

Native Foster Youth and the Nexus with Sexual Abuse and Exploitation

LH: Lenny Hayes

RI: Raechel Ibarra

SG: Suzanne Garcia

SCRIPT:

LH: My name is Lenny Hayes, and I am from the Sisseton Wahpeton Oyate of the northeast corner of South Dakota. My journey of being a part of the foster care system started at the age of 10.

Lenny is a [mental and chemical health therapist](#) now, living in Minnesota. He's also a national consultant and educator. His expertise is personal: Native American boys and men who identify as LGBTQ or Two-Spirit and have experienced sexual violence. There is some graphic content coming, so you might want to take a pass on this podcast if that's a trigger for you

LH: I was being sexually abused by a stepbrother who was 18. On top of that, I was also being sexually abused by other relatives, male relatives. And then at the same time, I was being physically, emotionally, and mentally abused by my mother.

I ask Lenny how many of his clients have been impacted by the child welfare system. His answer is staggering.

LH: I would say 85 to 90 percent.

I'm Lee Romney, the host of this Judicial Council of California podcast. Today we'll be talking about Indigenous foster youth and the nexus with sexual abuse and exploitation. Just landing in the child welfare system puts all youth [at risk](#) for abuse and trafficking. For Indigenous youth who are [placed in non-Native homes](#), disconnection from culture and extended family heightens the risk. These conversations tend to focus on girls and women. But as Lenny will tell you, boys, and men as well as Native youth who identify as non-binary are victimized at high rates too.

We'll be getting into more detail a bit later about how the child welfare system fails these kids -- and what's working when it comes to helping them heal and preventing family separation at the outset. But first, let's get back to Lenny's story.

MUSIC BREAK

Two-Spirit is a [relatively recent](#) Indigenous term for people who have both a masculine and feminine spirit. But, before colonization, this way of being was accepted and honored by many tribes, embedded in the language. That, Lenny tells me, is why he identifies first as winkta.

LR: As a Dakota, I say winkta, the Lakota people they'll say winkte.

[This history](#) was nearly lost. It's something Lenny is helping his clients -- and tribes throughout Indian Country -- to reclaim, to feel proud of.

LH: In some tribal communities, kids who were coming out, they had ceremonies, they had celebrations for them. And one of the Apache tribes, what they would do, they would put a male or female object out and whatever that child went to first that's how they raise a child, and that wasn't a bad thing. History also tells us too that in some of our tribal communities, there would be one big camp and then in some communities, they would often have a second camp which was Two-Spirit people. And so, the main camp, the people would go to the Two-Spirit camp and our Two-Spirit people who identified counseled them. We took in orphaned children. You know, there's many, many roles that we played within community.

As a Two-Spirit person who sits with, counsels, listens to others, Lenny says,

I would probably be considered a medicine person or a healer, because of the role that I play today

But like so many Native youth who identify as LGBTQ or Two-Spirit, Lenny wasn't honored by his family or his culture for his gifts when he was growing up. Rape and genocide by colonizers had replaced those values with [homophobia](#) and self-denial. As for Lenny's mother,

LH: I think she knew that I was different. I think she knew that I was gay. And she couldn't accept it. She would do awful things to me like she would put me in a dress in the middle of the yard, and then allow the neighborhood boys to taunt me and then she would take me in the house and stand me in the corner with the dress on and whip my legs.... I think my dad knew too, at a very young age, because I remember at one time, he took a ball and chain, and he swung it in front of me, and he said he was gonna knock the gay out of me.

Along with that mistreatment came the sexual abuse -- by Lenny's older stepbrother and other men in the extended family. Child welfare first got involved when Lenny was six. Then, four years later the court severed ties to his mother. When the judge said her parental rights were dissolved, Lenny looked at his social worker,

LH: and I said, Well, what does that mean? And she said, legally, she's not your mother, and she can't make decisions for you. I was left feeling very confused, very unwanted, unloved.

