

Research Plan

*Supporting Data Collection and Capacity in
Oregon's ICWA Courts*

Oregon Judicial Department

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DISCLAIMER

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Introduction

The Oregon Judicial Department (OJD), in an effort to establish an ongoing process for measuring and monitoring the implementation and performance of ICWA courts, sought a research plan informed by ICWA court principles, promising practices in the field, existing national guidance on child welfare measures, and a culturally responsive evaluation framework.

This research plan is informed by a thorough review of existing literature and incorporates the six key focus areas for ICWA Courts identified through the literature review: Safety, Permanency, Legal Process, Programming, Engagement, and Well-Being. This comprehensive approach builds on Oregon's existing foundation while giving new and existing ICWA Courts practical tools for data collection.

This research plan is organized by the following components:

- **ICWA Court Logic Model overview**
- **Three primary areas of focus:**
 - i. **Fidelity checking:** Adherence to ICWA court principles and promising practices and where to start.
 - ii. **Reviewing administrative data:** Ensuring timely and accurate tracking of key ICWA court indicators.
 - iii. **Gaining insight:** Data collection methods and analysis for deeper evaluation.
- **Data Collection and Analysis Timeline:** For ensuring frequent quality assurance and evaluation.
- **Building Readiness and Data Capacity:** Helping local ICWA courts become ready and able to support data and best practices.
- **Returning value to the community:** Honoring the communities by giving feedback and assistance post evaluation.

Oregon ICWA Court Logic Model

A logic model is a visual representation of a program's inputs (resources), activities (specific actions), and expected outcomes. Oregon ICWA Courts' Logic Model (Figure 1) anchors the measures included in this research plan. The logic model was used to develop the questions in the research plan surveys, focus groups, and interviews when accounting for external factors and assumptions. The logic model was also used while testing the research plan to determine whether the inputs or activities were occurring and whether the short-, medium-, and long-term outcomes were met.

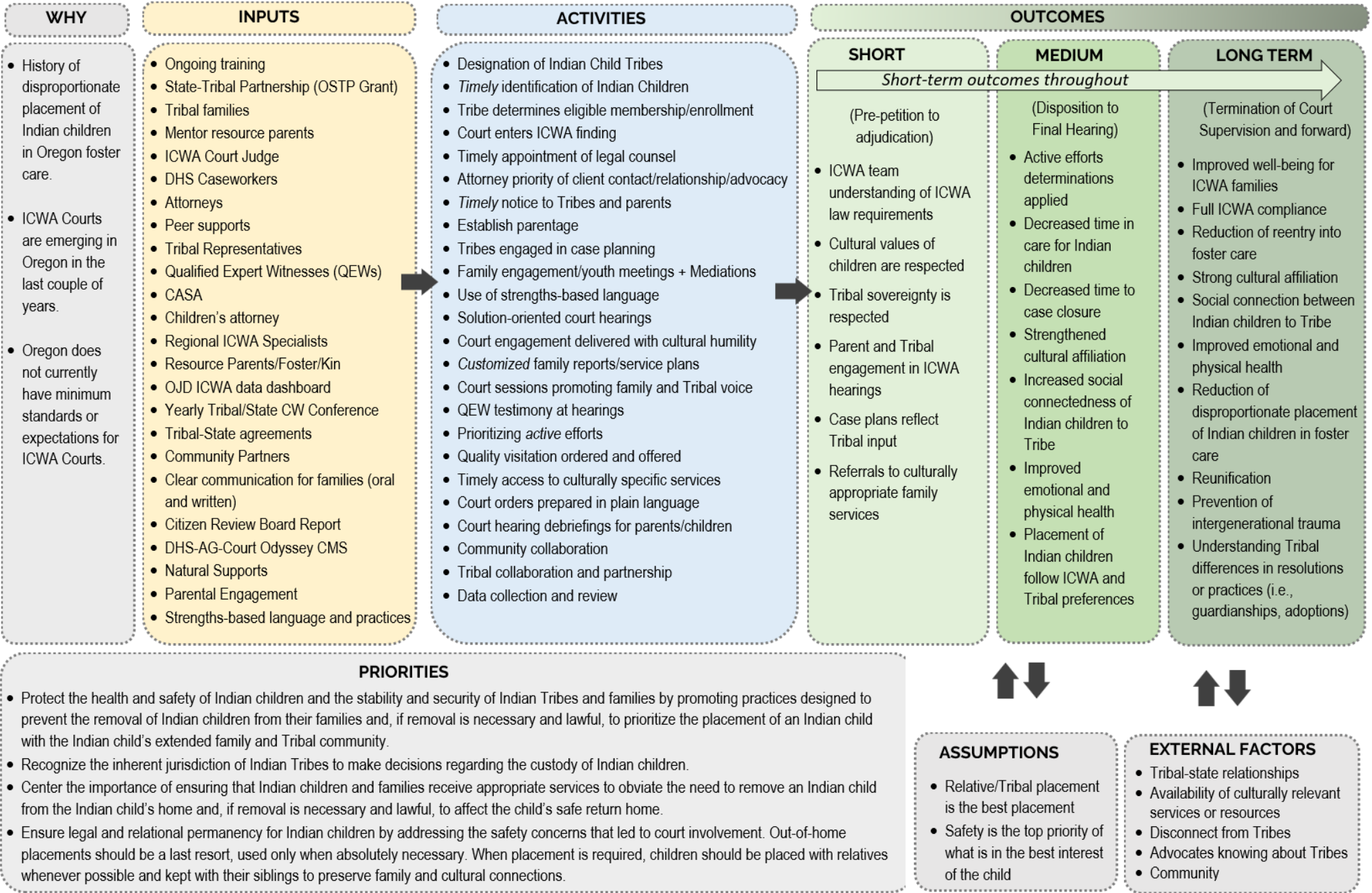
One long-term outcome in the logic model is 'Improved well-being for ICWA families'. Traditionally, well-being in child welfare has been a difficult outcome to measure. In testing the research plan, the following factors of well-being were discovered, aligning with existing literature identifying well-being through cultural affiliation, social connectedness, and emotional and physical health:

- Sober family reunification
- Behavioral health wellness
- Cultural events and celebration of families together
- School-based cultural Tribal experiences and events (i.e., language courses, beading classes, etc.)
- Community connection with extended relatives
- Quality visitation (number of visits and number of visits including siblings)
- Positive connections and engagements
- Connection to Tribe and culture
- When available services are continuously accessed and utilized by Tribal families

The Oregon ICWA Court Logic Model can be used as a guide to assess an ICWA court's practices and identify areas that may require assistance to strengthen to achieve outcomes. Keep it nearby as a reference during court observation, reading written materials, interviewing staff or Tribal families, and reviewing quantitative data.

FIGURE 1. OREGON ICWA COURT LOGIC MODEL

ICWA LOGIC MODEL



Fidelity checking

Fidelity checking ensures a program aligns with best practices, offering reassurance about its quality and consistency. It involves verifying that practitioners follow recommended procedures, maintain training and knowledge, and assesses the quality-of-service delivery and outcomes to promote quality, consistency, and equity.

The five established principles of ICWA Courts represent the foundational best practices that guide their operations. These principles guide the fidelity-checking process, by offering a structured checklist for the OJD staff to review activities, identify gaps, highlight areas for improvement, and to celebrate successes within each ICWA court.

Judicial Leadership

- ☐ Judicial officer exhibits strong leadership with the ICWA court team, community and Tribal partners.
- ☐ Judicial officer shows a deep knowledge of ICWA court processes and timelines.
- ☐ Judicial officer ensures quality hearings are held on each case.

Where to start:

1. Observe an ICWA court session preferably in-person, but it can also be virtual using the [ICWA Court Observation Checklist](#).
2. Confirm fidelity by reviewing administrative data such as case timelines, Tribal attendance, documentation of active efforts, etc.
3. If concerns arise, OJD staff may consider conducting an interview with the judicial officer using the [ICWA Judicial Officer Interview](#) script and questions.
4. If there are still concerns, discuss training and technical assistance with the judicial officer.

Data Collection

- ☐ The ICWA court is compliant with state-requested data collection.
- ☐ The ICWA court team regularly reviews its data and discusses it as a team.
- ☐ The ICWA court team uses its collected data to adhere to ICWA timelines.

Where to start:

1. Frequently monitor ICWA court data reporting at OJD to ensure timely and accurate tracking of key indicators.
2. Confirm with the ICWA court team that they can access their data and understand how to interpret and discuss it.
3. If data results raise concerns, use the [Goal Matrix](#) to pinpoint what specific [data collection and analysis activities](#) can provide deeper insight.
4. If concerns persist, consider a virtual meeting with the local court data entry staff and/or audit 5-10 case files to identify potential data concerns, inconsistencies, or errors.

ICWA Training (spirit and letter of law)

- ☐ ICWA training is immediately provided to all new team members during onboarding.
- ☐ Continuous ICWA training is prioritized by all team members, at minimum annually.
- ☐ ICWA attorneys engage in ongoing legal education on federal and state ICWA practice requirements.

Where to start:

1. Talk to the local ICWA Court to determine if they participate in ICWA related training and/or manually track ICWA training.
2. Verify training implementation by observing an ICWA court session (preferably in-person but can also be virtual) using the [ICWA Court Observation Checklist](#).
3. If concerns arise, interview key staff using the [ICWA Staff Interviews](#) script and questions.
4. If concerns persist, initiate a discussion with the ICWA team and judicial officers to address training needs and explore opportunities for technical assistance.

Tribal collaboration

- ☐ The ICWA court demonstrates strong collaboration with the Tribal communities it serves.
- ☐ Tribal liaisons regularly attend court in person or virtually.
- ☐ Tribal ceremony or practices are respectfully incorporated in court proceedings.

Where to start:

1. Observe an ICWA court session (preferably in-person, though virtual observation is acceptable) using the [ICWA Court Observation Checklist](#).
2. Review administrative data for indicators such as Tribal attendance, Tribal placement preference, etc.
3. If concerns arise, request a [Tribal families survey](#) or conduct a focus group using the [focus group script and questions](#).
4. If concerns persist, meet with the ICWA team and judicial officer to discuss technical assistance aimed at strengthening Tribe/ICWA Court relations and how to incorporate tribal practices during court.

Gold-Standard Lawyering and Advocacy

- ❑ All named case parties (children, parents, and Tribes) are represented by legal counsel.
- ❑ ICWA attorneys provide high-quality legal representation focused on the best interests of the children (e.g., early appointment of counsel, access to social workers, cultural humility and awareness in legal strategy and communication in court).
- ❑ ICWA attorneys understand important legal standards such as, “active efforts,” “qualified expert witness,” “Tribal placement preferences,” etc.
- ❑ Attorneys take the time to meet with their clients beforehand, and they are well-prepared, knowledgeable about their clients’ preferences and concerns.
- ❑ Attorneys advocate effectively and represent their clients' best interests and preferences in court in a non-adversarial manner.

