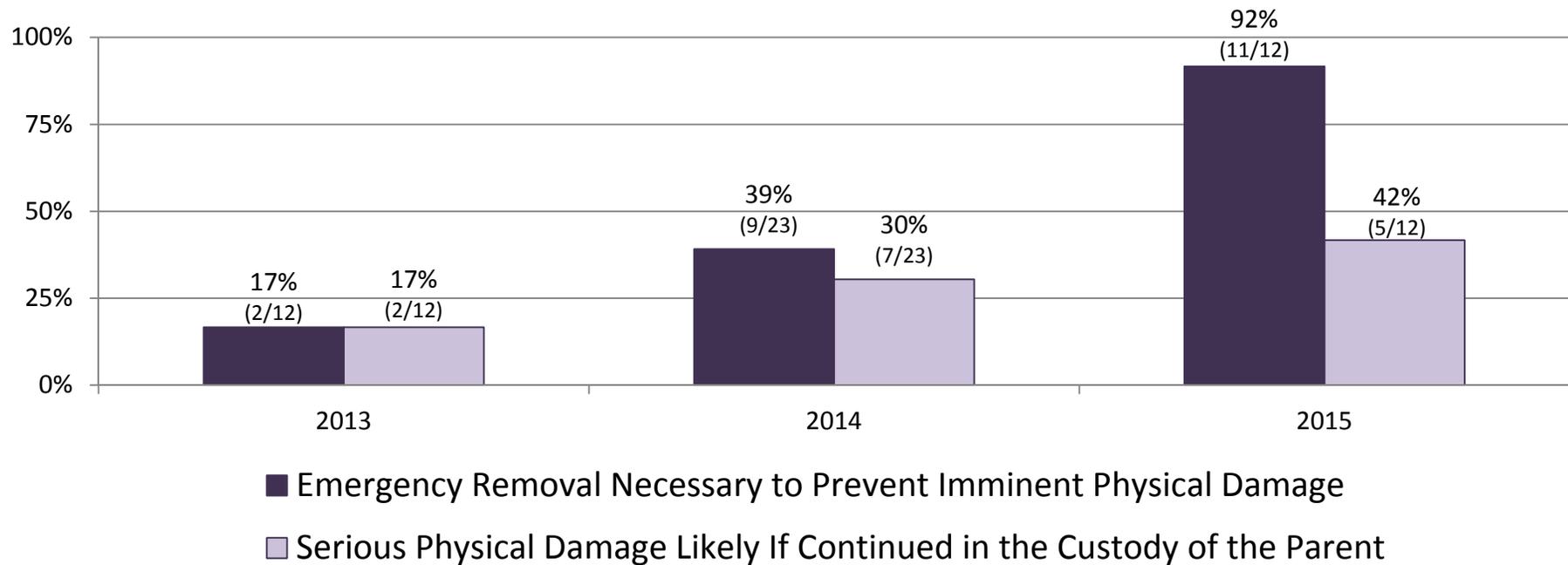
Were the parent(s) asked in court if they or their child is eligible for membership in an Indian Tribe? (2015)

(Observed Shelter Hearings in 2015 Where at Least One Parent Was Present in Person or on the Phone)



Did the judge make a finding that emergency removal was necessary to prevent imminent physical damage if continued in the custody of the parent?

(Observed ICWA Shelter Hearings Where the Child Was Placed in an Out of Home Placement)



The wording of the questions on the findings above differed between the national QUICWA checklist (used in 2013 and 2014) and the Oregon QUICWA checklists (used in 2015):

Emergency Removal Necessary to Prevent Imminent Physical Damage:

2013/2014: Did the judge make a finding that emergency removal was necessary to prevent imminent physical damage or harm to the child?

2015: Did the judge make an oral finding on whether emergency removal was necessary to prevent imminent damage or harm to the child?

Serious Physical Damage Likely If Continued in the Custody of the Parent:

