



# *White Earth Tribal Adoption Program*

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# Ojibwe Language

- Gi we nabagomin: I'm Going to Adopt You
- Nege nabagomig: Adopted Me

# Why the need to create the Customary Adoption Program?

- Permanency options were limited for our Indian Children.
- Termination of Parental Rights were occurring with State Court Adoptions.
- Our Indian Children were remaining in Long-Term Foster Care (Stuck in the system)



# Our Children in 1996

- 22 Children were classified as “State Wards”
- These children were not in Pre-Adoptive homes.
- These children were not in Long Term Foster Care.
- These children were not in permanent, stable homes.
  - The homes that they were in were not committed to caring for them until they reached the age of majority.
- The majority of these children were not in relative homes.

# Termination of Parental Rights

## Minnesota Statutes 260C.301

- Subdivision 1. **Voluntary and involuntary.**
- The juvenile court may upon petition, terminate all rights of a parent to a child:
- (a) with the written consent of a parent who for good cause desires to terminate parental rights; or
- (b) if it finds that one or more of the following conditions exist:
  - (1) that the parent has abandoned the child;
  - (2) that the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and either reasonable efforts by the social services agency have failed to correct the conditions that formed the basis of the petition or reasonable efforts would be futile and therefore unreasonable;
  - (3) that a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth;
  - (4) that a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the parent's parental rights to one or more other children were involuntarily terminated or that the parent's custodial rights to another child have been involuntarily transferred to a relative under Minnesota Statutes 2010, section [260C.201, subdivision 11, paragraph \(e\), clause \(1\)](#), section [260C.515, subdivision 4](#), or a similar law of another jurisdiction;
  - (5) that following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement

# Minnesota Permanency Timelines

Minnesota Statute 260C.301, Sub. 1., b(5)

- (5) that following the child's placement out of the home, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the child's placement. It is presumed that reasonable efforts under this clause have failed upon a showing that:
  - (i) a child has resided out of the parental home under court order for a cumulative period of 12 months within the preceding 22 months. In the case of a child under age eight at the time the petition was filed alleging the child to be in need of protection or services, the presumption arises when the child has resided out of the parental home under court order for six months unless the parent has maintained regular contact with the child and the parent is complying with the out-of-home placement plan;
  - (ii) the court has approved the out-of-home placement plan required under section [260C.212](#) and filed with the court under section [260C.178](#);
  - (iii) conditions leading to the out-of-home placement have not been corrected. It is presumed that conditions leading to a child's out-of-home placement have not been corrected upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan; and
  - (iv) reasonable efforts have been made by the social services agency to rehabilitate the parent and reunite the family.
- This clause does not prohibit the termination of parental rights prior to one year, or in the case of a child under age eight, prior to six months after a child has been placed out of the home.

# Minnesota Permanency Timelines cont.

What are the shortcomings of the Minnesota Permanency Timelines and how does it affect our children?

1. Who defines compliance?
2. How can active efforts under ICWA be reasonably met in 6 months?
3. What about the waiting lists for our parents and families to begin participating in services?



# How did this impact White Earth?

- 205 child protection cases open nationwide in 1998.
- 28 cases with TPR's filed in State Court in 1998.
- Only 3 ICWA workers in the White Earth Indian Child Welfare Department at the time.
- There was a non-functional adoption department to handle the new 28 cases with TPRs.
- The Tribe had not taken a strong stance against TPRs.
- No children protection cases yet in the newly established White Earth Tribal Court.

# Why?

- Concerns with Adoption and Safe Families Act (ASFA)
  - Enacted in 1997, required that a decision about whether the child can be safely returned to the home or should be moved toward adoption must be made if the child has been in foster care for 15 or more of the past 22 months. Financial incentives were provided to states with increasing adoptions.
- Despite the passage of ICWA in 1978, there was tension and mistrust between state child welfare systems and tribes.
  - The fast track required by ASFA conflicted with requirements stipulated by ICWA and most states were gave ASFA priority over following ICWA guidelines.
  - The National Indian Child Welfare Association (NICWA), tribes, and child welfare workers argued that ICWA must be followed before ASFA was applied, but there was limited success.