A psychologist, he says, spent more time trying to change his identity than she did focusing on his trauma. And there would be plenty more trauma to come.

They didn't know where to put me, so they put me in a boarding school. And when I went to the boarding school, I was gang raped by three older boys. And I was in the boarding school for about a year, but I kept continuously

running away from there. And every time I would run away, they would take me back to the school. And so up until the age of 17, I was in multiple foster homes. I was in multiple group homes, detention centers, jails.

In one home, another repeat abuser. As an adult, Lenny reconnected with his social worker, and he told her

The system failed me because they kept putting me back into a home that perpetrated violence on me.

It may seem like Lenny would have celebrated emancipation by the court at age 17, but he was unprepared.

LH: Pushed out, um, was told I was an adult. Back then I was never taught the proper skills to take care of myself. So, I didn't even basically know how to fill out an application for food stamps. At that time, I was living in a hotel.

Even today, Lenny says,

LH: We know that a lot of our individuals who identify as LGBTQ or Two-Spirit, they're very hard to place. And a lot of them will phase out of the foster care system.

Lenny went back to the reservation to get his GED. But being there brought up too many memories. So, he moved to the city. Searching for resolution to all that trauma, he turned to sex with men. Lots of it.

LH: When a man would walk through the door, I would think to myself, Well, maybe he'll love me enough and want to be with me. I thought that was love.

During that quest for love came more violence. Lenny had met a man online. They'd gone to dinner and then back to Lenny's place.

LH: And he raped me to the point where I had finger marks from him choking me. And also, I had bite marks all over my chest. I got away from

him. And I was able to run in my bathroom and lock the door. And he left and I went and woke up my roommate and to tell him what happened to me. And he wanted me to call the police. But I didn't call the police because I was afraid of how I was going to be treated by the police. So, when I did go into therapy, I had to work through that, too.

Lenny sought out that therapy at age 29, after a nearly successful suicide attempt, after a good friend told him that his instability was jeopardizing the relationship. Today, he works with clients who have walked a similar path, to help them come to terms with the extent of their abuse and exploitation. To help them realize that they are not to blame. Especially if they have engaged in sex as a survival mechanism. So-called survival sex is not uncommon for youth who run from foster care, but if they aren't choosing their sexual partners or consenting to all activities, Lenny tells them, they are [being exploited](#).

LH: I really try to get them to understand by asking them is that survival sex , or is that trafficking?

As Lenny works with his clients, he helps them understand their cultural history. So, they can return to a place of belonging. Because Western approaches, he says, are often ineffective. Even harmful. When it comes to the child welfare system and the courts, that harm can occur through placement in non-Indian homes.

LH: Native people who have been disconnected from family often carry shame -- shame because they're not part of a family, but also the shame of not knowing their Native identity and culture.

Referrals to clinicians who lack experience with gender and sexual diversity also cause harm, he says. And overall, the Western emphasis on diagnosis can feel [pathologizing instead of culturally affirming](#).

We are failing our youth today, who are Native, who identify, because we're not teaching them about the beauty and balance of what it means to be Two-Spirit.

Next up, a look at why many Native youth in California's child welfare system aren't getting their needs met.

BREAK

RI: My name is Raechel Ibarra, I am a case manager at the Children's Law Center in Sacramento, California, specifically a CSEC case manager is what my title is.

CSEC stands for Commercial Sexual Exploitation of Children

RI: but that carries a lot of stigma with the youth. So, I just say case manager. My mother is Chiricahua Apache, and Tohono O'odham and also, we're Mexican. And my father is of Mexican descent as well.

with some indigenous roots on that side, too. Raechel says she grew up in a family system where domestic violence was normalized. Sexual abuse too. It was just a part of life – a symptom of the [intergenerational trauma](#) widely experienced by Native people. When a cousin was murdered by her domestic partner, it put Raechel on a path to advocacy, to sobriety, and to [her current work](#).