Where to start:

1. Observe an ICWA court session (preferably in-person, though virtual observation is acceptable) using the [ICWA Court Observation Checklist](#).
 2. Frequently monitor ICWA court data reporting to determine if attorneys are present for all hearings
 3. If concerns arise, interview key legal staff and the judicial officer using the [ICWA Staff Interviews](#) script and questions.
 4. If concerns persist, discuss training and TA with ICWA team and judicial officer
-

Gold Standard Social Work

- ❑ ICWA caseworkers are knowledgeable and connected to community resources that are culturally responsive to children and parents.
- ❑ Caseworkers provide testimony and information to the court that is appropriate and meaningful in supporting judicial decision-making regarding safety, permanency, well-being, placement preferences, access to services, active efforts, case planning activities and permanency goals.
- ❑ Caseworkers reflect a strong understanding of the families they serve and are committed to culturally responsive, trauma aware, strength-based practices.
- ❑ Caseworkers use strength-based language during testimony or report outs on family progress.

Where to start:

1. Observe an ICWA court session (preferably in person, though virtual option is acceptable using the [ICWA Court Observation Checklist](#)).
2. If concerns arise, interview caseworker staff or case worker supervisors using the [ICWA Staff Interviews](#) script and questions.
3. If concerns persist, collaborate with ICWA Team and judicial officer to identify training and TA opportunities. Have discussions with the judicial officer about setting the expectations of caseworker testimony in court.

Determining where to focus

The following tables provide instruction on how to assess an ICWA Court's structural design, operational performance, and program outcomes (short, medium, and long-term).

Structural Design Alignment

To assess structural design alignment, review written program materials describing the program's processes and policies to determine if they reflect the core principles of ICWA Courts. This ensures that best practices are embedded in the program and can flag foundational issues that make outcome measures unreliable.

TABLE 1 STRUCTURAL DESIGN ALIGNMENT

Objective	Research Question	Measures	Data Sources	Next Step(s)/Tools:
Program Design Alignment	Do the materials align with the five core principles of ICWA Courts (Judicial leadership, ICWA data collection, ICWA Training (spirit and letter of law), Tribal stakeholder collaboration, and Gold-standard lawyering and social work)?	Yes/No	Program's Written Materials	- Use the ICWA Materials Checklist, if elements checked no - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Does the Court environment incorporate Tribal culture, ceremonies, Tribal family presence?	Yes/No	Court Observation	Use the ICWA Court Observation Checklist to address missing or items checked as 'no' on the list.
	Do court sessions promote family and Tribal voice?	Yes/No	Court Observation	Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Does the Court have collaboration with Tribes?	Yes/No	- Interviews - Surveys - Focus groups - Court observation	- Use the staff and judicial officer interview script and questions. - Use the Tribal Family Focus Group or Surveys. - Incorporate recommended enhancements into the Strengths-based feedback to the court.

Operational Performance Monitoring

Administrative data, focus group and survey data, staff interviews, and court observation can be used to monitor operational performance, allowing for real-time course correction and context for interpreting outcome data.

TABLE 2 OPERATIONAL PERFORMANCE MONITORING

Objective	Research Question	Measures	Data Sources	Next Step(s)/Tools
Operational Performance Monitoring	Is the program operating in alignment with the five core principles of ICWA Courts?	- Judicial leadership - ICWA data collection - ICWA training - Tribal collaboration 'Gold-standard' lawyering and social work	- Interviews - Surveys - Focus groups - Administrative data	- Use the staff and judicial officer interview script and questions. - Review administrative data - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Is Court engagement delivered with cultural humility?	Yes/No	- Court observation - Interviews	- Use the ICWA Court Observation Checklist to address missing or items checked as 'no' on the list. - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Does the program utilize ICWA activities such as (family engagement meetings, youth decision meetings, or mediation)?	Yes/No	- Interviews - Surveys - Focus group	- Use the staff and judicial officer interview script and questions. - Use the Tribal Family Focus Group and/or Surveys. - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Is there QEW testimony at contested hearings?	Yes/No	Administrative data	- Review administrative data - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Is the ICWA Court team engaging in frequent training?	- Yes/No % of team members out of total	- Interviews - Court's manual tracking of training	- Use the staff and judicial officer interview script and questions. - Manually track team trainings - Incorporate recommended enhancements into the Strengths-based feedback to the court.

Program Outcomes

Assess anticipated program outcomes with administrative data, focus group and survey data, and ICWA Court observation. Looking at program outcomes across timeframes (short, medium, and long-term) provides a more comprehensive view of program impact. Descriptive analysis of anticipated outcomes can inform more sophisticated analytical models, helping to identify relationships between variables and inform timing of data collection.

TABLE 3 PROGRAM OUTCOMES

Objective	Research Question	Measures	Data Sources	Next Step(s)/Tools:
Are ICWA Courts reaching anticipated short-term outcomes?	Are cultural values of children respected?	Yes/No	- Court observation - Interviews	- Use the ICWA Court Observation Checklist to address missing or items checked as 'no' on the list. - Use the staff and judicial officer interview script and questions. - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Are parents and Tribes represented in ICWA hearings?	- Tribe present at hearing - Mother present at hearing - Father present at hearing	- Administrative data - Interviews - Court observation	- Review administrative data - Use the staff and judicial officer interview script and questions. - Use the ICWA Court Observation Checklist to address missing or items checked as 'no' on the list. - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Do case plans reflect Tribal input?	Yes/No, feedback	- Interviews - Surveys - Focus groups	- Use the staff and judicial officer interview script and questions. - Use the Tribal Family Focus Group and/or Surveys. - Incorporate recommended enhancements into the Strengths-based feedback to the court.
	Are referrals to culturally appropriate services made?	Referrals made to culturally appropriate services	- Interviews - Surveys - Focus groups - Administrative data*	- Use the staff and judicial officer interview script and questions. - Use the Tribal Family Focus Group and/or Surveys. - Review administrative data*<i>difficult to measure currently</i> - Incorporate recommended enhancements into the Strengths-based feedback to the court.

Objective	Research Question	Measures	Data Sources	Next Step(s)/Tools:
Are ICWA Courts reaching anticipated medium-term outcomes?	• Is time in care for Indian children decreasing?	• # Indian child days in care	• Administrative data	• Review administrative data • Incorporate recommended enhancements into the Strengths-based feedback to the court.
	• Is time to case closure decreasing for Indian children?	• # days until case closure	• Administrative data	
	• Placement follow ICWA and Tribal preference?	• Yes/No	• Interviews • Focus groups	• Use the staff and judicial officer interview script and questions. • Use the Tribal Family Focus Group and/or Surveys. • Incorporate recommended enhancements into the Strengths-based feedback to the court.
	• Are active efforts determinations applied?	• Yes/No	• Administrative data • Interviews • Focus groups	
Are ICWA Courts reaching anticipated long-term outcomes?	• Is there a reduction of reentry into foster care?	• Number of children reentering ICWA Court?	• Administrative data	• Review administrative data • Incorporate recommended enhancements into the Strengths-based feedback to the court.
	• Are children achieving social connectedness to their Tribes?	• Engagement	• Surveys • Focus groups	
	• Is there a reduction in the number of Indian children in foster care?	• ICWA Cases Filed (<i>compared year to year</i>)	• Administrative data	• Review administrative data* <i>Aspirational measurement, difficult to measure currently.</i> • Incorporate recommended enhancements into the Strengths-based feedback to the court.
	• Are most cases resulting in reunification?	• Reunification*	• Administrative data*	
	• Is well-being improved for ICWA families?	• Reduction of foster care placement • Reduction of entry into ICWA • Timeliness of Disposition • Placement type • Services accessed • Referrals to cultural services* • Cultural events attended* • Visitation* • Reunification*	• Administrative data	

Reviewing Administrative Data

Current practices in administrative data

Data from Oregon's ICWA courts are entered locally into the Odyssey Case Management System. Data from these systems feed the Juvenile Court Programs (JCP) and the Juvenile Court Data Dashboard (through Power BI). The Data Dashboard mirrors local data but excludes case-level details, and only aggregate data is publicly accessible. Individual and case-level data are displayed in local ICWA Court dashboards. Odyssey has several pre-structured reports for local courts; however, customizability is limited for Oregon ICWA Courts.

OJD currently tracks the following measures for ICWA and juvenile dependency cases more generally on their dashboards:

ICWA-Specific

- ICWA cases filed
- Cases pending
- Time to ICWA designation
- ICWA Length of Cases
- ICWA Time to Jurisdiction on Both Parents
- ICWA Events
 - Transfer to Tribal Court
 - Motion/Order
 - Deviate from Placement Preference Events Order/Motion
 - Active Efforts Findings
 - Petition to Invalidate
- ICWA Hearings
 - Number of hearings held
 - Number of hearings held with Tribe present
- ICWA Reason for Leaving Care

Juvenile Dependency

- Time to First Jurisdiction Finding
- Time to Jurisdiction on Both Parents
- Time to First Permanency Hearing
- Time to First Permanency Hearing, Looking Back
- Time to Subsequent Permanency Hearing
- Time to TPR
- Time to TPR Petition
- Time to Termination or Relinquishment of Parental Rights

New practices to implement in administrative data

This research plan includes additional ICWA measures based on the Oregon ICWA Court Logic Model to supplement data currently tracked by OJD for ICWA and dependency cases. This expanded data collection will enable continuous monitoring of program processes and outcomes, providing high-level feedback on program performance over time. Additional data collection efforts have the potential to significantly enhance the understanding of ICWA Court implementation and lead to more informed decisions, ultimately improving outcomes.

The additional ICWA measures are separated into three categories upon consulting with OJD analysts in considering what is feasible for local courts and the state of Oregon now, while also planning for the future:

1. **Feasible**—can be easily implemented and replicable across all Oregon ICWA courts.
2. **Possible**— will require additional effort, new data fields, business processes, and/or data entry training
3. **Aspirational**— will require a significant amount of effort needed to implement due to procedural or technological constraints.

Each category also describes the five principles and six key focus areas it reflects:

ICWA Court Principles	ICWA Court Key Focus Areas for Evaluation
1.Judicial leadership	1.Safety
2.ICWA data collection (all measures)	2.Permanency
3.ICWA training	3.Legal process
4.Tribal stakeholder collaboration	4.Programming
5.Gold-standard lawyer and social work	5.Engagement
	6.Well-being

Each category also indicates the desired direction of the measures result (i.e., whether higher or lower numbers are preferred). Although some measures would ideally be either 0% (never) or 100% (always), these goals are often not realistically feasible. If measure results are either higher or lower than expected, additional investigation into reasons why these differences are occurring is recommended. Although the measures indicate that something is not working as expected, they do not diagnose the reason why. Depending on the measure, additional investigation can include a deeper dive into the administrative case data, case file reviews, interviews with the ICWA team and court staff, focus groups with Tribal families, or surveys of Tribal families.

By monitoring measures over time and looking for outliers, OJD can pinpoint areas that require more in-depth review, including discussions with staff, court observation, or case file review. While it is not feasible for OJD to review every case file in ICWA Courts, targeted case file review or audit can be used to verify or understand trends or concerns.

Courts vary in their data capacity, business processes, and case management systems. ICWA practices also differ from tribe –to tribe. To account for this variation, we organized recommended measures for new and existing ICWA courts into three categories.

Feasible Measures

The following new data measures are feasible to implement and are replicable for all of Oregon ICWA courts to collect and for OJD to help visualize for local court data monitoring.

1. Legal representation at ICWA court hearings

What it reveals: Gold-standard lawyering, legal process

Data elements: **Yes, No** for child represented at the ICWA hearing
Yes, No, N/A for mother represented at the ICWA hearing
Yes, No, N/A for father represented at the ICWA hearing
N/A = no father named/no mother named, or deceased

For each hearing, courts will indicate within Odyssey if attorneys are present for child, mother, father (each child = case) by selecting Yes, No, or N/A.