# White Earth Tribal Court

- Established in 1997
- Cases: Child Protection, Adoptions, Traffic, Conservation, Housing, Orders for Protection, Custody, Dissolutions, Small Claims, Marriages, Name Changes, Probate
- In 2005, White Earth had 610 new cases filed-currently, over 1,000 new cases are filed annually



# In the Beginning...

- Money for foster care and adoption was provided to the states through Title IV-E of the Social Security Act and states were directed to provide adoption and foster care money to tribes who had entered into a Title IV-E Agreement with the state.
- However, up until 2001 Title IV-E Agreements required a termination of parental rights, something that the Tribe would not agree with.

# What happened next?

- Formal & Informal Advocacy
  - Forces joined with the Children's Bureau of the Federal Department of Health and Human Services (DHHS)
- Renewed energy among tribes to reclaim traditional child welfare values and practices.
- A reconsideration by the Children's Bureau of their position regarding Termination of Parental Rights.
  - In 2001, a policy announcement from the Administration for Children and Families, DHHS, (ACYF-CB-PA-01-01) was published that clarified that 'Customary' or 'Traditional' adoption is an adoption process that does not require the severing or Termination of Parental Rights

# Tribal Council Resolutions

- 064-00-007; 0641-006
  - The White Earth Tribal Council Acknowledges that there is no more important resource than our children. Our children are the very future of our tribe, our culture, and our way of life. If our children are raised away from their family, community, and tribe, they lose their sense of identity and belonging....
  - The White Earth Tribal Council believes that it is ill-advised social policy to pursue the termination of parental rights of our children...

# What did we do to establish the Customary Adoption Program?

- Established juvenile codes in our Tribal Court to hear child protection cases.
- Hired a new Adoption Coordinator.
- Sought additional grant funding and billing mechanisms.
- Obtained attorney services.
- Transferred ICWA cases into our Tribal Court.



# Timeline

- 1999
  - January: Began expanding the Adoption Program at White Earth so we could be recognized as a child placing agency.
  - November: The first adoption occurred through White Earth Tribal Court, however, parental rights were terminated in this egregious harm case and Guardianship of the child was with the Commissioner instead of the Tribe.

# Purchase of Service Agreements

- A contract completed between the Customary Adoption Program and the Minnesota Department of Human Services (DHS)
- DHS uses the contract and the accompanying forms to open their file and issue a DHS number to the adoption program.
- Work by the Adoption Program can only be reimbursed that occurs AFTER the signing of the Purchase of Service Agreement.
- The total reimbursable amount for each child is not to exceed 16,000.

# Suspension of Parental Rights

- Used as an alternative and a more culturally appropriate version of “Termination of Parental Rights” that is used in District Court.
- Final Order: If the court determines that it is in the best interests of the child and the child’s tribe, it shall issue a final order for a suspension of parental rights. Such an order for suspension of parental rights may include, but is not limited to, the following:

# Suspension of Parental Rights

- 1. A suspension of the parental rights of the parent including the suspension of the right to the care, custody, and control of the minor child allowing the child to be adopted;
- 2. A suspension of the right of the parent to have contact with the minor child including contact in person, by mail, by telephone, or through third parties or the order may allow for a contact agreement agreed upon by the parties to be ordered by the court;
- 3. Restraining a parent from contacting the minor child, the child's foster parent, the child's adoptive parent and/or the social services agency or agencies possessing information regarding the minor child;

# Suspension of Parental Rights

- 4. Ordering that the biological parents' obligation to pay child support, except for arrearages, is hereby terminated;
- 5. Order that any prior court order for custody, visitation, or contact with the minor child is hereby terminated;
- 6. The parent shall have no standing to appear at any future legal proceedings involving the child;
- 7. The suspension of parental rights does not sever or affect in any way a child's relationship to his/her tribe or any rights of inheritance from the biological parent(s);
- 8. Shall contain a statement regarding why it is in the best interests of the child and the child's tribe to enter this order.

# Suspension of Parental Rights

- Final orders for the suspension of parental rights may be reviewed by the court at the request of the biological parent, the agency or agencies possessing custody of the child only if one of the following occurs:
  - 1. If there is no final permanency order in effect after a period of one year after the entry of the final order suspending parental rights;
  - 2. The adoption of the child fails; or the adoptive parent is deceased.
- Notice of this review shall be provided to all parties to the hearing at which the final suspension of parental rights order was issued.
- Once the Suspension of Parental Rights occurs, the White Earth Adoption Program can begin toward adoption finalization of the child(ren) that White Earth Indian Child Welfare was granted permanent guardianship of.