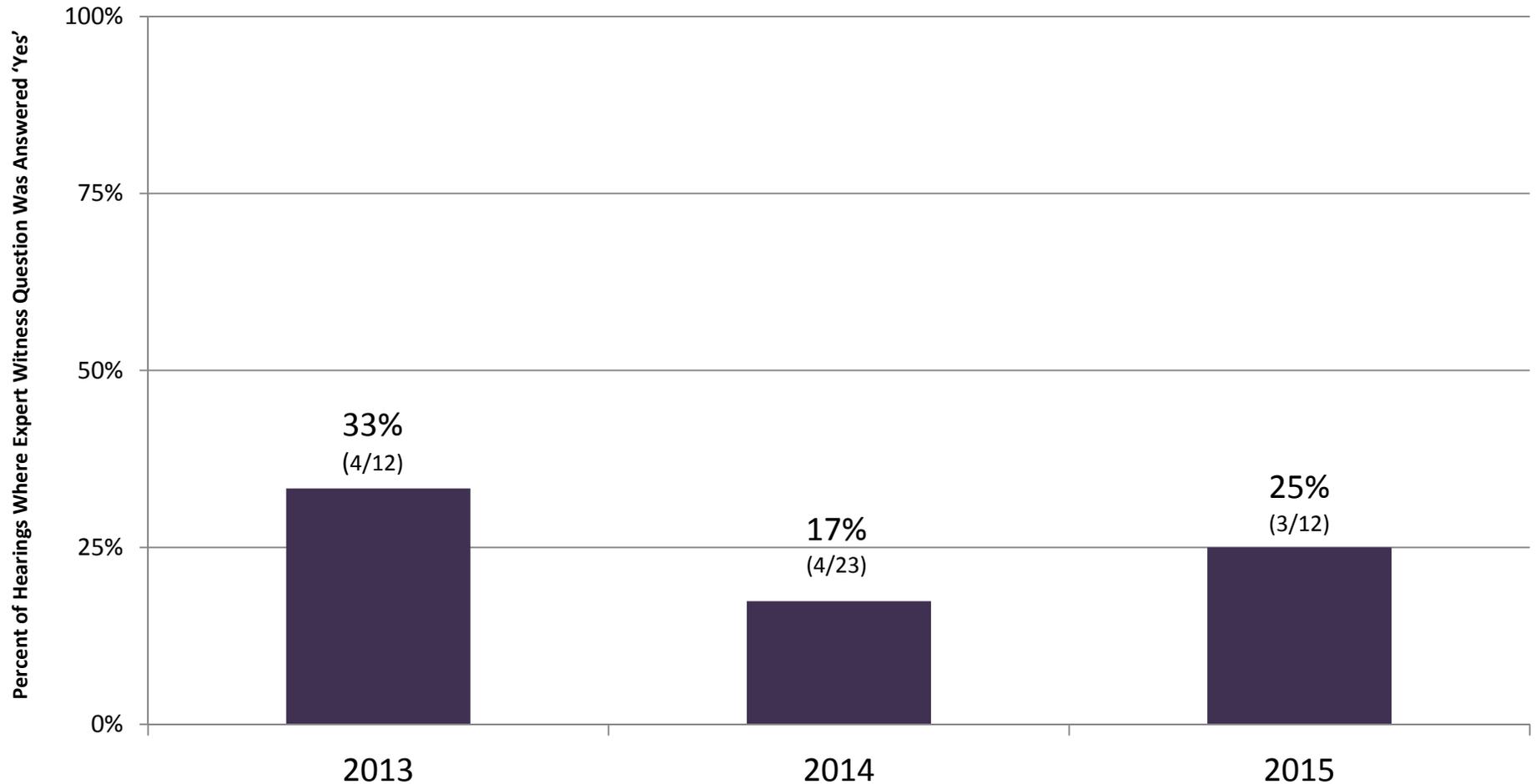
2013/2014: Did the judge make a finding that the child was likely to suffer serious emotional or physical damage if continued in the custody of the parent?

2015: Did the judge make an oral finding on whether the child was likely to suffer serious emotional or physical damage if continued in the custody of the parent?

In some hearings where the questions above were answered 'No', the judge may have made the finding in the judgment but not stated the finding aloud in court.

Qualified Expert Witness Testimony

(Observed ICWA Shelter Hearings Where the Child Was Placed in an Out of Home Placement)