RI: And I can honestly tell you this is the best thing I've ever done.

Working with the youth on her caseload has helped her see the interconnections of trauma. Family wounds are of course a problem. System involvement almost always creates a bigger one.

RI: A child gets removed from the home for let's just say domestic violence. Oftentimes, they will find other issues in the home such as drug and alcohol use. So, the kid's going to go into foster care. Once that child goes into foster care, no matter what child it is that is removed from their own communities, it's going to be devastating, it's going to be completely traumatic. Now, when you have a Native child that is connected to their community, or their tribe, and you move them out of county, let's say 20 minutes down the street, and they don't have access to that family anymore, it's way more devastating.

Children often have an extended support system through family members, the broader tribal community, and tribal resources. In 1978, Congress enacted the [Indian Child Welfare Act](#) to strengthen those connections. ICWA, as the act is known, aimed to slow the outrageous pace of unwarranted removals of Indian children from their families and tribal communities, from their culture. This had been going on since colonization -- first, children captured as [slaves](#). Later, sent to government run [boarding schools](#) for forced assimilation. And then, [removed from the home](#), often for unjustified reasons, and handed over to non-Native families to raise. ICWA's whole purpose is to reduce those family separations, and if they must occur, to seek culturally active Native homes for Native kids, preferably with extended family. When the system ignores this connection, children lose supports that can provide healing and resilience. That disconnection causes additional trauma and grief, because of what's lost.

RI: The access that they have to their own healers, the access that they have to the culture, the emotional safety.

They start acting out in the foster home. Then, they get moved to a group home.

RI: Sometimes the kid is in Northern California, but the only group home that accepts this kid is in Southern California. So, then there's a bigger move and a bigger disconnect. It's not a priority that the kid is connected to a tribal community once they get to this group home in Southern California.

In some cases, they're moving without any belongings, not even a toothbrush.

RI: The amount of stress that goes with that is ridiculous. That's where you really start to see all of this trauma overlapping, and the support that they need just gets farther and farther away, and nobody understands. Then they start to have these crazy behaviors, they start to burn out of these group homes, and then they start to run away. When they start to run away, it becomes a survival, they're already in survival mode, right? And so, they are gonna to do whatever it takes to survive. A lot of times, if it's a boyfriend, and

that boyfriend doesn't treat them right, there could be domestic violence involved, and then it could possibly turn into sex trafficking.

OK, here is where we need to talk about the issue of identification -- of data. When a foster youth runs, there will be a missing child report. But it's possible that no one will know the youth is Native American or potentially an enrolled member of a tribe. The tribe almost certainly won't be notified. Tribes know these children better than the non-Native system does. They know who kids are connected to and who they might run to. That's why they *should* be notified. Because they can be more effective at finding runaways – before they're subjected to further harm. Instead.

RI: What happens is, that kid runs away, and they disappear.

If you happen to be scouring missing children's reports, you might find

that this kid, little Susie, is a missing person and she's Native American.

Data compiled by the [California Child Welfare Indicators Project](#) at UC Berkeley shows that Native American and Black youth across the state are four times as likely as white youth to enter the system. But the data scientist who runs that project says the Native American numbers are almost certainly an undercount. Because even though state law and ICWA require an inquiry about tribal affiliation, youth who aren't actively affiliated with tribes can [slip through the cracks](#). When Native youth, enrolled or unenrolled, run away, the problem gets worse. If they get picked up, Raechel says, law enforcement and social workers sometimes neglect to ask about tribal involvement. Take little Susie.

RI: The only way you're going to know that she's Native American is if the social worker and the system does the work and asks the appropriate questions to identify that they're Native. A lot of times, they don't. And you know, in my experience, a lot of kids who are even tribal members, they don't grow up in tribes, because they're relocated, so they grow up in Sacramento. So, they are enrolled tribal members from a tribe in the Plains, but they grow up as Mexicans. So, they say I'm Mexican, they don't say, I'm Native

American, or they say, I'm Black, they don't say I'm Black and Indigenous, right, they don't say any of that. They just say this is what I am right here right now.