# Northstar Adoption Assistance (previously Legacy Adoption Assistance)

- Established in 2015 for children in foster care.
- To be eligible for Northstar Adoption Assistance a child must have a special needs determination:
  - Sibling group: The child is going to be adopted with other siblings.
  - A documented physical, mental, emotional, or behavioral disability.
  - Documentation that the child is “at-risk”—which means the child has potential to develop a disability that has not yet manifested (child tested positive at birth for substances, birth parents have a history of mental/physical disabilities or illnesses, etc.) \*\*State determinates these on a case by case basis
  - A Social Security Administration determination that a child meets all medical or disability requirements for Supplemental Security Income Benefits.
  - An adoptive placement by a parent who previously adopted a sibling for whom they receive Adoption Assistance (Can be Northstar Adoption Assistance or Adoption Assistance from a Pre-Northstar Program)

# Northstar Adoption Assistance Required Documentation/Process

- Minnesota Department of Human Services: Northstar Adoption Assistance Eligibility Determination
  - Documentation required to determine eligibility:
    - Signed Adoption Placement Agreement
    - Relative Search/Kinship Documentation
    - Suspension of Parental Rights of both parents, or documentation showing an “inactive” parent (Death certificate, Termination of Parental Rights from a prior court, etc)
    - Court Order transferring Legal Custody to the Tribe (Initial Order after CHIPS Petition, Emergency Protective Care Order, Voluntary Placement Agreement)
    - Child's Birth Certificate
    - Report of Adoptive Placement (DHS-178 Form)
    - Child's Social and Medical History
    - Pre-Adoptive parent's background study, Adam Walsh Clearances
    - MAPCY Assessment (Determines Adoption Assistance Rate)
    - At-Risk Statement (Birth records, medical records, social/medical history)
    - Documentation of child's disability
    - Title IV-E Eligibility Determination Worksheet

# Timeline

- 2000
  - January: Started investigating contracting & Contracted with Wadena County
    - Minnesota Statute 259.67 Subd. 7 and 8 reads:
      - Subd. 7 Reimbursement of Costs. (a) Subject to rules of the commissioner, and the provisions of this subdivision a child-placing agency licensed in Minnesota or any other state, or local social services agency shall receive reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost of providing adoption services for a child certified as eligible for adoption assistance under Subd. 4...(b) and (c).
      - Subd. 8 Indian Children The commissioner is encouraged to work with American Indian Organizations to assist in the establishment of American Indian Adoption Organizations able to be licensed as child-placing agencies...should, whenever possible, be served by the tribal governing body tribal courts, or a licensed Indian child-placing agency.
  - April: Transfer of ICWA case from County District Court to White Earth Tribal Court

# Timeline

- 2001
  - The Federal policy directive allowing customary adoption to be covered under Title IV-E with no termination of parental rights was published.
  - Jeri Jasken, Indian Child Welfare Director and LuAnne Lottino, White Earth Adoption Program Coordinator, met with Minnesota State Officials to finalize the sequence of paperwork needed to implement Customary Adoption through a Title IV-E Agreement with the State of Minnesota.
  - Throughout the year there were many bumps during the process involving expanded placement of White Earth children by their Tribe which included: refining language for statute, and Purchase of Service Agreements with the State of Minnesota.
  - April: Met with MN DHS regarding Customary Adoptions
  - May: Children placed in Michigan through ICPC process, children were under the Guardianship of White Earth Tribal Court
  - July: Began working with MN DHS regarding contracting

# Timeline

- 2001
  - September: Contacted another resource at MN DHS regarding contracting
  - October: Transferred case involving ICPC with North Dakota to White Earth Tribal Court to do a Suspension of Parental Rights.

# Timeline

- 2002
  - February: Met with MN DHS regarding contracting.
  - The first Contract for Service Agreement was signed and approved for payment to support Customary Adoption for Title IV-E eligible children.
  - Jeri & LuAnne continued their work with the State of Minnesota in regards to our children that were not eligible for Title IV-E.
    - They were told the only way to receive funding for the non Title IV-E Children was to terminate parental rights, again, they found this unacceptable and pursued State dollars to fund the non-IVE cases and change legislation again...