Analysis: Find the percentage of children with legal representation present in hearings during a specified time period by dividing the number of cases with representation present in that time period (Yes) by the total number of hearings where children should be represented (Yes + No).

For parents, divide the number of hearings where a parent has legal representation (Yes) by the total number of hearings where parents should be represented (Yes + No). Do not include hearings where legal representation is N/A.

Ideally, all parents and children have legal representation at hearings, however, there may be challenges reaching 100%. Reviewing representation at hearings every quarter or year can provide a good sense of current court operations.

2. Parent attendance at ICWA court hearings

What it reveals: Engagement and well-being

Data elements: **Yes, No, N/A** for mother present at ICWA court hearing
Yes, No, N/A for father present at ICWA court hearing
N/A = no father named/no mother named, or deceased
Reason for failure to attend= active military, incarcerated, inpatient treatment, other

For each hearing, courts will indicate in Odyssey if each parent was present in each court hearing by selecting Yes, No, or N/A, in addition to a reason for failure to attend outside of not named or deceased (active military, incarcerated, inpatient treatment, other).

Analysis: Divide the number of hearings with a parent present during a specified timeframe (Yes) by the number of hearings where a parent should be present (Yes + No). Exclude hearings where parent attendance is marked as N/A.

For reasons for failure to attend, review the frequency of each reason (active military, incarceration, in-patient treatment, etc.) for mothers and fathers separately.

3. Timeliness of case processing

What it reveals: Judicial leadership, gold-standard lawyering, legal process, well-being

Data elements: **Date of petition filing**
Date of temporary custody hearing
Date of adjudication
Date of disposition
Date of permanency hearing

For each event or hearing above, the court will enter a date to calculate the number of days between each event.

Analysis: Review time between dates of each hearing and ask if the:

Time between petition filing and temporary custody hearing >48 hours?
Time between temporary custody hearing and adjudication >120 days?
Time between adjudication and disposition hearing > 6 mos.?
Time between disposition and permanency hearing > 12 mos.?

4. ICWA court cases resulting in termination of parental rights (TPR)

What it reveals: Judicial leadership, gold-standard lawyering, legal process, safety

Data elements: **Yes, No** Juvenile Termination of Parental Rights

For each case closure, courts will enter into Odyssey if its outcome at case closure is TPR or not.

Analysis: Case closures in a specified period of time—Number of TPR closures divided by the total number of ICWA court cases closed in a timeframe (i.e., in one year).

5. Number cases (children) reentering ICWA court

What it reveals: Safety and well-being

Data elements **Yes, No** (as to whether a child enters ICWA court has previously entered ICWA court and has a recorded outcome)

For each case opening, courts will indicate if the case was previously in the ICWA court or not.

Analysis: Review reentries for a specified time period by dividing the number of children who reenter the ICWA court in that time period (Yes) by the total number of children who enter the ICWA court during that time period (Yes + No).

Appropriate for statewide or regional analysis due to large-scale data required:

6. Number and percent of Indian children in foster care, disaggregated by race and population of the community/jurisdictions served

What it reveals: Safety, permanency, and well-being

Analysis: Number and percent of Tribal children in foster care compared to population and to number and percent of non-Tribal children in foster care.

Ideal result(s): Tribal children in foster care should be represented equal to or less than the population. Percent of Tribal children in foster care should be comparable or lower than percent of non-Tribal children in foster care.

Possible Measures

The following new data measures, would require new business processes and/or new fields within the state's case management system (Odyssey) and can be implemented over time. While these measures may entail additional effort and change, implementation is within reach.

1. Number of hearing continuances and reasons

What it reveals: Gold-standard lawyering, judicial leadership, legal process

Data elements: **Yes, No, Reason** (discovery issue, parent's availability, counsel availability, court conflict).

For each case, courts will collect the number of continuances throughout the case. Also, for each continuance, track the reason for the continuance.

Analysis: Review the frequency of continuances by dividing the number of continued hearings (Yes) by the total number of hearings held during that time period (Yes + No).

Review the frequency of reasons for continuances.

2. Number of children in placement, by placement type

What it reveals: Tribal collaboration, safety, well-being

Data elements:

- **Trial reunification (In-home with parent)**
- **Resource parent home (Relative)**
- **Tribal home**
- **Resource parent home (Non-relative)**
- **Residential home (BRS)**
- **Detention/correctional facility**
- **Hospitalization/Psychiatric**
- **ILP Subsidized Placement**
- **Run Status**

Analysis: Because children often change placements throughout a case, it can be useful to review placement data by reviewing where all children on active ICWA court cases are placed on one day. Count the number of children placed in each placement type, and divide the number of children in each placement type by the total number of children active in ICWA court.

Use a Point-in-Time Count: Higher numbers of placements with parents, Tribal family members or Tribal homes across cases are ideal.

3. Identification of needs and timely referral to services

What it reveals: Gold-standard social work, programming, engagement, and well-being

Data elements: **Date of identified service to address need**
Date referred to service

For each family member (mother, father, child), record the date the need each service was identified and referral was made.

This important measure may require data collaboration with ODHS and other community organizations to collect service identification and referral data.

Analysis: Calculate the number of days between identification and referrals for services. As a team, discuss what length of time seems realistic, and set a goal. This timeframe may vary across courts, based on resources, staff, number of participants, etc.

4. Time between family member service referrals and services accessed

What it reveals: Gold-standard social work, programming

Data elements: **Referral dates for services**
Date of first contact with referred service

For each family member (mother, father, child) referred to a service, courts will record the date the referral was made **and** the date they accessed each service.

This important measure may require data collaboration with ODHS and other community organizations to collect service identification and referral data.

Analysis: Calculate the number of dates between service referral and service access. Then, average the number of days for all services in a specified time period. Wait at least 30 days after the end of the specified time period to review this measure.

The length of time between referral and services can vary across communities based on resources available. As a team, discuss what length of time seems realistic, and set a goal.

Lower numbers are preferred: compliance with Oregon Administrative Rules OAR 413-070-0160 & OAR 413-070-170, stating <60 days on average for a family member or child to be assessed and access culturally appropriate treatment services.

Aspirational Measures

The following data measures are aspirational and would require *significant* updates to Odyssey and to processes to collect entirely new data elements, and/or a data sharing agreement with the Oregon Department of Human Services.

The implementation of these measures moving forward could result in further analysis of the six key focus areas identified throughout existing literature and this research plan, in particular the below measures reveals several significant areas of well-being, which has been identified as traditionally difficult to measure.

1. Number of referrals to culturally appropriate services

What it reveals: Well-being

Analysis: Number of cultural service referrals (disaggregated by type of service and family members represented).

Ideal result(s): A higher percentage of service referrals are to culturally appropriate services or service providers.

2. Number of individualized family service plans—personalized written plans to identify child/family needs, services, responsibilities using responsivity considerations, and ultimately to set goals for safety, permanency, and the well-being of families.

What it reveals: Gold-standard social work, programming

Analysis: Number and percent where an individualized service plan was ever developed (Yes/No).

Ideal result(s): 100% of children/cases should have an individualized service plan.

3. Frequency of family attendance at engagement/youth decision meetings

What it reveals: Engagement

Analysis: Number and percent where the family *ever* attended a family engagement meeting (Yes/No).

Ideal result(s): A higher percentage of at least one family member at meetings.
**Noting that not all cases will engage in a meeting.*

4. Number of cultural events attended

What it reveals: Tribal collaboration, Engagement, Programming, and Well-being

Analysis: Number of events and percent (by type of event).

Ideal result(s): Higher numbers and range of event types preferred. **Noting that school events and virtual events count, especially for children connected with Tribal communities that are geographically distant.*

5. Number of cases with a transition plan for 'older children' completed—children entering adolescence/approaching the age of emancipation (14-18 years old) in need of specialized care to address permanency, life skills, and supports.

What it reveals: Tribal collaboration, Gold-standard social work, Programming

Analysis: Number and percent where a plan was ever completed (Yes/No).

Ideal result(s): 100% of children/cases should have a transition plan for 'older children' without a permanent placement plan.

6. Frequency of visitation

What it reveals: Well-being

Analysis: Number of visitations (by individuals present: mother, father, siblings, other relatives).

Ideal result(s): A higher number of visits and a range of family members (parent, sibling, other relative) visiting is ideal as long as they are positive and quality visits.

7. Rate of reunification*

What it reveals: Gold-standard lawyering and social work, Permanency, and well-being

Analysis: Number and percent of cases (children) where reunification ever occurred (Yes/No of total number of ICWA cases).

Ideal result(s): Higher numbers preferred.

***While this measure is aspirational, further collaboration may be required between Oregon Department of Health Services (ODHS) and the Oregon Judicial Department (OJD).**

Advanced Analytics

Advanced analytics can identify statistically significant relationships between practices and outcomes, leading to insights that may improve program structure and delivery, resulting in improved outcomes for Tribal families.

Several considerations should be made when preparing for advanced analysis:

- Consider local cultural and contextual variations across ICWA courts and Tribes.
- Ensure a sample size of 30 cases or more are included in analysis to contribute more reliable testing.
- Informed research questions and hypotheses assist in determining which dependent variable or variables are likely to impact which outcome, and what control variables should be included to account for factors that impact outcomes but are outside the courts' control.
- **It is also extremely important to understand that while regression tests can suggest potential causal relationships, it does not by itself establish causality.**

The following research questions connect to each of the six key focus areas identified in the literature review through overlapping national and state standards with a cultural lens. Independent and dependent variables are provided for each.

Permanency

RQ: Do culturally appropriate services reduce the likelihood of a child reentering ICWA court?

Independent Variables (Predictors):	Culturally appropriate services accessed Cultural education Tribal-specific behavioral health services Tribal-led parenting programs Tribal housing Extended family visits Engagement with Tribal elders, community members, or Tribal-appointed mentorship
Dependent Variable (Outcome):	Reentry into ICWA Court (Yes/No)

Why is this important? Culturally appropriate services are a key principle of ICWA Courts, but access to these services can be limited in communities. Evidence of a relationship between culturally appropriate services and a reduction in the likelihood of reentering CWA court can support building or strengthening the continuum of culturally appropriate services in ICWA Court communities.

Legal Process

RQ: Which case characteristics are associated with shorter disposition times in ICWA cases?

Independent Variables (Predictors):	Number of continuances Legal representation Parental presence QEW testimony (if contested) CASA appointment Service access timing
Dependent Variable (Outcome):	Number of days from petition to disposition (#)

Why is this important? The child welfare system can be traumatic for children and families and periods of separation between family members and caregivers can lead to increased trauma and other negative feelings (Portland State University, Center for Improvement of Child and Family Services, 2009). Some circumstances that prolong a child's stay in foster care are outside of the court's control. Therefore, examining the relationship between the activities in the court's sphere of influence (i.e., case flow management, legal representation) provides information to support the effective operation of ICWA Courts.

Programming

RQ: What factors predict more culturally congruent placement types for Indian children?