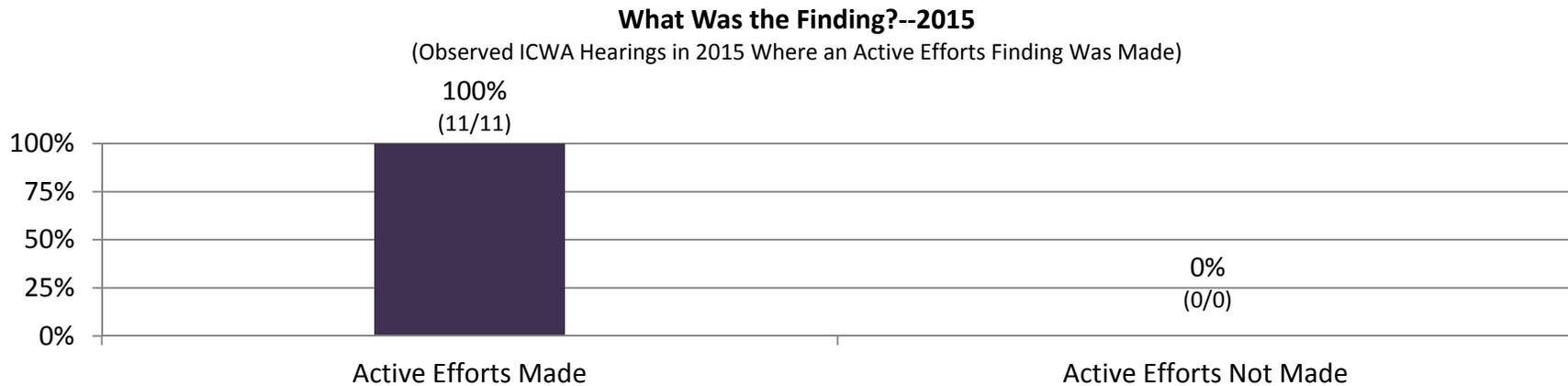
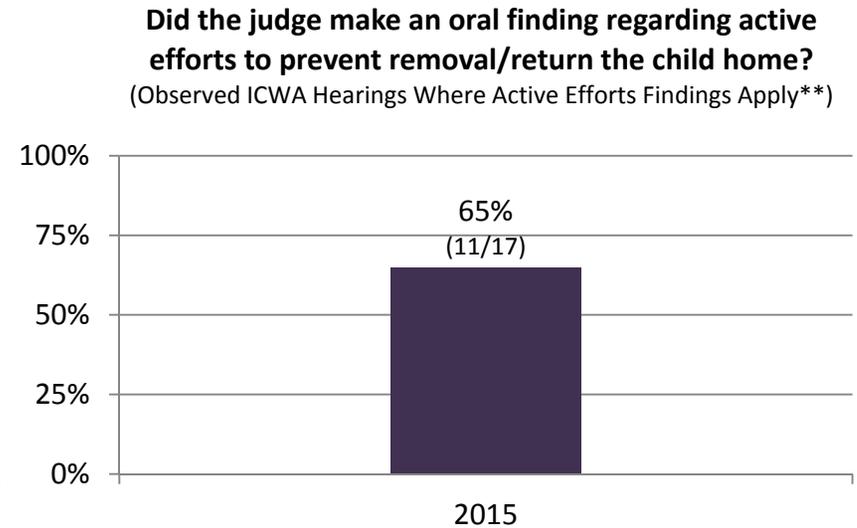
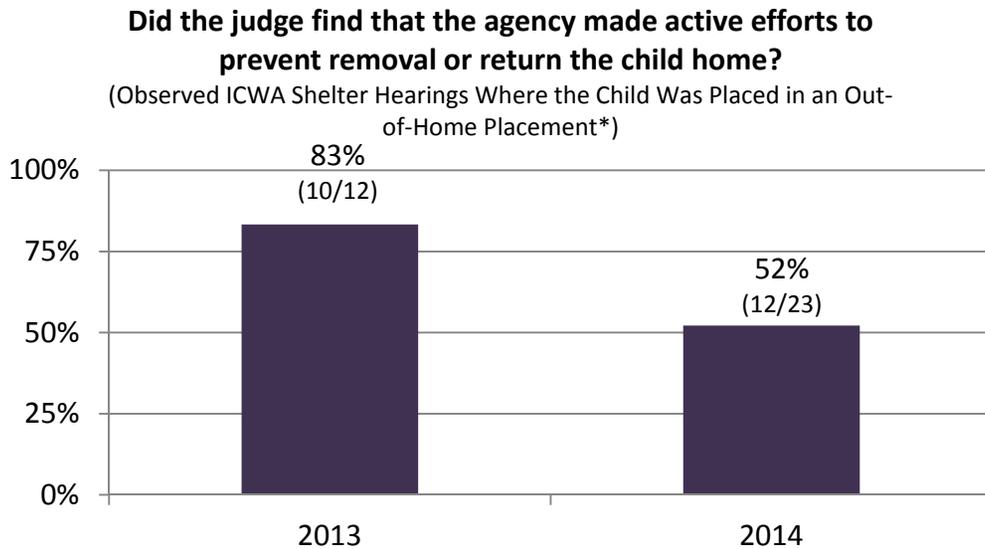


The wording of the questions on expert witness testimony differed between the national QUICWA checklist (used in 2013 and 2014) and the Oregon QUICWA checklists (used in 2015):

2013/2014: Was qualified expert witness testimony to support out of home placement for the child provided?

2015: Was there qualified expert witness testimony during the hearing?