# Timeline

- 2002
  - March: First Contract for Services signed with Hennepin County.
  - May: North Dakota would not follow the children with subsidy if White Earth Tribal Court took jurisdiction.
  - May: Contract for Service Agreements with Hennepin County signed by MN DHS.
  - June: Meeting with MN DHS regarding White Earth Tribal Court and Adoption Assistance
  - October: First Customary Adoption Subsidy completed in White Earth Tribal Court with the Child being Title IV-E Eligible under the Guardianship of Tribal Court.

Great Progress was being made & then...

# February 26, 2003 Letter from MN DHS



Minnesota Department of **Human Services**

February 26, 2003

Lu Anne Soyring,  
Adoption Coordinator  
White Earth Reservation Tribal Council  
Human Services Division  
Naytahwaush, MN 56566

Re: Purchase of Service Agreements:

Dear Ms. Soyring and Ms. Ireland:

On May 21, 2002, the Minnesota Department of Human Services signed Purchase of Service agreements with both of you. These agreements supported the adoptions of [redacted] and [redacted]. I deeply and sincerely regret that these documents were signed in error and DHS cannot honor them. Therefore we cannot reimburse White Earth Reservation for costs incurred in supervising and supporting the adoptive placement of these children.

Minnesota Statutes § 259.67, subdivision 7, establishes the Commissioner's authority to enter into purchase of service agreements. The Commissioner is authorized to enter into such agreements with a "child placing agency licensed in Minnesota or any other state." The statute does not give the Commissioner the authority to enter into agreements with tribal social service agencies. I have enclosed a copy of this statutory language.

I know that work has gone forward and costs have been incurred. I am aware that the Department's inability to enter into Purchase of Service Agreements with tribal social service agencies has been a source of confusion and consternation. This event may have only added to the confusion.

A letter from the Minnesota Department of Human Services was sent to White Earth withdrawing their original agreement to contract for adoption services with the Tribe.

# What happened next?

- Purchase of Service Contracts
  - March, 2003: Jeri & LuAnne recruited support at MN DHS and Attorney General's Office regarding contracting.
  - March, 2003: Met with MN DHS and the Attorney General of Minnesota regarding contracting and received approval to change statute, allowing payment for Customary Adoptions.
  - June, 2003: Received payment from MN DHS for our first Contracts.



# Timeline

- 2003
  - July: Changes in Legislative language made:
    - 259.21 Subd. 6. Agency “Agency” means an organization or department of government designated or authorized by law to place children for adoption..., including a Minnesota Federally recognized tribe.

# Adoption Legislation

- 259.67 Subd. 2 Adoption Assistance Agreement...
  - (1) The child is a member of a sibling group to be placed as one unit in which at least one sibling is older than 15 months of age or is described in (2) or (3)
  - (2) The child has documented physical, mental, emotional, or behavioral disabilities.
  - (3) The child has a high risk of developing physical, mental, emotional, or behavioral disabilities.
  - (4) The child is adopted according to tribal law without a termination of parental rights or relinquishment, provided that the tribe has documented the valid reason why a child cannot or should not be returned to the home of the child's parent.

# Adoption Legislation

- Subd. 4 Eligibility conditions. (a) The placing agency shall use the AFDC requirements as specified in federal law as of July 16, 1996, when determining the child's eligibility for adoption assistance under Title IV-E of the Social Security Act. If the child does not qualify, the placing agency shall certify a child as eligible for state funded adoption assistance only if the following criteria are met:
  - (1) Due to the child's characteristics or circumstances it would be difficult to provide the child an adoptive home without adoption assistance.
  - (2) (i) A placement agency has made reasonable efforts to place the child for adoption without adoption assistance but has been unsuccessful; or

# Adoption Legislation

(ii) the child's licensed foster parents desire to adopt the child and it is determined by the placing agency that the adoption is in the best interest of the child.

(3) The child has been a ward of the commissioner a Minnesota-licensed child-placing agency, or a tribal social service agency of Minnesota recognized by the Secretary of the Interior.



# Adoption Legislation

- (b) For purposes of this subdivision, the characteristics or circumstances that may be considered in determining whether a child is a child with special needs under United States Code, title 42, chapter 7, subchapter IV, part E, or meets the requirements of paragraph (a), clause (1), are the following:

# Adoption Legislation

- Subd. 7. Reimbursement of costs. (a) Subject to rules of the commissioner, and the provisions of this subdivision a child-placing agency licensed in Minnesota or any other state, or local or tribal, social services agency shall receive a reimbursement from the commissioner equal to 100 percent of the reasonable and appropriate cost of providing adoption services for a child certified as eligible for adoption assistance under subdivision 4.