Independent Variables (Predictors):	Legal representation Qualified Expert Witness (QEW) testimony Active efforts findings Family engagement Timeliness of disposition Culturally appropriate service access
Dependent Variable (Outcome):	Trial reunification (In-home with parent) Resource parent Home (Relative) Tribal home Resource parent home (Non-relative) Residential home (BRS) Detention/correctional facility Hospitalization/psychiatric ILP Subsidized Placement Run Status

Why is this important? Tribal collaboration and training in cultural humility are ICWA principles. Programming (culturally appropriate services) and well-being (cultural affiliation) are key focus areas. Tracking placement variables can help ICWA courts understand if various factors of an ICWA case can lead to different placement types and if they have a substantial impact on predicting culturally congruent placement types.

Engagement

RQ: Does family engagement reduce the likelihood of a child reentering ICWA court?

Independent Variables (Predictors): Family attendance at engagement meeting
Parental presence at hearings
Visitation frequency

Dependent Variable (Outcome): Reentry into ICWA Court (Yes/No)

Why is this important? It is valuable to understand what types of family engagements (attendance at hearings, meetings, and visitation frequency) reduce ICWA reentry to focus on engagement practices for the ICWA court program.

Well-being

RQ: Do cultural and social factors predict case outcomes?

Independent Variables (Predictors): Family engagement
Tribal engagement
Timeliness of disposition
Service access timing
Culturally appropriate service access
of visits, # of visits with siblings

Dependent Variables (Outcome): Reunification
Guardianship
Termination of Parental Rights— Tribal adoption
TPR—non Tribal adoption

Why is this important? Child/youth well-being is one of the primary goals of the child welfare system. Understanding which factors of well-being predict case outcomes could assist with future goals and planning for ICWA courts and the state of Oregon.

Gaining insight: Data collection methods and analysis

This section describes recommended quantitative and qualitative data collection methods and provides guidance for analysis.

Written Material Review

Reviewing program materials and policies (handbooks, brochures, and written materials) shows how well ICWA courts communicate their processes, procedures, and resources to families. This aligns with primarily within ICWA Court principle *Gold-Standard Lawyering and Social Work* and several key focus areas: *Legal Process, Programming, and Engagement*.

Use [Appendix A: ICWA Court Materials Checklist](#) to review and provide feedback to local ICWA courts on written materials. This process should occur when new ICWA Courts are established and repeated every three years or upon any changes to the policies or standards, as outlined in the proposed data collection and analysis timeline.

Using the checklist in Appendix A, provide feedback to the court on how to enhance written materials and discuss if processes described in materials match what is observed in court or through staff interviews.

Focus Group with Tribal Families

Prior research on ICWA Courts indicates that qualitative data helps to fill gaps in data collection and provides important context for understanding quantitative data (Summers & Wood, 2014; Williams et al, 2016). In particular, involving individuals with experience in the ICWA Court ensures their experiences are accurately reflected.

Assess the following recruitment, participation, and hosting challenges when considering a Tribal family focus group:

- **Lack of interest or trust from Tribal families.**
With an active dependency case and the historical trauma of research and evaluation experienced by Indigenous populations, Tribal family members may not be interested in participating.
- **Limited time or space.**
Tribal families may not have the time to participate in a focus group outside of court hearings due to transportation, employment, etc. Consider holding the focus group

while families wait for their case to be called, by securing a courthouse room nearby to hold the session.

- **Barriers to available incentives.**

Indigenous evaluation and research practices value the importance of giving back to communities by providing an incentive for participant's time and knowledge. Funding constraints for the use of incentives may create barriers.

- **Privacy concerns.**

Avoid written consent to refrain from name collection. However, verbal consent must be obtained before a focus group can take place, especially if evaluators are taking written notes or recording audio or video.

Data Collection

To incorporate participant voice, facilitate small focus groups with Tribal families to gain insights on Tribal engagement, culturally appropriate programming and resources, and the well-being of children and families (Rodriguez et al., 2011). Use [Appendix B: Focus Group Questions for Tribal Families](#) provides a draft interview protocol with a script to obtain verbally informed consent and explain the use of a digital voice recorder to capture rich conversation and important details.

First, obtain approval from the local Tribal representative to conduct a focus group with 6-10 adults involved in the ICWA Court (exclude children and youth). Discuss this process with lead case manager in advance to determine if they can help identify 6-10 families that would be ideal for a focus group. Ask the ICWA court case workers to distribute a flyer to each family member explaining that participation is confidential and voluntary. Flyers should be written in plain language and include the location, time, and date of the proposed focus group. Incentives, such as small gift cards or a meal, show appreciation for participation and can increase attendance. Obtain approval from the Tribal representative for any proposed gifts or meals.

Due to historical trauma and privacy concerns, planning a focus group with Tribal populations is a risk to a research or evaluation process. Even if Tribal representatives encourage this activity and incentives, food, and privacy are assured, it is recommended that a Tribal Families Survey (see next section) also be offered for Tribal families who have previously participated in the program or are currently navigating their dependency case. If proceeding with this method of data collection, it is recommended to conduct the process every three years or six months following a judicial officer change, as outlined in the data collection/analysis [timeline](#).

Analysis

Use [Appendix C: Goal Matrix](#) to review focus group responses to help identify areas that may require additional focus and attention, and what areas should be celebrated. A goal matrix highlights the alignment between goals (focus areas) and measurable outputs.

For example, if focus group participants indicate that the ICWA court is not supportive of safety when children are placed outside of the home, this would narrow feedback and technical assistance to a discussion on *'Safety'—child safety before, under, and after court jurisdiction*. If an ICWA team member indicates there are process barriers to achieving timely permanency, efforts could be focused on the timeline for achieving *'Permanency'—achievement, not reaching, moved, entry into foster care, and reentry*.

More complex areas of focus, such as *'Well-being'*, may also be identified through questions to Tribal families and/or attorneys representing families or youth if responses indicate that the ICWA court is/is not respectful of Tribal culture, language, and identity.

Survey of Tribal Families

As a less resource-intensive option, surveys collect similar information to that gathered in focus groups. While surveys may not match the level of detail of focus groups, surveys can be conducted often, resulting in more recent information. Surveys also provide a way for Tribal families who are unwilling or unable to participate in focus groups to provide insight and feedback.

Data Collection

Provide the option to complete the survey on paper or electronically. Giving families a choice is responsive to a variety of barriers, including trauma (Taylor, 2025). Additionally, providing a scannable QR code for families in ICWA Court to scan and complete during court or later on their mobile devices, and providing the QR code to case workers to have on them during subsequent visits and meetings, can result in increased survey responses.

The [Appendix D: Tribal Families Survey](#) is recommended to complete annually, to capture Tribal family voice, as indicated in the proposed data collection/analysis [timeline](#). The survey uses rating scales asking Tribal families to think about their experiences in ICWA Court and rate them on a scale *1= Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree*. There is one open-ended question asking for program improvement recommendations.

Analysis

Due to the simplicity of Likert scales, paper or electronic survey responses can be easily analyzed manually or through Excel. If time and expertise allow, use descriptive statistics to describe the distribution of responses to the Likert scale items. For the open-ended text responses, relay the responses as written to the court to represent participant voice. When reviewing survey responses in comparing courts, look for similarities and themes across the open-ended text responses.

ICWA Team and Court Staff Interviews

Interviews with ICWA team members and court staff can fill knowledge gaps about local court practices and policies. These interviews reveal how well an ICWA court follows the core principles and identify clear ways to improve data collection, resources, or practices.

Data Collection

Use [Appendix E: ICWA Staff Interviews](#) to interview ICWA team members and court staff. The interviews can occur in-person or virtually; however, in-person interviews allow for more rapport building and gathering of contextual information. Collect verbally informed consent from all participants at the start of each interview, especially if choosing to record audio or video for later review.

The interview questions aim to gather information on promising practices and standard ICWA practices that are difficult to measure, follow, and maintain (Summers & Wood, 2014; Limb et al, 2004). Request that the ICWA Court presiding judge invite ICWA team members and community partners to sign up for a 60-minute individual interview voluntarily. Note that there are additional questions specific to the case worker and persons responsible for data collection, allow a 90-minute timeframe, as additional questions for these roles will add significant value to the process.

Use [Appendix F: ICWA Judicial Officer Interview](#) for deeper inquiry of the judicial officer presiding over the ICWA court. This will allow for in-depth perspective across all areas covered in hearings, allow a 90-minute timeframe for judicial officer interviews.

As training is central to the proper implementation of the five ICWA principles and ensuring the key focus areas, it is recommended that ICWA Court programs not only track but also require frequent, ongoing training in ICWA practices, cultural responsiveness, and maintenance of strong judicial leadership. The presiding ICWA judge should require that all ICWA Court team members and key court staff involved in the ICWA Court process participate in continuous learning and improvement.

Key staff interviews and training review should be repeated every two years or within six months of a judicial officer change) as indicated in the proposed data collection/analysis [timeline](#).

Analysis

Use [Appendix C: Goal Matrix](#) to break down questions into the key focus areas, thereby providing context for areas that require review or attention. For example, if an ICWA team member identifies process barriers to achieving timely permanency, efforts could focus on the timeline for achieving '*Permanency*'—specifically, *the achievement of permanency, rather than reaching, moving, entering foster care, and reentry*. Additionally, team training questions can be found under '*Programming*'— *judicial leadership, timely and culturally appropriate services, data collection, training, planning, and celebrating* (i.e., Is there training for all professionals working with ICWA cases? Yes or No, and percent of team members trained/total number of team members). Team training should be tracked annually by local programs, but can be reviewed every two years as indicated in the proposed data collection/analysis [timeline](#).

It is also helpful to review the ICWA Court Logic Model when analyzing team interviews to identify missing activities or inputs that may be negatively impacting outcomes or to identify new and exciting inputs and activities that are helping to improve outcomes. It is important to acknowledge responses that should be celebrated also when utilizing [Appendix G: Strengths-Based Feedback](#).

ICWA Court Observation

Court observations play a crucial role in assessing the alignment of ICWA Court hearings with the best practices of ICWA courts. They provide a unique opportunity to collect data on activities and short-term outcomes, such as entering ICWA findings and QEW testimony. While the QUICWA tool is designed for all types of ICWA Hearings ranging from initial removal to termination hearings, it's primary use is to track compliance with federal ICWA mandates).it is important to note that the majority of information collected is not meaningful in observing 'ICWA court statuses' (court appearances that do not result in a full hearing or order), to determine if high-quality status hearings are being held in regard to all team member practices.

Data Collection

Use [Appendix H: ICWA Court Observation Checklist](#) to gather information on observations of Status court proceedings involving Tribal families under the Indian Child Welfare Act (ICWA) who are participating in an ICWA Court Program.

The ICWA Court Observation Checklist provides a structured approach to assess the quality of ICWA status proceedings. It focuses on the court environment and how information is communicated by all courtroom participants (e.g., Judges, Attorneys, Case Workers, Tribal Representatives, Case Managers, Parents, Relatives, and Children).

Observation checkpoints are designated by six core areas of a quality status proceeding: *Engagement, Legal Process, Programming, Safety, Permanency, and Well-being*. This approach promotes a holistic view of how the court process moves a case towards permanency while supporting families and honoring tribal connections and incorporates the following sections:

- Court Environment
- Judicial Engagement
- Legal Process
- Safety
- Permanency
- Programming
- Well-being
- Judicial closing practices

Additionally, observational notes provide helpful context for understanding how an ICWA court operates, particularly when supplemented by interviews with ICWA team members and key court staff after observing the court.

