



# Considerations when Planning for an ICWA Court

Summary of April 23, 2025 CIP Meeting

## Summary and Purpose of Meeting

There are currently 24 ICWA Courts across the country and other jurisdictions are working to either develop ICWA Courts or improve ICWA practice. On April 23, Court Improvement Program (CIP) Staff from Alaska, Idaho, Oregon, and Washington came together virtually to discuss ICWA Courts and ICWA practice. The following is a summary of that meeting and meant to be a reference for those states and others who seek practical considerations when deciding whether to start an ICWA Court.

## Guiding Principles in Tribal-State Welfare Collaboration

This group outlined key insights to support effective and respectful partnerships between state systems and tribal communities, especially in the context of ICWA (Indian Child Welfare Act) work.

### Key Partners to Engage

- **State Entities:** Human Services, Child Welfare, State's attorney, Public Defense.
- **Judicial Partners:** Judges, GALs, CASAs, attorneys (agency, parent, child, tribal).
- **Tribal Partners:** Local and federally recognized tribes, tribal judges, attorneys, councils, and families with lived experience.
- **Support Organizations:** Office of Public Advocacy, Native-led service providers, behavioral health programs.

### Recommendations

- Listen first—build trust through open dialogue with tribal partners.
- Leverage existing relationships and forums.
- Prioritize inclusion, flexibility, and consistent feedback loops

### Active Partnership Groups

- ICWA Advisory Boards (state and local)
- Tribal-State Court Forums
- State human service agency offices of tribal relations and affairs
- Large Native organizations
- Casey Family Programs
- Tribal behavioral health Initiatives

### Effective Engagement Strategies

- Offer flexible methods: in-person, virtual, written, and asynchronous input.
- Use culturally responsive tools like talking circles and therapeutic models.
- Center lived experience to guide program design and policy decisions.



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## Key Data Considerations

As ICWA Court planning moves forward, strong data practices are essential. Understanding what data is needed, who collects it, and how it can be used will help support better outcomes for Native children and families. Early coordination can address current gaps and ensure a responsive, culturally grounded approach.

### Essential Data Needs

- Number and type of ICWA cases (“reason to know” vs. confirmed ICWA)
- Demographics of children and families, including tribal affiliation and enrollment status
- Outcomes data: permanency, time in care, placement type, and preferences upheld
- Tribal participation and engagement at hearings and in service delivery

### Collection & Ownership

- Identify standard practices for dependency and ICWA data collection
- Clarify roles: Courts, child welfare agencies, and local partners as primary collectors
- Review existing forms and systems to support consistency and accuracy

### Use of Data to Improve Outcomes

- Develop dashboards to track benchmarks and delays
- Conduct qualitative feedback (e.g., from families and tribes) to uncover gaps and strengths
- Perform gap analyses between federal/state expectations and current practices

### Collaboration & Capacity

- Involve key voices early: courts, Qualified Expert Witnesses (QEW), child welfare agencies, tribes, data analysts, and families
- Leverage existing relationships to align data priorities and build shared accountability
- Ensure culturally appropriate practices are documented and evaluated

## Quality Hearing Practices

Ensuring quality ICWA court practice starts with early identification and is strengthened through data, collaboration, and consistent communication grounded in legal standards.

### Implementing Effective Practices

- Use tools like journey mapping, drop-off analysis, and student-led evaluations.
- Conduct scheduled self-assessments, alumni interviews, and family surveys (including via QR codes) placed in non-court locations.
- Monitor compliance and outcomes through continuous quality improvement (CQI) processes.

### Sharing and Sustaining Best Practices

- Provide resources like bench cards and policy manuals.
- Offer judicial trainings, leadership team meetings, and Communities of Practice.
- Engage retired judges, tribal organizations, and university partners in mentoring and evaluation.



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## Resources

### Current Resources & Publications

Resources focused on ICWA implementation in courts, along with guidelines and toolkits for practitioners involved in ICWA cases.

- [The Five Principles of ICWA Courts Podcast](#)
- [Washington Indian Court Interpreters and Tribal Advocates \(WACITA\) Benchbook](#)
- [ORICWA Benchbook & Oregon Model Court Forms](#)
- [Legislative Report on the Oregon Indian Child Welfare Act](#)
- [NCJFCJ ICWA Court Website & NCJFCJ ICWA Compliance Toolkit](#)
- [Tribal Relations & ICW Courts Practice Tips from Washington](#)
- [ICWA-Baseline Measures Report from Washington](#)
- [Alaska ICWA Implementation Training](#)
- [Nebraska CIP ICWA Webinars](#)
- [AFCARS Disproportionality Dashboard](#)
- [Yellowstone County Treatment Court Story](#)
- [ABA Montana ICWA Courts Podcast](#)
- [Marion County ICWA Court Story](#)

### Looking Forward - Ultimate ICWA Court Resource Components

Meeting attendees identified a streamlined, adaptable toolkit to support ICWA court development, practice, and long-term success through practical tools, collaboration, and implementation support.

- **Customizable Toolkit** – Templates, forms, and scripts tailored to different court and tribal needs.
- **Guidance Materials** – Implementation manual, participant handbook, and policy manual to standardize procedures.
- **Best Practices & Examples** – Quick guides on key ICWA elements and effective strategies.
- **Journey & Resource Mapping Tools** – Visual tools for mapping family pathways and identifying services at all levels.
- **Walk-Away Orders** – Clear, hope-focused summaries with next steps after each hearing.
- **Service Navigator** – Central directory to connect families and staff with services.
- **Tribal & Partner Collaboration** – Contacts and structured engagement at all levels.
- **Training & Peer Learning** – Community of practice, court visits, and implementation support.
- **Sustainability Support** – Funding strategies and roles like ICWA Court coordinators.
- **Data & Documentation Protocols** – Standardized systems for data collection, reporting, and effective documentation, with training included.