# Adoption Legislation

- Subd. 7 (c) When a local or tribal social services agency uses a purchase of service agreement to provide services reimbursable under a reimbursement agreement, the commissioner may make reimbursement payments directly to the agency providing the service if direct reimbursement is specified by the purchase of service agreement, and if the request for reimbursement is submitted by the local or tribal social service agency along with a verification that the service was provided.

# Problems with the Social Security Administration

- November, 2003 – Received notice that Social Security will not recognize a parent-child relationship through a Customary Adoption.



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**Social Security Administration**  
**Retirement, Survivors, and Disability Insurance**  
Notice of Disapproved Claim

Mid-America Program  
Service Center  
601 East Twelfth Street  
Kansas City, Missouri 64106-2859  
Date: November 17, 2003  
Claim Number:



We are writing to tell you that  
qualify for child's benefits.

does not

Benefits are not payable because you do not have the necessary  
relationship to . To qualify, you must be his  
child, adopted child, or grandchild under the law.

# Social Security Appeal

- May, 2005 – Filed appeal with Social Security after denial letter sent to an adoptive parent
- July, 2005 – Finally have all the kinks out of contracting
- March, 2006 – Received a letter regarding appeal to Social Security requesting evidence of adoption process; agency provided documentation and later that year the family received approval for social security benefits

# FUNDING: Child Safety and Permanency Division Grant Contract July 2015-Present

- Replaced the Purchase of Service Contract in July of 2015.
- Provides a blanket amount for the services that we provide for our children under the following categories as long as the child is under Tribal Guardianship:
  - Adoption Home Studies & Home Study Updates
  - Child-Specific Recruitment Efforts
  - Child Placement Services
- Allows us to receive funding for post-adoption visits (up to 3 months after finalization)
- 1<sup>st</sup> half is billed with the beginning of the services provided, final amount is billed at finalization of adoption

## 259A.75 Reimbursement of Certain Agency Costs; Purchase of Service Contracts and Tribal Customary Adoptions

- Addition of Subdivision 7 to include Tribal Customary Adoptions in 2015
  - Subd. 7 Tribal Customary Adoptions.
    - (a) The commissioner shall enter into grant contracts with Minnesota tribal social services agencies to provide child-specific recruitment and adoption placement services for Indian Children under the jurisdiction of Tribal Court.
    - (b) Children served under these grant contracts must meet the child eligibility criteria in subdivision 2.

# Tribal Contact Agreements

- Document that outlines contact between the child(ren) being adopted and the biological parents, grandparents, siblings, etc. who desire to have ongoing contact with the child after the adoption.
- This is signed by the Director of White Earth Indian Child Welfare, the Adoption Worker, and the adopting parents.
- In some circumstances, the biological family member will also sign the contact agreement.
- The type of contact is generally discussed prior to the adoptive family signing the Adoption Placement Agreement, so they know what type of contact they are required to uphold throughout the minority of the child(ren)'s life.
- This contact can be as limited as pictures and a written update being sent to the relative on an annual basis to being as broad as face to face visits and telephone calls on a monthly basis.
- This contact is **ONLY APPROVED** when it is in the best interests of the child(ren)!

# Tribal Contact Agreements

- Who determines what type of contact may occur?
  - Child Protection Social Worker, Adoption Worker, White Earth Indian Child Welfare Director, Recommendations of the child's therapist or mental health provider.
- What about siblings in other placements?
  - Each child who is adopted, but has siblings outside of the adoptive home, is entitled to minimum face to face visits 4 times per year with unlimited telephone, facetime, mail, or social media contact as long as it is in the child(ren)'s best interest.
- What if the adoptive parents do not abide by contact agreement after finalization?
  - Any party that is entitled to contact through the contact agreement may bring the matter into White Earth Tribal Court for the Judge to address, however, each party is encouraged to seek other means of mediation before filing with the court.
- Who acts as the "middle man" in determining when/where contact will occur?
  - It is up to the biological family members to contact the White Earth Adoption Program to receive their photos and updates as well as to contact the adoptive homes about visits. Some adoptive families are comfortable setting up visits between themselves and the biological family members, others prefer the White Earth Adoption Program to act as the middle ground. Each case is different!