The checklist should be distributed to all ICWA parties to encourage their understanding of what an observer looks for in a quality hearing. The process should be repeated annually to ensure adherence to federal and state ICWA compliance, as indicated in the proposed data collection and analysis [timeline](#).

Analysis

The structure of the checklist allows an observer to easily identify missing elements if many of the checkpoint observations are checked 'No'. If most of the checkpoint observations are checked 'Yes', the ICWA Court is facilitating high-quality ICWA hearings.

Evaluation Timeline

Activity	Collection Frequency	Analyzation Frequency	Responsible Party
OJD Dashboard	Ongoing	Ongoing	OJD Juvenile Programs Data Analyst
Analyze Administrative Data	Ongoing	Quarterly	OJD Juvenile Programs Data Analysts
Review of Written Program Materials	At ICWA Court beginning, then every 3 years or upon changes	Upon finalization of materials	OJD ICWA Analysts
Observation of ICWA Court Session	Annually for each ICWA Court	Annually for each ICWA Court	OJD ICWA Analysts
Survey with Tribal Families	Annually for each ICWA Court	Within 1 month of data collection	OJD ICWA Analysts
ICWA Team and Staff Interviews and Training	For each ICWA Court -Every 2 years or within 6 months upon judicial officer change	Within 1 month of data collection	OJD ICWA Analysts Local courts to track training for team members
Focus Group with Tribal Families	Every 2 years for each ICWA Court	Within 1 months of data collection	OJD ICWA Analysts

Building readiness and data capacity

OJD can help prepare local ICWA Courts for data collection, analysis, and use by providing explanations for how the data will be used, guidance on data entry and data discussions, and resources necessary to collect the identified variables.

New ICWA Courts may benefit from OJD's support to:

- Identify who is responsible for data entry
- Establish processes to ensure timely and accurate data entry
- Have data-informed discussions with the ICWA team about ICWA Court performance and opportunities for improvement
- Share information on ICWA Court performance with community partners
- Docket reorganization at the court (i.e., facilitating discussions for judicial leadership and staff responsibilities, grant-funded added referees, processes, security, and implementation of cultural ceremonies and practices in the courthouse, etc.)

Application of the Indigenous evaluation framework from the American Indian Higher Education Consortium (AIHEC) is applied throughout the data collection instructions. This framework respects core cultural values (place, gifts, community, sovereignty) and includes four key components (AIHEC, 2009; Barkaskas & Gladwin, 2021).

Creating the Story

Include Indigenous knowledge, keen observation, multiple perspectives, and communal and individual experiences in all evaluative processes and technical assistance.

Building the Scaffolding

Use findings to help new and existing ICWA Courts meet national ICWA principles, connect with the Tribal community, and assist Tribal families through the child welfare process.

Planning, Implementing, and Celebrating

Collaborate with the local ICWA Tribes to consider how the research plan reflects their cultural values and beliefs. Document differences in local ICWA practices that may not be replicable due to resources, local context, or other factors. Celebrate successes such as benchmarks achieved and improvements implemented, including Tribal families and court staff in the celebration.

Engaging Community and Building Capacity

Include local Tribes, family members impacted by ICWA cases, and community members in discussions about findings to engage the broader community, strengthen partnerships, and develop replicable processes.

There are several essential cultural considerations, informed by the Indigenous evaluation framework, to increase the likelihood that this research plan is successful.

Transparency and Trust

OJD should be transparent about their status as external observers and clearly explain the purpose and benefits of the research and how it will help shape ICWA Courts in Oregon and potentially across the country. Any focus groups or individual interviews should include informed consent and an acknowledgement of the historical trauma associated with Indigenous research, giving multiple opportunities to opt out from participation at any time (Taylor, 2025).

Building the Scaffolding

Include land acknowledgments in all written reports and data displays. Offer options for data collection, recognizing that Tribal members may not trust a recorded audio, focus groups, or may not wish to participate at all. Follow Native IRB protocols, and use relationship approaches such as securing invitations and prior approvals before collecting data.

Community

Explain the intention of returning value to the community through helpful feedback and technical assistance. Include Tribal members in discussions to interpret the data and offer local ICWA Courts assistance based on findings. When consequential and experiential justifications are considered, the validity of evaluative processes is supported (Kirkhart, 2013).

Returning value to the community

To follow the intention of returning value to the community through helpful feedback, OJD can utilize the [Appendix G: Strengths-Based Feedback](#) to ensure that not only are recommendations provided to local courts to improve processes and outcomes, but also that local ICWA Court program successes are highlighted and celebrated.

Strengths can be aligned with the five principles of ICWA Courts: Judicial Leadership, ICWA Data Collection, Collaboration, ICWA Training, Collaboration, and Gold-Standard Lawyering and Social Work.

Recommendations for enhancements will result out of the following analysis:

- Processes that are missing or need revised from the ICWA Logic Model.
- Noting written content that is missing or requires edits from the ICWA Court Materials Checklist.
- Noting practices missing from or checked 'no' on the ICWA Court Observation Checklist.
- Qualitative data analysis using the ICWA Court Key Focus Areas (focus group, survey, interviews).
- Administrative data analysis and advanced analysis findings and recommendations.

Providing the community with knowledge gained from the evaluation process is extremely important. Ensure acknowledgement of knowledge sharing, honoring the land on which the evaluation took place, and thanking the community that participated in all written and spoken reporting of evaluative or research practices.

Appendix A. ICWA Court Materials Checklist

Written or electronic program materials provided to Tribal family members are:

Yes No

- | | | |
|--------------------------|--------------------------|--|
| ☐ | ☐ | Developed in collaboration with local Tribes |
| ☐ | ☐ | Developed in collaboration or copies provided to OJD (Oregon Judicial Department) |
| ☐ | ☐ | Easy to understand (clear/plain language and if ICWA, court, or other specific terminology is used, it is defined) |
| ☐ | ☐ | Inclusive of ICWA rights and ways to contact legal services |
| ☐ | ☐ | Inclusive of visitation information and rules |
| ☐ | ☐ | Inclusive of roles of resource parents |
| ☐ | ☐ | Inclusive of age-appropriate documentation for older children to read and understand processes |
| ☐ | ☐ | Inclusive of resources for culturally appropriate services and programs available to families and/or children: |
| ☐ | ☐ | Healthy families' programs |
| ☐ | ☐ | Behavioral health treatment and counseling |
| ☐ | ☐ | Housing and shelter resources |
| ☐ | ☐ | Employment resources |
| ☐ | ☐ | DHS and community services |
| ☐ | ☐ | Support and/or spiritual services |
| ☐ | ☐ | Short in length to allow families to understand the value and benefits of the program without feeling overwhelmed |

Appendix B. Focus Group Questions for Tribal Families

Script:

Thank you for being here with us today and for sharing your time with us and your thoughts about the child welfare system. My name is _____ from the Oregon Judicial Department (OJD) and this is my colleague and _____. We are visiting the ICWA Court to learn more about the process and to gain insights of how ICWA courts work. If anyone objects to participating, feel free to leave the focus group as this is a voluntary activity. [Provide ample time for participant(s) to exit if they are not willing to participate in the focus group.] [OJD staff to provide ample time for participants to verbally consent if need be. Additionally, provide ample time for participants to exit if they are no longer willing to participate or continue with the focus group at any time.]

This focus group is entirely voluntary. That means that you don't have to answer any questions you don't want to, and you can leave the group at any time. Your responses will be confidential – that means that your name will not be connected to anything you say in this group, and it will not show up in our report. I ask that you respect the privacy of the other participants and not share what they say with others outside of this group. There is no compensation for participating in today's focus group, and there is no penalty for not participating. *However, each individual that participates in the focus group will receive a \$____ gift card as an incentive for participating and sharing knowledge.* We are interested in learning about your families' experiences with the ICWA court and will ask you several questions about the process. We are also interested in learning whether these questions are the right questions to be asking other families who participated in the ICWA court, so please let us know if we should be asking a question differently or asking about other aspects of ICWA court.

Additionally, we would like to use a digital voice recorder to capture rich conversation and important details. This device is not connected to AI and any audio files and any transcribed responses provided will be stored in secure, password-protected digital storage, and we will ensure that they are not identifiable in any way, as all responses will be anonymized and aggregated with other family responses for reporting. If you are uncomfortable with audio recording raise your hand and we will just take written notes as we do not want you to be uncomfortable in any way. This is your information, and we respect that. [OJD staff to show interviewees the device and answer any questions they have].

Do you have any questions? [OJD to provide ample time for questions and answers.] [OJD staff to provide ample time for participants to verbally consent if need be. Additionally, provide ample time for participants to exit if they are no longer willing to participate or continue with the focus group at any time.] Excellent, let's get started. We will now be asking a couple of questions about your experience with ICWA Court. [OJD staff to provide ample time for participants to answer each question and share their experiences with the program. OJD staff to remain attentive to any additional questions participants may have or need for breaks.]

Questions:

1. When did you become aware that this court program may apply in your case?
2. Who explained to you that this program may apply in your case?
3. If you felt that ICWA applied to your case, but you or your child were not enrolled in the Tribe, where you assisted through the enrollment process?
4. Please share how your Tribe (or your child/ren's Tribe(s)) is/are involved in supporting you and your family in this process.
5. Can you tell us about your Tribe's role in your case/case planning?
6. Please explain your access to cultural services and resources through ICWA Court.
7. Explain how the ICWA court provides support and access to services that address the reason your child/ren was placed outside of the home.
8. If your child is placed out of the home, can you please tell us about how you were involved in sharing your preference about where you thought your child should be placed?
9. Did the court go beyond referrals to ensure you received appropriate support and services?
10. Please explain the process of working with your attorney (if represented).
11. Please describe your experience working with case workers involved in your case.
12. Based on your experience, what suggestions would you offer the court or agency to better support Native American families navigating the child welfare system?

That is all of the questions we have for you. Are there any questions you may have for us? Or anything else you would like us to know? [OJD staff to Provide ample time for participant(s) to ask questions or provide additional information if need be.] Thank you so much for participating in this focus group. It has been a great help. We appreciate you taking time to talk with us about ICWA Court and your experiences.