Active Efforts Findings



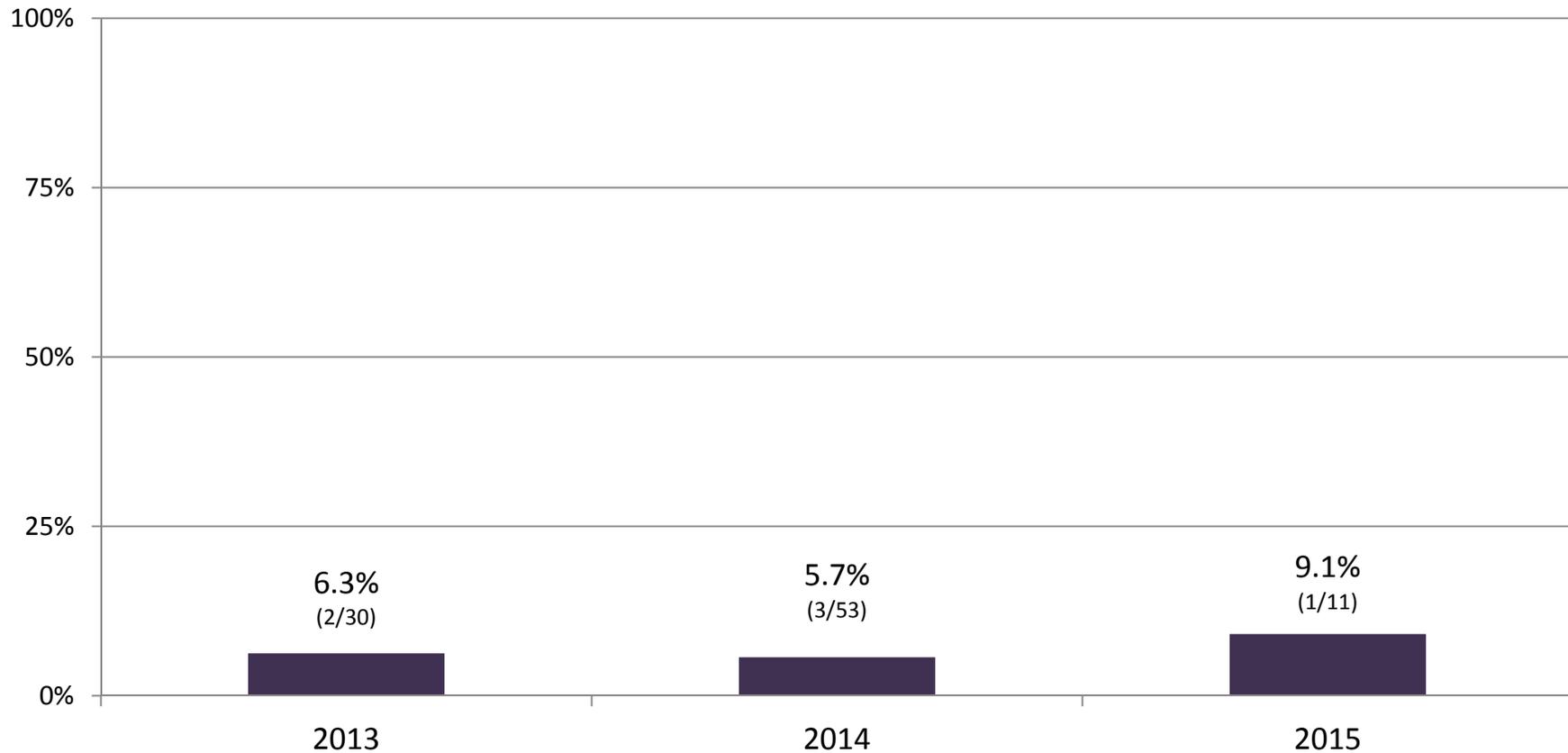
In some cases in 2013 and 2014, the active efforts question may have been answered “No” if the judge made a finding that active efforts were not made, or if the judge made the finding in the judgment but did not state the finding in court.

**The 2013 and 2014 numbers include only shelter hearings because the national QUICWA survey does not record whether the permanency plan is return to parent, making it impossible to determine whether active efforts findings were necessary in non-shelter hearings.*

***The 2015 numbers include ICWA shelter hearings where the child was placed in an out-of-home placement, and other ICWA hearings where the permanency plan at the beginning of the hearing was return to the parent and the child was in an out-of-home placement at the start of the hearing.*

Disputing Active Efforts

(Observed ICWA Hearings Where an Active Efforts Finding Was Made)



The wording of the questions used to collect the 2013/2014 data on disputed active efforts differed from the wording used in 2015:

2013/2014: Did a party dispute whether active efforts were provided?

2015: Did any party or party's attorney dispute whether active efforts had been made?

A party or party's attorney was also recorded as disputing active efforts at three other 2015 hearings where the judge did not make an oral finding regarding active efforts.