# Customary Adoption Code

- Declaration of Policy:

- 1. It is the fundamental belief of the White Earth Band of Ojibwe that it's children are the sacred responsibility of the tribe.
- 2. One of the White Earth Band of Ojibwe's basic inherent sovereign rights is the right to make decisions regarding the best interests of its children including who should provide for the care, custody, and control of its children. This code is intended to assure a safe, stable, nurturing, and permanent environment for the tribe's children and to provide for the protection of our children, our people, and our way of life.
- 3. The principles that shall guide decisions pursuant to this code are: protection of the child's safety, well-being and welfare, and their sense of belonging; preservation of the child's identity as a tribal member and member of an extended family and clan; preservation of the culture, religion, language, values, clan system and relationships of the Tribe.
- 4. As an exercise of its inherent sovereignty the White Earth Band has the authority and jurisdiction to formally delegate the authority to its Children's Court to adjudicate its own customary practices regarding child rearing and child custody.

# Customary Adoption Code

## Why?

- Purpose:
  - The Customary Adoption Code shall be liberally interpreted and construed as an exercise of the inherent sovereign authority of the White Earth Band of Ojibwe to fulfill the following express purposes:
    - 1. To embody and promote the basic traditional values of the White Earth Band of Ojibwe regarding the protection and care of the tribe's children...
    - 2. To promote the belief of the White Earth Band of Ojibwe that children deserve a sense of permanency and belonging throughout their lives and at the same time they deserve to have knowledge about their unique cultural heritage...
    - 3. To provide for the best interests of the tribe, tribal communities, and the tribe's children.
    - 4. To afford judicial processes which allows for formal adjudications that address the issues of the rights, responsibilities, care, custody and control of minor children when the biological parents are unable or unwilling to provide a safe, stable, nurturing and permanent environment for their children by conferring jurisdiction upon the White Earth Children's Court to hear and adjudicate such matters.

# Customary Adoption Code

- “Best Interests of the Child”
  - Defined as a variety of factors including: the ability of the tribe and reservation community to provide for the care of the child; the wishes of the tribe, parents, party or parties; the preference of the child if the child is of sufficient age to express a preference; the intimacy of the relationship between the parties and the child; the child’s adjustment to home, school, and tribal community; the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; the permanence, as a family unit, of the existing or proposed adoptive home; the mental and physical health of all individuals involved; the capacity and disposition of the parties to give the child love, affection, guidance and to continue educating the child in the child’s tribal culture and heritage.

# Customary Adoption Code

- “Best Interests of the Tribe”:
  - Defined as a variety of factors including but not limited to the ability of the tribe and its members to provide for the child; the ability of the tribe and its members to provide for the continuation of the tribe’s culture, language, history, religion, traditions, and values through its children...Every child is a gift from the creator and is viewed by the Tribe as crucial to the future of tribe as a whole.”

(The Code can be found at [www.whiteearth.com](http://www.whiteearth.com) under judicial services)

# Roles of the Adoption Worker: Recruitment

- Complete social medical history of the child.
- Complete relative search with Child Protection Social Worker.
- Create Flyers to present at Taskforce Meeting, to potential pre-adoptive homes, and placement agencies that have ICWA resources.
- Keep monthly contact with the children and current foster family by conducting a monthly home visit.
- If child is 12 years of age and older, speak with them about permanency and what their preferences are.
- Review home studies and work with their foster agency to determine placement suitability while abiding by ICWA preferences.

# Roles of the Adoption Worker: Training Plan of the Family

- Meet with the pre-adoptive family to discuss the customary adoption process.
- Meet the family each month for a home visit.
- Supply information to pre-adoptive families re; support, resources, diagnoses, history of the child, etc.
- Explain the Adoption Assistance process and determine whether or not the child qualifies.
- Answer any question that the child might have: what does adoption mean? What will contact with his biological family consist of post-adoption? What rights does the child have post-adoption?
- Explain to the family the importance of the child's relationship to his biological family and his community.
- Discuss and establish a contact agreement with the pre-adoptive family.