Appendix C: Goal Matrix

A goal matrix highlights the alignment between goals (focus areas) and measurable outputs. Use this tool to visualize how the six key focus areas: Safety, Permanency, Legal Process, Engagement, and Well-being are incorporated into focus group, survey, and interview data. **Questions to add additional context per ICWA court program.*

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Safety —child safety before, under, and after court jurisdiction	Explain how the ICWA court provides support and access to services that address the reason your child/ren was placed outside of the home.	ICWA Court supports the safety of my child(ren) with support and access to services that address the reasons child/ren was/were placed outside of the home.	Is safety discussed in all court sessions? (existing safety concerns, actionable steps to mitigate safety concerns, if services are helping mitigate safety concerns, etc.)	Existing safety discussions in court? Y/N/N/A Actional steps to mitigate safety concerns discussed in court? Y/N/N/A Discussion in court on if services are helping to mitigate safety concerns? Y/N/N/A
Permanency —achievement, not reaching, moved, entry into foster care, and reentry	If your child is placed out of the home, can you please tell us about how you were involved in sharing your preference about where you thought your child should be placed?	I was involved in sharing placement preferences about where my child should be placed.	- In your experience, what barriers are there to achieving permanency? <u>*Asked only of the judge:</u> - What does the ICWA court do to address barriers to achieve permanency?	Are there barriers to timely permanency? Y/N Placement type (ODHS): - Foster (Relative) - Foster (Non – Relative) - Tribal (each OR Tribe is listed) - Residential Home (BRS) - Detention/Correction Facility - Hospitalization/psychiatric - Run Status - Trial Reunification / In-home with parent - ILP Subsidized Placement (transitioning/aging out) Reentry into ICWA Court? Y/N/N/A

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Legal Process —due process, ICWA judicial oversight, high-quality legal representation, gold-standard lawyering and social work, and case timelines	When did you become aware that this court program may apply in your case?	When I started court, I felt prepared as the program was explained to me.	How does ICWA Court ensure the agency is making active efforts?	Court enters ICWA finding on the record? Y/N/N/A
	Who explained to you that this program may apply in your case?	The child welfare agency made real efforts to help my family stay together.	<u>*Asked only of case workers:</u> - Do you supervise non-ICWA child welfare cases also? - What do 'active efforts' look like within your responsibilities? - Can you please share challenges you have faced meeting the active efforts standards? - Can you please share successes you have had in ensuring active efforts?	Timely appointment of counsel? Y/N/N/A <i>Attendance at status hearings:</i> Child attorney Y/N Mother attorney Y/N/N/A Father attorney Y/N/N/A Tribal legal representative Y/N/N/A GAL Y/N/N/A CASA Y/N/N/A QEW hearing testimony Y/N/N/A
	Please explain the process of working with your attorney (if represented).	I have access to consult with my attorney at all times.	<u>*Asked only of the judge:</u> - How many ICWA cases do you oversee? - Do you oversee non-ICWA child welfare cases also? - If active efforts are not met, how do you address that in court? - Are all attorneys prepared for court? - Do attorneys advocate in a non-adversarial way? - Do attorneys and the caseworker point out parent/youth strengths in hearings? - Can you share your opinion on the quality of case worker testimony? - Can you share your opinion on the quality of Tribal representative testimony?	Are active efforts discussions prioritized in court? Y/N/N/A Orders clear and in plain language? Y/N/N/A Are court hearings solutions-based? Y/N/N/A Is there timely and ongoing communication with the Tribe? Y/N/N/A Court sessions promote Family and Tribal voice? Y/N/N/A Is strengths-based language used? Y/N/N/A Is court engagement delivered with cultural humility? Y/N Is quality visitation ordered and offered? Y/N/N/A Are family reports or service plans customized/individualized? Y/N
	Please describe your experience working with case workers involved in your case.	I have a positive working relationship with my case worker.		

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Legal Process—cont....			- Is there anything you would improve about the court process? - Do you ever meet with the team to discuss non-case-related topics to ensure they understand your expectations or to improve any part of the court process? - Are your orders written clearly in plain language that is easy for families to understand?	
Programming —judicial leadership, timely and culturally appropriate services, data collection, training, planning, and celebrating	Did the court go beyond referrals to ensure you received appropriate support and services?	The court and team assisted my family with Tribal enrollment. My family has access to cultural services and resources through ICWA Court. I am included in meetings and decisions about my child and my own services. ICWA Court has attempted many 'efforts' in my case.	- In your experience, what makes the ICWA Court successful? - Do you work with the court to identify Indian children in child welfare cases? - How does the team identify if a child is enrolled in a Tribe? - How long does this typically take to identify? - What culturally appropriate services are available? (healthy families, behavioral health, resources, etc.) - How does ICWA Court ensure the agency is making active efforts? - Can you tell us about your involvement in Family Engagement and Youth Decision Meetings? - How often do you receive data or reports on how the program is functioning?	Is the team reviewing data regularly (quarterly)? Y/N Is there training for all professionals working with ICWA cases? Y/N + What % of team members Do all ICWA team members understanding of ICWA law requirements? Y/N + What % of team members Are family engagement/youth decision meetings tracked? Y/N/N/A Are referrals to culturally appropriate services for family tracked? Y/N/N/A Is there community collaboration (Tribal or otherwise)? Y/N

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Programming —cont....		I have access to consult with my attorney at all times.	• (if receiving data/reports) How is that information shared with you? • What data would you like to see that you don't already have access to? • How does the ICWA team celebrate success? • How does the ICWA team handle difficult situations/outcomes? • Are there any areas where you think ICWA Court processes could be improved or strengthened? • What kind of training have you had that supports your ICWA Court work? <u>*Asked only of caseworkers:</u> Looking back on your work with ICWA families, what practices or supports have made the biggest differences? <u>*Asked only of data liaison:</u> • Is parent attendance tracked for data purposes (into a data system)? • How are decisions made during the meetings recorded or tracked? • What information are you responsible for collecting for ICWA court? • How is the information collected/stored? • How do you share the information with the ICWA team members?	

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Programming—cont....			- How does the ICWA Court team assess and measure well-being for Tribal families? <u>*Asked only of the judge:</u> - Do you receive information on what occurs at the Meetings? - How do you use this information in making decisions or preparing orders? - How do you think the identification process is going? - Do you ask if the parents were present at family engagement/youth decision meetings? - Or if the Tribe was present? - Do you review the Family Reports? - Do you order that Family Reports are modified or changed throughout the life of the case as circumstances change, or is one plan used from start to finish? - In your experience, do you think families understand what is asked of them?	
Engagement—family, Tribal, and community and centering equity	If you felt that ICWA applied to your case, but you or your child were not enrolled in the Tribe, where you assisted through the enrollment process?	My Tribe (<i>or my child/ren's Tribe(s)</i>) is actively involved in my case planning. What advice would you give the court or agency to better	- What does the ICWA court do to engage Tribal partners? - What activities are the ICWA team members implementing to respond to the unique needs of Tribal families? - How does ICWA Court ensure parent and Tribal placement preferences are clearly communicated and considered?	<i>Attendance at status hearings:</i> Mother Y/N/N/A Father Y/N/N/A Tribe Y/N/N/A Are culturally appropriate services utilized? Y/N/N/A

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Engagement cont...	Please share how your Tribe (or your child/ren's Tribe(s)) is/are involved in supporting you and your family in this process.	support Native American families going through the child welfare system?	<u>*Asked only of case workers:</u> • In what ways do you work to ensure that a family's culture, language and traditions are respected throughout the case? • What steps do you take to engage parents in the beginning of the case? • What about ongoing engagement? • Do parents attend court hearings? • Do youth typically attend court hearings? • Can you share how you engage with youth who attend hearings? • What role do you play in helping parents and youth build natural supports? • Do you ask parents and youth directly at the end of the court appearance if there is anything they need? • Do you ask parents and youth directly at the end of the court appearance if anything that happened during the hearing that they do not understand? • Do you ask parents and youth directly at the end of the court appearance if they are clear on their next steps? • What Tribes do you work with here?	Tribal involvement in case planning? Y/N/N/A Are hearings held with Tribe present (in-person, virtual, phone)? Y/N/N/A
	Based on your experience, what suggestions would you offer the court or agency to better support Native American families navigating the child welfare system?			

Key Focus Area	Measure (source)			Performance Measures:
	Tribal Families Focus Group	Tribal Families Survey	Staff Interviews	
Engagement cont...			• Could you share a bit about your working relationship with the Tribes? • Do you have any challenges engaging with the Tribe(s)? If so how are you working to overcome these challenges? • Do Tribal Representatives/Attorneys regularly attend court?	
Well-Being—cultural affiliation, social connectedness, and emotional and physical health	Can you tell us about your Tribe's role in your case/case planning? Please explain your access to <i>cultural</i> services and resources through ICWA Court.	The child welfare system respected my culture, language, and Tribal identity	• What does well-being mean to you in terms of the Tribal Families and children involved in ICWA Court? <u>*Asked only of data liaison:</u> • How does the ICWA Court team assess and measure well-being for Tribal families? <u>*Asked only of the judge:</u> • Can you describe what social connectedness looks like for families in ICWA Court? • How do you ensure that placement with siblings is prioritized? • Do you order that the visitation be the least restrictive? • How do you ensure visitation is culturally competent? • Do you ask specific questions about the quality of the visits? • What challenges do you face with visitation?	In-person visits with mom? Y/N/N/A In-person visits with dad? Y/N/N/A Visits w/siblings present? Y/N/N/A High-quality visits? Y/N/N/A Connection established with Tribe? Y/N/N/A Attending cultural events? Y/N/N/A School programming include cultural experiences (<i>language and beading classes, drumming, etc.</i>) Y/N/N/A Community connection w/Tribe or extended family? Y/N/N/A Parent behavioral wellness? Y/N/N/A Parent substance recovery? Y/N/N/A Child behavioral wellness? Y/N/N/A

Appendix D: Tribal Families Survey

The Oregon Judicial Department (OJD) is visiting ICWA Court to learn more about the process and to gain insights of how ICWA court is functioning. Please note that your answers are confidential and will not be shared individually with the court, agency, or state. You may absolutely opt out of the survey at any time and are under no obligation to participate or complete the survey, even if you start it and change your mind you may end the survey. The survey will ask you to think about your experiences in ICWA Court and rate them on a scale: 1= Strongly Agree, 2=Agree, 3=Neutral, 4=Disagree, 5=Strongly Disagree or provide a written response if you choose.

1. When I started court, I felt prepared as the program was explained to me.
2. The court and team assisted my family with Tribal enrollment.
3. My Tribe (or my child/ren's Tribe(s)) is actively involved in my case planning.
4. The child welfare agency made real efforts to help my family stay together.
5. My family has access to cultural services and resources through ICWA Court.
6. ICWA Court supports the safety of my child(ren) with support and access to services that address the reasons child/ren was/were placed outside of the home.
7. I was involved in sharing placement preferences about where my child be placed.
8. I am included in meetings and decisions about my child and my own services.
9. ICWA Court has attempted many 'efforts' in my case. **As part of ICWA laws, the child welfare agency must do more than try to help families, beyond referrals. They have to help families before removing a child and if the child is removed, they have to work to help with reunification. These are called 'active efforts'.**
10. I have access to consult with my attorney at all times.
11. I have a positive working relationship with my case worker.
12. The child welfare system respected my culture, language, and Tribal identity
13. What advice would you give the court or agency to better support Tribal families going through the child welfare system? (Open text prompt).

Appendix E: ICWA Staff Interviews

The purpose of this interview is to evaluate your ICWA courts to provide technical assistance and data governance support from the state. As a professional who works closely with the program, I/we would like to ask you about your role, thoughts, and experiences with the program. Additionally, I/we would like to use a digital voice recorder to capture rich conversation and important details. This device is not connected to AI and any audio files and any transcribed responses provided will be stored in secure, password-protected digital storage, and we will ensure that they are not identifiable in any way, as all responses will be anonymized and aggregated with other staff and partner responses for reporting [show interviewees the device and answer any questions they have].

Do you have any questions? [Please verify confirmation/consent verbally.]

Would you like to proceed? [Please verify confirmation/consent verbally.]

Please provide your start date with ICWA Court and walk us through your roles and responsibilities with ICWA Court.

1. What kind of training have you had that supports your ICWA Court work? [Programming, but ask in beginning]
2. In your experience, what makes the ICWA Court successful?

Identifying Cases

3. Do you work with the court to identify Indian children in child welfare cases? **If no, skip to question 7.**
4. How does the team (or agency) identify a child who is enrolled in a Tribe?
5. How long does this typically take to identify?