Youth who aren't enrolled but could be can fall through the cracks too, if social workers fail to press tribes about the kid's eligibility in the first place. You get the idea. There are many nuanced problems that ICWA hasn't solved. But there's another, bigger barrier to ICWA's success.

RI: There are not very many ICWA homes. I think the last time we talked about this there were 15. Fifteen!

In all of Sacramento. Fifteen ICWA approved homes. There aren't enough foster homes for any kids, period. But the history of colonization, of mistrust in state systems, of criminalization of Native peoples, all of that plays into the [scarcity of ICWA homes](#). One barrier is the depth of the background scrub for family members.

RI: Let's say my mom for instance, if she has a domestic violence record, that's gonna come up. And they're gonna say you cannot take this child to visit your mom, when I have Sunday dinner with my mom every Sunday, no matter if I want to or not. Because that's what we do. And that's how we connect, is this food. So, let's say my mom doesn't, but what if my brother does? And what if my brother comes? And what if my brother's on active parole or probation, right? So that cancels me out, and that kid goes back into a placement unit. It's an over-surveillance. So, there's supposed to be this idea that we're going to support you. And we're going to give you all the services so you can help this kid, and this is going to be great. And this kid's going to be successful. However, it is a hyper surveillance of your entire life.

These are youth with complicated needs. They may be required to show up in delinquency court in addition to foster care court, and at special education meetings. The foster parent needs to be there, and to take the classes required of them. Attending tribal specific programming may be voluntary, layered on top, Rachael says. And then,

RI: Youth in foster care, generally speaking, have acute trauma and very complex trauma. High mental health needs some of them. So, the system is asking for a person to completely stop their life in order to have a successful outcome for this youth in foster care. When you don't, it is an absolute disaster. You're in court and the case is extended for months and months and months, if not years, right, because you have to jump through all these hoops. When it comes to Native people and the fracture, and the hyper surveillance and the over surveillance, the lack of services, the lack of understanding and just a blatant disregard for culture and tradition, they don't see it as a necessity, why would we sign up to take these kids? Why? It's what I see every single day. And that is another reason why these families burn out. And that is another reason why these children are often on the street running away and just surviving.

So, how challenging can it be to get foster youth connected with culture and tradition? Pretty challenging. Especially since Native youth may be craving those traditions without being on a tribal roll. That's why it's so important that courts are vigilant about requiring that agencies seek out culturally appropriate services – as [the law](#) requires. Raechel offers a hypothetical example.

RI: If you have a family that is documented, your lineage is there from the 1800s in California. Your family name is known in the area. So, let's just say for Sacramento your last name is Yellow. And everybody knows the Yellow family in Sacramento. If at any point anyone with the Yellow name is disenrolled from the tribe, you still have the lineage to back it up. But the tribe isn't going to enroll you for whatever reason. You're still born and raised with tribal ways, cultural ways, connection to the tribe, you're just not enrolled.

Tribes are sovereigns, just as nations are. That means each creates its own citizenship or membership rules. Sometimes there's disagreement about whether particular families or individuals meet the requirements for tribal citizenship. If tribal officials decide that they don't, those people can be "disenrolled." That's a big deal. It's equivalent to losing your citizenship. Along with any annual

payments generated by tribal gaming or other business. And, in some cases, your housing on the reservation. In Raechel's scenario, the foster youth happens to be on probation. A common situation.

RI: And that kid is a disenrolled kid

And that kid wants to travel to a reservation in a neighboring county because they have all kinds of activities

RI: Big Times and Pow Wows and dinners and things like that. If your social worker is active and has a good relationship with you, they're going to go above and beyond to make sure that you are getting what it is that you need to be successful.