# Roles of the Adoption Worker: Preparation of Child

- Ensure all of the necessary documentation is obtained for the child's file
  - Birth Certificate
  - Social Security Card
  - Tribal Enrollment , enroll child if not done so already
- Review child protection file to become familiar with CP history
- Prepare child for adoption with visits, books, and work with therapist, service providers
- Gather documentation needed for child's adoption assistance/complete packet
- Prepare and complete adoption petition and final paperwork for Tribal Court
- Meet with family (adoptive and/or biological family), child, and CP worker to finalize contact agreement between the child and biological family
- Complete Social and Medical History for the child's file and adoptive family

# Roles of the Adoption Worker: Placement Services

- Contact family on a monthly basis and be available for questions throughout the process.
- Communicate with CP worker regarding specific needs of the family and the child due to the child's emotional and physical requirements.
- Make formal contact with those who are in direct involvement with the child's case to ensure services are secured and the child's needs are met in their pre-adoptive placement.
- Make referrals for services as necessary (early childhood screening, FAS screening, therapy, etc.)
- Complete court reports and attend court reviews.
- Complete finalization letters post adoption and distribute them (Adoptive family, Department of Human Services, Enrollment Office, etc.)
- Complete other case management services as needed

# White Earth Tribal Court Adoption Petition & Filings

- Once Adoption Assistance is determined, the Adoption Worker begins to gather final documentation to file within White Earth Tribal Court. The final documentation includes:
  - 1. Customary Adoption Petition, \$50.00 filing fee for pre-adoptive families, includes the following information:
    - Name, address, and telephone number of the child's tribe.
    - Name, address, and telephone number of the child(ren) and petitioner.
    - The proposed name of the adoptee after the entry of the final order of customary adoption.
    - A statement or a copy of the final order suspending the parental right(s) of the biological parent(s)
    - A statement as to why a final order for customary adoption is in the best interests of the child and the best interest's of the child's tribe.
    - A statement that no similar action is pending in a state or tribal court having jurisdiction over the child.

# White Earth Tribal Court Adoption Petition & Filings

- 2. A copy of the adoptive family's homestudy.
- 3. Background study, Adam Walsh Clearances
- 4. Social and Medical History of the Child
- 5. Contact Agreement
- 6. Affidavit of Consent of Adoption
  - A legal document issued by the White Earth Indian Child Welfare Department and signed by the Director approving of the Adoption.
- 7. Proposed Findings of Fact, Conclusions of Law and Order for Judgement and Order for Judgement and the Judgement and Decree of Customary Adoption

# Customary Adoption Ceremony

- Incorporates Tradition
  - Elder Blessing, Drum Ceremony, Giveaway, Feast.
- Overseen and authorized by a White Earth Tribal Court Judge
  - Recognized on the State and Federal Level.



# Customary Adoption Ceremony

- Time to celebrate with the families!
- The Customary Adoption Ceremony is held at the White Earth Tribal Court or another facility, most oftentimes, the Shooting Star Casino Event Center in Mahnomen, Minnesota (depends on the size of the gathering)
- A spiritual elder is asking to give a blessing and a drum group is asked to give an honor and journey song.
- The legal portion is completed by a White Earth Tribal Court Judge and the finalization papers are signed.
- The family is presented with their gifts and is wrapped in a star quilt to signify the beginning of their new journey as a new family unit and pictures are taken.
- A catered feast then follows the ceremony, the families are welcome to bring guests. Sometimes their guests are biological family members of the child(ren).

# Post-Adoption, What happens next?

- Final Orders prepared by the Adoption Worker
  - The Findings of Fact, Conclusions of Law and Order for Judgement and Judgement of Decree of Customary Adoption are the two legal documents that are signed by the White Earth Tribal Court Judge and distributed to the adoptive families, Minnesota Department of Human Services, the Child's Tribe, and to the State that the child was born in to obtain new birth certificates for the family.
  - Also, the Certificate of Adoption is filed with the Court for certification by the Clerk after the adoption is finalized. (This allows us to make changes to the child(ren)'s birth certificate)
- 3 Months of Post-Adoption Contact
  - The Adoption Worker makes contact with the family each month following the adoption to ensure that the family is doing well and has navigated some common post-adoptive issues such as continuation of Medical Insurance, ensuring there was no lapse in services, help with obtaining social security cards and birth certificates, and providing them with resources that may be helpful post adoption.

# Adoptions Completed/Adoptions Pending

- 480 Customary Adoptions completed in White Earth Tribal Court since 2001
- Currently our program is working toward Customary Adoption finalization for 67 Children