Engagement

6. What does the ICWA court do to engage Tribal partners?
7. Can you tell us about your involvement in Family Engagement and Youth Decision Meetings?
8. What activities are the ICWA team members implementing to respond to the unique needs of Tribal families?
9. What culturally appropriate services are available? (healthy families, behavioral health, resources, etc.)

Safety

- 10. How does ICWA Court ensure parent and Tribal placement preferences are clearly communicated and considered?
- 11. Is safety discussed in all court sessions? (existing safety concerns, actionable steps to mitigate safety concerns, if services are helping mitigate safety concerns, etc.)

Legal Process

- 12. How does ICWA Court ensure the agency is making active efforts?

Well-being

- 13. What does well-being mean to you in terms of the Tribal Families *and* children involved in ICWA Court? (If needed, mention physical and mental health, social connectedness, and Tribal cultural connections to start the conversation).

Permanency

- 14. One of the anticipated outcomes of ICWA court is reduced time to permanency. In your experience, what barriers are there to achieving permanency or timely permanency?

Programming

- 15. How often do you receive data or reports on how the program is functioning? **If no data received, skip to question 17.**
- 16. How is that information shared with you?
- 17. What data would you like to see that you don't already have access to?
- 18. How does the ICWA team celebrate success?
- 19. How does the ICWA team handle difficult situations/outcomes?
- 20. Are there any areas where you think ICWA Court processes could be improved or strengthened?

Additional questions specific to caseworker roles only

1. Do you supervise non-ICWA child welfare cases also?
2. What do 'active efforts' look like within your responsibilities?
3. Can you please share challenges you have faced meeting the active efforts standards?
4. Can you please share successes you have had in ensuring active efforts?
5. In what ways do you work to ensure that a family's culture, language and traditions are respected throughout the case?
6. Looking back on your work with ICWA families, what practices or supports have made the biggest differences?

Additional questions to data collection/input roles only

1. How are decisions made during hearings or meetings recorded or tracked?
2. What information are you responsible for collecting for ICWA court?
3. How is the information collected/stored outside of Odyssey?
4. How do you share the information with the ICWA team members?
5. How does the ICWA Court team assess and measure well-being for Tribal families?

Appendix F: ICWA Judicial Officer Interviews

Background and Caseload

1. How many ICWA cases do you oversee?
2. Do you oversee non-ICWA child welfare cases also?

Identifying Cases

3. How do you think the identification process is going?

Parent Engagement/Attendance in Court

4. Do parents frequently attend court hearings?

Child Engagement/Attendance in Court

5. Do youth typically attend court hearings?
6. Can you share how you engage with youth who attend hearings?
7. What role do you play in helping parents and youth build natural supports?
8. Do you ask parents and youth directly at the end of the court appearance if there is anything they need?
9. Do you ask parents and youth directly at the end of the court appearance if anything that happened during the hearing that they do not understand?
10. Do you ask parents and youth directly at the end of the court appearance if they are clear on their next steps?

Partnering with Tribal Partners

11. What Tribes do you work with in this county? (Are there multiple Tribes or primarily one?)
12. Could you share a bit about your working relationship with the Tribes?
13. Do you have any challenges engaging with the Tribe(s)? **If no, skip to question 15.**
14. If so how are you working to overcome these challenges?
15. Do Tribal Representatives/Attorneys regularly attend court?

Family Engagement and Youth Decision Meetings

16. Do you receive information on what occurs at the meetings?
17. How do you use this information in making decisions or preparing orders?
18. Do you ask if the parents and Tribes were present at this meeting?

Family Reports

19. Do you review the Family Reports?
20. Do you order that Family Reports are modified or changed throughout the life of the case as circumstances change, or is one plan used from start to finish?

21. In your experience, do you think families understand what is asked of them?

Placement

22. How do you ensure that placement with siblings is prioritized?

Court Process

23. Are all attorneys prepared for court?

24. Do attorneys advocate in a non-adversarial way?

25. Does this differ from non-ICWA court cases? **Skip to question 26 if not overseeing non-ICWA cases.**

26. Do attorneys and the caseworker point out parent/youth strengths in hearings?

27. Can you share your opinion on the quality of case worker testimony?

28. Can you share your opinion on the quality of Tribal representative testimony?

29. Is there anything you would improve about the court process?

30. Do you ever meet with the team to discuss non-case-related topics - to ensure they understand your expectations or to improve any part of the court process?

31. Are your orders written clearly in plain language that is easy for families to understand?

Active Efforts

32. If active efforts are not met, how do you address that in court?

Visitation

33. Do you order that the visitation be the least restrictive?

34. How do you ensure visitation is culturally competent?

35. Do you ask specific questions about the quality of the visits?

36. What challenges do you face with visitation in your county?

Well-being

37. Another anticipated outcome of ICWA Court is increased social connectedness. Can you describe what social connectedness looks like for families in ICWA Court?

Permanency

38. What does the ICWA court do to address barriers to achieve permanency?

Thank you for your time and insights today and for the work you do in _____ County.

Appendix G: Strengths-Based Feedback

Feedback Report

_____Indian Child Welfare Act (ICWA Court)

The Oregon Judicial Department would like to thank the judiciary and staff at the _____ Court, the Oregon Department of Human Services, and the _____ Tribes for the generous invitation to visit and the warm welcome we received. We also acknowledge the Indigenous lands of the _____ during this visit, a gesture of respect for the traditional owners of the land and a recognition of the historical and ongoing contributions of Indigenous peoples to the area.

Month/Year



THE FOLLOWING **STRENGTHS** OF THE _____ ICWA COURT ALIGN WITH THE FIVE PRINCIPLES OF ICWA COURTS:

1. Judicial Leadership The first principle of ICWA courts is Judicial Leadership. Judges lead off-the-bench in coordination with all ICWA partners.

2. ICWA Data Collection The second principle of ICWA courts is ICWA Data Collection to inform practice and to measure the impact of ICWA courts.

If successful data findings from administrative and advanced analysis, incorporate here.

3. ICWA Training The third principle of ICWA courts is ICWA Training (spirit and letter of law). ICWA court communities are focused on education and skill-development in the relevant laws and on their commitment to the spirit of ICWA.

4. Collaboration The fourth principle of ICWA courts is Tribal stakeholder collaboration.

5. Gold-standard lawyering and social work The fifth principle of ICWA courts is gold-standard lawyering and social work among attorneys, judges, social workers, and Tribal representatives.

THE FOLLOWING **ENHANCEMENTS** CAN FURTHER DEVELOP AND STRENGTHEN THE SUCCESS OF THE _____ ICWA COURT IN SUSTAINING LONG-TERM, HIGH-QUALITY SERVICES AND ADVOCACY FOR TRIBAL FAMILIES:

Include recommendations resulting from the qualitative and quantitative analysis here.

Overall enhancement (keep simple)

State problem

Recommend solutions for problem.

Overall enhancement (keep simple)

State problem

Recommend solutions for problem.

APPENDICES: DATA ANALYSIS REPORTS AND/OR FIGURES:

Attach data reports or analysis as appropriate.

Appendix H: ICWA Court Observation Checklists and Code Book

Both short and long-checklists were prepared by the National Center for State Courts 2026 to observe ICWA court hearings. A code book defining terms is also provided to accompany each checklist.

Code Book (next two pages)

The code book provides definitions and guidance to ensure consistent observations. Observers should review all codes before completing the checklists to ensure accuracy, neutrality and fidelity to the tool.

Checklist-Short (two pages)

This checklist is designed for observation of a single ICWA court hearing on environment, judicial engagement, legal process, safety, permanency, programming, and well-being.

Checklist-Long (four pages)

This longer checklist is designed to observe multiple ICWA court hearings, providing an opportunity to compare hearings.

ICWA Court Status Hearing Observation Checklist Code Book

Please review the code book before proceeding to the observation checklists to ensure objective responses are recorded.

A. Cultural Responsiveness and Tribal Visibility

A1. Visible Elements Reflect Tribal Culture—The physical courtroom environment includes one or more elements that visibly recognize Tribal identity. Examples (not exhaustive), include: Tribal flags, seals, insignia, artwork, posters, cultural symbols, signage acknowledging Tribal partners, environmental elements that visibly communicate that Tribal families are welcome in the space.

A2. Tribal-led Ceremony—A greeting, song, blessing, drumming, or any other Tribal ceremony practice led by a Tribal representative or cultural expert, typically held at the beginning of the court proceedings to acknowledge Tribal sovereignty, cultural grounding, and belonging in the space.

B. Courtroom Environment

B1. Seating and Courtroom Arrangements—The courtroom layout and seating allow for comfort, full participation and visibility for all parties. All family members have adequate sightlines to the judge and case parties; parents can sit with their children as permitted; parties are encouraged and invited to sit with their attorneys at counsel tables; and ample seating is available in the courtroom for extended family and caregivers.

B2. Judicial Demeanor and Engagement – The judge demonstrates a calm and respectful, culturally aware, family-focused approach throughout the hearing. Examples (not exhaustive) include: welcome participants, uses plain language, engaging posture (not rushed or distracting), invites parents and children to speak and speaks directly to them.

B3. 'Plain Language'—Clear, concise, everyday language is used that allows for easy understanding by children and families in the courtroom (using common language instead of complex terms and legal jargon).

C. Attorney Collaboration

C1. Attorneys interact in ways that support strength-based approaches, cooperative problem solving and focus on the shared goal of the family's best interest. Attorneys avoid adversarial tone, and differing opinions are expressed constructively towards the common goal.

C2. Collaborative and Respectful Approach—Attorney questions are structured and relevant showing preparation. Cross examination is respectful, focused, and consistent with ICWA collaborative problem-solving approaches.

In the following codes, if the item is observed at least once per hearing, mark Yes. If not, mark No. If you are unsure, leave blank and make a note in the next available open text box.

D. Safety, Permanency and Well-being

D1. The Current Safety Concern(s)—Court discussion of the current safety concern. Discussions might include restatement of the safety concern, review of what is needed to achieve safety, connection between safety and active efforts.

D2. 'Actionable Steps Being Taken to Mitigate the Safety Concern(s)'— The court discusses specific, measurable actions that are underway to mitigate the safety concern. The court discusses ongoing actions intended to address the current safety concern(s). Examples (not exhaustive) include: treatment services and supports, increased visitation, strengthening family capacity, tribal driven supports, community connections, and logistical supports (transportation, childcare) that help support delivery of services.

D3. 'Active Efforts'—Concrete individualized actions taken by the child welfare agency, in partnership with the Tribe, to support the family were discussed during the hearing. Examples (non-exhausted) include: providing comprehensive assessments; identifying and referring to culturally appropriate services that directly relate to the family plan; helping the family coordinate services; taking the family to the appointment or assessment; indicating collaboration with the Tribe; indicated outreach to extended family for support; attempts to keep siblings together whenever possible; supporting frequent visits and assisting with transportation needs to accommodate visits; home visits; description of helping families access community services; discussion of monitoring case plans based on progress and participation; evidence of flexibility or adaptation when earlier services did not work; and indication of ongoing check-ins with parents, children, kin caregivers, family members, etc.

D3. Culturally-Appropriate Services and Activities—The court or parties discuss culturally specific activities, programs and services that align with the child's or family's cultural and language preferences, including those recommended by the Tribe. Examples include: references to cultural healing practices; statements or discussions about culturally grounded placement decisions; or the judicial officer asking whether proposed services are culturally appropriate or in alignment with Tribal Representatives' recommendations.