[California law, updated in 2019](#), guarantees all youth in the child welfare system the right to maintain their cultural identity and connections, and specifically mentions the rights of indigenous kids. But, Raechel says, in her hypothetical, the social worker balks. Then,

RI: I can say, this kid is Native American, and this is his right to his culture and tradition to have access to it. And she's gonna tell me, he's not a Native American on paper. He's not an enrolled tribal member. And then I can contact the tribe and say, Hey, I have a kid in foster care who really could use some support. And they're like, we're not going to enroll them because of whatever reason that they don't want to enroll them,

The child might not meet the tribe's eligibility criteria for a number of reasons, for example, or there could be a backlog.

if they answer the phone, right, because a lot of tribes don't have the capacity to do things like that.

Because some tribes are really under-resourced. And sometimes Raechel is calling tribes in the Dakotas in the dead of winter when the tribal offices are buried in snow. This issue around enrollment, it's real.

RI: If a kid is going to get adopted out or not placed into an ICWA home, if it's a baby, and the tribe isn't opening the books for open enrollment, that child will get left behind, and it will get adopted out to a non-Native family.

Covid has complicated the situation, increasing the backlog of enrollment applications. The bigger point is, these kids benefit from cultural connection, whether or not they're enrolled, and state law protects those rights. Raechel has seen how strong the medicine can be. And she has a message for state court judges.

RI: I would tell them to not be so rigid on evidence-based curriculums, because a lot of the curriculums that are grassroots, Native-created curriculums, by Native people, for Native people, they're not all evidence based. And we don't all work like that. We also don't take well to the therapies that are required by the courts. Because they're not the ways that we have grown up, so they don't speak to us.

For example, Rachael says, the dependency court system might favor dialectical behavioral therapy or cognitive behavioral therapy and reject [equine therapy](#), which focuses on the connection between people and horses as a path to self-knowledge and emotional healing.

RI: But for Native people, the relationship with that animal, the relationship that is spiritual, the relationship that basically identifies the four directions, is connected to that type of therapy, which is the type of therapy that we thrive on.

There are financial barriers too. Even if there is an equine therapy program nearby, it may not accept Medi-Cal, which insures foster youth. But Raechel points to other examples of no-cost healing activities that don't fit in the system's box.

RI: Dance. A lot of us are raised in Pow Wow families, some of them just in dance, Big Time, and round dances, depending on their tribes. When you're raised in those ways, and you go have your ceremonies and you pray together, and you dance all night, all night with your people, and you stay up all night,

and what you're doing is you're dancing, and you're praying, and you're eating, and you're laughing, and you're crying, and you are getting spiritually fed, which is going to balance out everything else that is completely crazy in your life. That's not a priority, because your social worker can't come and you're gonna be up all night, who's gonna watch you all night.

And if your social worker can come?

RI: The kids, like, I don't want somebody staring over me and asking questions all the time. It's weird, and it's uncomfortable. Right?

Tribal advocates also point out that ceremonies are sacred. So, they're reluctant to have them described to outsiders in written reports or evaluations. But these ceremonies are [at the core of identify and recovery](#).

RI: That ceremony is a way of life. Um, that ceremony brings healing not only to yourself, but to your entire community. And Western way says you need to get better and work on yourself and only yourself and focus on yourself. And then we can talk about all these other things. It doesn't work.

Sweat lodge ceremonies, too. They tend to be exclusive. By invitation. Your social worker or probation officer, they're not on the list. So, Rachael says, these healing rituals become ...

RI: something that would not be considered a necessity because nobody can see the outcome because it's not relatable. But they would definitely let me go to a Christian youth group and sit there all night.

BREAK

There is so much that stands in the way of healing once Native youth are separated from their families and communities. The good news: There's a lot of promise in prevention. That's where [federal funding](#) has mostly been flowing lately. Suzanne Garcia is the tribal child welfare legal specialist for the [Tribal Law and Policy](#)

[Institute, TLPI](#). She's also former assistant general counsel for the Washoe Tribe of Nevada and California. She knows that a lot of tribes don't have access to those federal funds or to state funding streams.

