

## **Advanced Indian Child Welfare Act (ICWA) curriculum – Activate Efforts**

The Administrative Office of the Courts is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, families, and self-represented litigants in the California courts. One of the projects created to help improve the quality of justice provided by those involved with the juvenile courts of California is the *Juvenile Court Education Project*. One component of this project is the development of curriculum in a number of topic areas. This curriculum regarding “active efforts” is intended to serve as the first module of the advanced curriculum for Indian Child Welfare Act.

The intended audience for this curriculum is California’s juvenile court judicial officers and attorneys.

### **Competencies**

C.1: The participant develops an understanding of active efforts as defined by ICWA, tribal tradition and California law across the continuum of culturally appropriate service provision including prevention, concurrent planning and permanency options, participatory case planning, placement and permanence.

C.2: The participant develops an understanding of the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys and tribal and agency social workers in providing active efforts to tribal families on a case by case basis.

### **Learning Objectives:**

#### *Knowledge*

K.1: The participant understands the ICWA, and the relevant sections of the California Family, Probate, and Welfare and Institutions Codes, and the Rules of Court.

K.2: The participant understands what it means for active efforts to be made across the continuum of service provision “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe” (W&I 361.7).

K.3: The participant understands the identification and delivery of appropriate services comprising active efforts for each Indian child and family coming before the juvenile, probate and family court.

K.4: The participant understands the unique components of concurrent planning, placement and case planning for an Indian child and family.

K.5: The participant understands the role of participants in the probate, family and juvenile court processes, such as judicial officers, attorneys, tribal representatives, social workers and

Final Competencies and Learning Objectives

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court appointed special advocates in all aspects of providing services to Indian children and their families.

K.6: The participant will understand the make-up of the Indian family, including the extended family, as defined by tribes, as well as the potential for identification of those who may play a significant role in the planning for the child and the achievement of permanence.

### *Skill*

S.1: When given a case scenario the participant will be able to make appropriate inquiries as to active efforts that have been made or should have been made, and make recommendations for additional active efforts.

S.2: When given a case scenario the participant will be able to responsibly consider if the letter and intent of the ICWA have been followed.

S.3: The judicial participant will demonstrate an ability to make appropriate and thorough findings regarding active efforts consistent with the evidence presented.

S.4: The non-judicial participants will demonstrate an ability to responsibly advocate for adherence to the active efforts requirement.

### *Value*

V.1: The participant will appreciate the long-lasting connection between Indian people and their tribes, culture and communities, and the historical, statutory and case law framework enforcing the rights of the child and the tribe to identifying and appropriately maintaining that inherent connection.

V.2: The participant will value the role of the court process in respecting the intent of the ICWA and adhering to the letter of the Law “in a manner that takes into account the prevailing social and cultural values, conditions, and way of life of the Indian child’s tribe”.