ICWA Court Status Hearing Observation Checklist- Short

For all hearings observed on: _____(date)

Hearing Type: _____

Court Environment

Observation Item	Observed Y / N
Visible elements that reflect Tribal culture (e.g., artwork, flags, symbols)	☐ / ☐
Tribal-led ceremony occurred before proceedings began	☐ / ☐
Seating arrangements inclusive and respectful of families and Tribal representatives	☐ / ☐
Parents and children are invited to sit with their attorney at counsel table	☐ / ☐
Courtroom generally feels community-oriented and collaborative (non-adversarial)	☐ / ☐

Judicial Engagement

Does the judge engage in the following practices?	Observed (Yes/No/Not Present)
	Y / N
Judge welcomes everyone to the status conference	☐ / ☐
Explains the purpose of the status conferences in plain language	☐ / ☐
Did the judge speak directly to:	Y / N / N/P
Child	☐ / ☐ / ☐
Mother	☐ / ☐ / ☐
Father	☐ / ☐ / ☐
Did the judge invite and allow the following individuals to share their perspective or input during the status conference?	Observed (Yes/No/Not Present)
Child (if age appropriate)	☐ / ☐ / ☐
Mother	☐ / ☐ / ☐
Father	☐ / ☐ / ☐
Tribal Representative	☐ / ☐ / ☐
Family Members	☐ / ☐ / ☐
Caregiver	☐ / ☐ / ☐

Legal Process

Are parties present and actively engaged?	Observed (Yes/No/Not Present)
	Y / N / N/P
Mother's Attorney	☐ / ☐ / ☐
Father's Attorney	☐ / ☐ / ☐
Child's Attorney	☐ / ☐ / ☐
Assistant Attorney General	☐ / ☐ / ☐
Tribe's Attorney	☐ / ☐ / ☐

Do attorneys demonstrate a collaborative and respectful approach, working towards solutions that support the child's best interests and support to parents that honor Tribal values , rather than engaging in adversarial practices?	Y / N / N/P
Mother's Attorney	☐ / ☐ / ☐
Father's Attorney	☐ / ☐ / ☐
Child's Attorney	☐ / ☐ / ☐
Assistant Attorney General	☐ / ☐ / ☐
Tribe's Attorney	☐ / ☐ / ☐

NOTES:

Case Manager Collaboration If there is a case manager who works with the parent/child attorney in attendance, did they:	Y / N / N/P
Provided case updates	☐ / ☐ / ☐
Supported the client	☐ / ☐ / ☐
Offered cultural insights/suggestions (Strength-based language)	☐ / ☐ / ☐

Safety

Was there discussion about the following safety related topics?	Discussed (Yes/No) Y / N
The existing safety concern	☐ / ☐
Actionable steps being taken to mitigate the safety concern	☐ / ☐
Whether the services provided are helping to mitigate the safety concerns	☐ / ☐

Programming

Was there discussion about the following programming related topics?	Discussed (Yes/No) Y / N
Specific Active Efforts made	☐ / ☐
Specific tribe involvement in efforts	☐ / ☐
Specific culturally appropriate services	☐ / ☐

NOTES:

Permanency

Was there discussion about the following permanency related topics?	Discussed (Yes/No) Y / N
Caseworker provided a specific update on each child and the parents which included action items that were completed since the last hearing and any barriers the family faced	☐ / ☐
Caseworker pointed out family strengths	☐ / ☐
Specific progress toward the Permanency Goal	☐ / ☐
Child's current placement and stability	☐ / ☐

Well-being

Was there discussion about the following well-being related topics?	Discussed (Yes/No) Y / N
Physical health	☐ / ☐
Emotional health	☐ / ☐
Physical health	☐ / ☐
Emotional health	☐ / ☐
Educational progress	☐ / ☐
Extra-curricular/Social activities	☐ / ☐
Connection to Tribal culture / community	☐ / ☐
Number of visits	☐ / ☐
Quality of visits	☐ / ☐
Sibling visits – quality/frequency	☐ / ☐
Least restrictive visits at this time	☐ / ☐
Specific culturally appropriate services	☐ / ☐
Child's current placement and stability	☐ / ☐

Judicial Office Closing Practices

Does the judge....	Observed (Yes/No/Not Present) Y / N / N/P
Explains the court's order in plain language	
Ask parents/children if they have any questions about the order	☐ / ☐ / ☐
Ask parents if there is anything they need	☐ / ☐ / ☐
Ask children if there is anything they need	☐ / ☐ / ☐
Ask caregivers if there is anything they need	☐ / ☐ / ☐
	Y / N
Announced the date of the next court appearance	☐ / ☐
Thanked all participants for attending	☐ / ☐

ICWA Court Status Hearing Observation Checklist- Long

Court Environment

For all hearings observed on: _____

Observation Item	Observed Y / N	Notes
Visible elements that reflect Tribal culture (e.g., artwork, flags, symbols)	☐ / ☐	
Tribal-led ceremony occurred before proceedings began	☐ / ☐	
Seating arrangements inclusive and respectful of families and Tribal representatives	☐ / ☐	
Parents and children are invited to sit with their attorney at counsel table	☐ / ☐	
Courtroom generally feels community-oriented and collaborative (non-adversarial)	☐ / ☐	

Judicial Engagement

Use for each case

Does the judge engage in the following practices?	Observed (Yes/No/Not Present)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
Judge welcomes everyone to the status conference	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Explains the purpose of the status conferences in plain language	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Did the judge speak directly to:	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Child	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Mother	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Father	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Did the judge invite and allow the following individuals to share their perspective or input during the status conference?	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Child (if age appropriate)	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Mother	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Father	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Tribal Representative	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Family Members	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Caregiver	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐

NOTES:

Legal Process

Use for each case

Are parties present and actively engaged?	Observed (Yes/No/Not Present)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Mother's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Father's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Child's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Assistant Attorney General	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Tribe's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Do attorneys demonstrate a collaborative and respectful approach, working towards solutions that support the child's best interests and support to parents that honor Tribal values , rather than engaging in adversarial practices?	Observed (Yes/No/Not Present)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Mother's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Father's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Child's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Assistant Attorney General	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Tribe's Attorney	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Case Manager Collaboration If there is a case manager who works with the parent/child attorney in attendance, did they:	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Provided case updates	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Supported the client	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Offered cultural insights/suggestions (Strength-based language)	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐

NOTES:

Safety

Use for each case

Was there discussion about the following safety related topics?	Discussed (Yes/No)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
The existing safety concern	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Actionable steps being taken to mitigate the safety concern	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Whether the services provided are helping to mitigate the safety concerns	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐

NOTES:

Permanency

Use for each case

Was there discussion about the following permanency related topics?	Discussed (Yes/No)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
Caseworker provided a specific update on each child and the parents which included action items that were completed since the last hearing and any barriers the family faced	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Caseworker pointed out family strengths	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Specific progress toward the Permanency Goal	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Child's current placement and stability	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐

NOTES:

Programming

Use for each case

Was there discussion about the following programming related topics?	Discussed (Yes/No)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
Specific Active Efforts made	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Specific tribe involvement in efforts	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Specific culturally appropriate services	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐

NOTES:

Well-being

Use for each case

Was there discussion about the following well-being related topics?	Discussed (Yes/No)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
Physical health	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Emotional health	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Educational progress	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Extra-curricular/Social activities	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Connection to Tribal culture / community	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Number of visits	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Quality of visits	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Sibling visits – quality/frequency	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Least restrictive visits at this time	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Specific culturally appropriate services	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Child's current placement and stability	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐

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Judicial Office Closing Practices

Use for each case

Does the judge engage in the following closing practices?	Observed (Yes/No/Not Present)				
	Hearing 1	Hearing 2	Hearing 3	Hearing 4	Hearing 5
	Y / N	Y / N	Y / N	Y / N	Y / N
Explains the court's order in plain language	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P	Y / N / N/P
Ask parents/children if they have any questions about the order	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Ask parents if there is anything they need	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Ask children if there is anything they need	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
Ask caregivers if there is anything they need	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐	☐ / ☐ / ☐
	Y / N	Y / N	Y / N	Y / N	Y / N
Announced the date of the next court appearance	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐
Thanked all participants for attending	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐	☐ / ☐

NOTES:

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References

- American Indian Higher Education Consortium. (2009). *Indigenous evaluation framework*. AIHEC. https://webassets.aihec.org/Initiatives/AIHECAimsDocs/AIHEC%20Indigenous%20Evaluation%20Framework%20Book_2019.pdf
- Annie E. Casey Foundation. (n.d.). *Traumatic impacts*. Annie E. Casey Foundation. <https://www.casey.org/traumatic-impacts/>
- Barkaskas, P., & Gladwin, D. (2021). Pedagogical talking circles: Decolonizing education through relational indigenous frameworks. *Journal of Teaching and Learning (Windsor)*, 15(1), 20-38. <https://doi.org/10.22329/jtl.v15i1.6519>
- Kirkhart, Karen E. (2013, April 21-23). *Repositioning Validity*. [Conference presentation]. Center for Culturally Responsive Evaluation and Assessment (CREA) Conference, Chicago, IL, United States. <https://uofi.app.box.com/s/hm6na06ruza1wkgxd17qhnwrtjdxtum8?sfvrsn=2>
- Limb, G. E., Chance, T., & Brown, E. F. (2004). An empirical examination of the Indian child welfare act and its impact on cultural and familial preservation for American Indian children. *Child Abuse & Neglect*, 28(12), 1279-1289. <https://doi.org/10.1016/j.chiabu.2004.06.012>
- Portland State University, Center for Improvement of Child and Family Services. (2009). <https://www.pdx.edu/center-child-family/sites/g/files/znldhr2421/files/2020-07/CJA-project-Information-and-discussion-guide.pdf>
- Rodriguez, K. L., Schwartz, J. L., Lahman, M. K. E., Geist, M. R. (2011). Culturally responsive focus groups: Reframing the research experience to focus on participants. *International Journal of Qualitative Methods*, 10(4), 400-417. <https://doi.org/10.1177/160940691101000407>
- Summers, A. & Wood, S. (2014). *Measuring Compliance with the Indian Child Welfare Act: An assessment toolkit*. Reno, NV: National Council of Juvenile and Family Court Judges. <https://www.bia.gov/sites/default/files/dup/assets/bia/ois/webteam/pdf/idc1-025753.pdf>
- Taylor, E. K., de Vet, E., Xu, H., Susanto, J., Thomas, D., Button, S., Froome, K., & Hendrickson, B. (2025). Carinya therapeutic program evaluation: Approaching evaluation with flexibility and a culturally safe, trauma-informed lens. *Evaluation Journal of Australasia*, 25(2), 82-107. <https://doi.org/10.1177/1035719X251336477>
- Williams, J. R., Amell, J. W., Maher, E. J., Tompkins, J., Summers, A., Rosen, J. E. M. S. W., Cain, S. M., Mueller, C., Moon, M., McCauley, G., & Harris, L. (2016). What is measured is what is done: Methods to measure compliance with the Indian Child Welfare Act. *American Indian Law Journal*, 4(2), Article 8. <https://digitalcommons.law.seattleu.edu/ailj/vol4/iss2/8>



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