SG: But the tribes are the ones who know how to best serve their families and best serve their communities to prevent that separation. So, one of the promising practices is for the counties and the state to work with the tribes to develop those programs so the funding flows through.

As Suzanne knows well. Alpine County, small and rural, worked out just that type of [agreement](#) with the Washoe Tribe.

SG: They had great partners at the county who wanted to provide services. It was just a matter of figuring out how to provide those services...And this is a really great story, because the relationship between the Washoe Tribe and Alpine County at one time was not favorable, to say the least.

Colonization and forced assimilation don't exactly foster good relations. With a partnership in place, though, the tribe got a key seat at the table.

SG: That's exactly what happened with trafficking. The counties had to develop a response and they didn't want to do it without the tribe because most of the children in Alpine County are Native.

If the county was going to work on preventing trafficking, Suzanne says,

SG: the tribe needed to be a partner for that. They've been working on training plans and keeping those lines of communication open. So, they can serve the families as best as possible.

This point came through when we heard from Raechel, but Suzanne stresses it, too: Native communities are not the sum of their trauma. They are full of resilience. They have spent decades resurrecting powerful approaches to wellness that were almost stamped out by the colonizer's invasion. They know what works. So,

SG: when we're talking about building those prevention programs, the key is really going back to the community and listening to them about what solutions they would suggest to keep kids out of the system and to keep these families together. I think the Yurok tribe has plans to build a community to keep the families together, I know the Lummi tribe has already put one in place.

The [Yurok Tribe](#), in far Northern California, is the state's largest surviving tribe. And yes, they're planning to build a community modeled on a [Lummi Nation village constructed in 2017](#). That project came about when the Lummi tribe, nestled up near the Canadian border on Puget Sound, [recognized that 200 of their kids were in foster care](#). What emerged is a tribal approach to supportive housing, with the focused goal of keeping families together and reuniting those who've been separated -- whether the underlying issue is domestic violence, substance abuse or something else. There are lots of services right there. And half a dozen elders live on site, too. Multi-generational community housing. Clean and sober.

SG: It's kind of like a built-in peer group. Not only are you not separating the children from the family, you're not separating them from their community. The community will be there to support them, and they can take advantage of all of the strengths and protection that the community can provide.

There is a deep and important truth behind this approach that state court judges should not ignore, Suzanne says.

SG: Culture is prevention. Culture is healing.

Healing from a whole variety of ailments. So, for state courts, the path to prevention is relationship. [California has a huge population of Native urban families](#). And, when Native foster youth run, they tend to run to urban centers. So, it's important, Suzanne says, for state and county workers to have relationships with [urban intertribal service providers](#). But also, with tribes.

SG: If there are tribes in your county, you want to develop that relationship, you want to keep that relationship. Because, even if the child's not from that tribe, the information flows really well.

Just recently, Suzanne says, a social worker reached out to her seeking assistance in another state to try to line up services for a child.

SG: they just didn't know who to turn to. But I knew someone who knew somebody and so we put them in contact to help weave and put those services together.

The courts should call on tribes for help even when youth aren't enrolled, Suzanne says. In her job as assistant counsel for the Washoe Tribe, Suzanne appeared in child welfare cases around the country. Sometimes, they dealt with kids who weren't eligible for enrollment but were still a part of the tribal community. Their parents were enrolled, for example. So, she would ask the judge [if she could appear anyway.](#)

SG: We wanted to provide services, we wanted to make sure the family was okay. They always let me appear. I always had good luck that way. The tribes can really bring a lot of services and a lot of information to these cases. And so, facilitating their appearance, letting them appear by telephone, or court cases by zoom, making it as easy as possible for those tribal representatives to appear I think is key.

Another model moving forward: joint courts, where state court judges' partner with tribal judges to hear cases together. In 2018, the Yurok Tribe's Chief Judge and the Presiding Judge of the Humboldt County Superior Court created a [Family Wellness Court](#) to jointly hear juvenile dependency cases involving substance abuse. The El Dorado County Superior Court and Shingle Springs tribal court already had a [similar collaboration in place](#) to hear juvenile and family law cases. These joint courts address constellations of issues as they arise, in one place where they can build trust, and tribes can step in with their own solutions.

SG: serving the family as cohesively as possible

It's these relationships that will stem the flow of Native youth into foster care and onto the streets, Suzanne says, where they are so often subjected to abuse and sex

trafficking. Suzanne says recent years have brought much more acknowledgement of the vulnerability of Native youth to trafficking. But more is needed. She and Raechel Ibarra are working with a legal fellow at the National Center for Youth Law to develop a specialized guide for county social workers serving sexually exploited Native youth. They also participate in a [work group](#) for Northern California counties who've received extra funding to respond to child sexual trafficking. As the group began developing an out-of-county protocol -- including contact lists to help identify trafficked kids and get them home, Suzanne weighed in.

SG: I wanted the contacts for the tribes to be on that list as well.

And now, they will be.

SG: I was so glad when Raechel started joining those calls because I was the only one saying well what about the tribes?

BREAK

Lenny Hayes consults across the country on the needs of system-involved Native LGBTQ and Two-Spirit youth. He has some thoughts for state and tribal courts and child welfare workers, too.

LH: We need to create or develop a curriculum for Native foster parents of youth who identify. Because if we don't do this, then we're never gonna help that child to come out in a healthy way. We're not creating that safe space for them.

The system also needs to do a better job, he says, of vetting foster parents for Native kids who are questioning their sexual or gender identity.

LH: If you put a child in a foster home where maybe the foster parents may be talking about someone who identifies using homophobic slurs, I said that

child is not gonna come out. That child is going to develop more mental health issues, which is gonna create a lot more problems in the future.

As Lenny, Raechel and Suzanne make clear, it takes support from many directions, including the courts, to create safe spaces for foster youth. Especially for Native and LGBTQ or Two-Spirit youth, who are among our most vulnerable.

Thanks for listening. A few things to watch for in the news: Child welfare agencies may soon be required to [track and report data](#) on tribal membership and affiliation of Native foster youth, as well as voluntary information on the LGBTQ or Two-Spirit status of all youth and their foster or adoptive parents. This data has never been collected before. A hard-won rule change in 2016 [required it](#). The administration that took office the following year [rescinded and replaced](#) it. And, in January 2022 , [litigation was still pending](#) to bring the requirements back.

In a separate matter, the Indian Child Welfare Act is facing its most significant challenge yet in a case that could be taken up by the U.S. Supreme Court. [The suit](#) challenges the constitutionality of ICWA in part as discriminatory against non-Indians. The nation's high court is [expected to decide](#) in early 2022 whether to hear the case in the fall.

A big thanks to everyone who participated in this podcast and especially to Yurok Tribal elder Laura White Woods, who served as research assistant. Long before ICWA, Laura's grandparents opened their home on the Yurok reservation to youth in need. Over the years, about 40 kids were fed and loved there. You can find a list of resources pertaining to Native youth in the child welfare system at the bottom of the script for this episode. Our engineer is Gabe Grabin. And I'm Lee Romney.

RESOURCES

There are many resources contained in the links above. Here are a few more:

- [Indian Child Welfare Act \(ICWA\): Best Practices Guide for California Courts and Judicial Officers](#)

- [Sharing Our Lived Experiences: 22 Tips for Caring for Two-Spirit and Native LGBTQ Youth in the Child Welfare System](#)
- [Family First Prevention Services Act overview webinar presented by California stakeholders](#)