This study analyzes how tribes are asserting their sovereignty over child welfare and what lessons can be learned from enacted child welfare codes.

- Researchers reviewed 107 tribal child welfare codes.
- Codes came from tribes in every 8A service region (including Alaska).
- Approximately half of the codes were from Native Nations with a population over 1,000 citizens.
- Almost half the codes were amended after 2000.
- Codes were retrieved from the National Indian Law Library collection and other on-line sources.

The study analyzed over 50 variables on 8 child welfare topics: culture, jurisdiction, tribal-state relationships, child abuse reporting, patriarchy, foster care, termination of parental rights (TPR), and adoption.

This poster highlights key findings from 4 of these topics.

### Key Concepts

**CULTURE**
- Key places to find culture in tribal child welfare codes:
  - Customary Law
  - Customary Adoption
  - Definition of extended family
  - Place of Origin
- tribal law help keep families together?
- cultural values and beliefs in each section of the child welfare code.
- Customary minimum provisions to be consistent with cultural values (e.g., define the extended family according to cultural norms, rather than state code definitions).
- Draft provisions designed to ensure culturally relevant outcomes (e.g., tribal code does not allow termination of parental rights).

**REMOVAL**
- Efforts to Prevent Removal of Child from Home in Tribal Law
- Tribal Policy Considerations:
  - How can tribal law help keep families together?
  - Cultural values and beliefs in each section of the child welfare code.
  - Customary minimum provisions to be consistent with cultural values (e.g., define the extended family according to cultural norms, rather than state code definitions).
  - Draft provisions designed to ensure culturally relevant outcomes (e.g., tribal code does not allow termination of parental rights).

**TERMINATION OF PARENTAL RIGHTS (TPR)**
- Alternatives to TPR:
  - Suspension, modification, and cessation of parental rights were the most common TPR alternatives.
- Tribal Policy Considerations:
  - Is it culturally appropriate to terminate a parent's rights?
  - Should tribal law include more culturally appropriate alternatives?

**ADOPTIONS**
- Tribal Policy Considerations:
  - What tribal custom adoption allows tribes to place children permanently without sacrificing the child's relationship to their parent(s)?
  - Can tribal courts use the same placement standards as they would in a child welfare situation?

### Conclusion

Tribal leaders have many local experts (e.g., tribal judges, lawyers, social workers) who understand the current tribal child welfare policies and practices. They know what works, the challenges, and the financial considerations.

The citizens of Native Nations are also involved in the child welfare process, particularly on community values, traditional culture, and current needs can be gathered. Child welfare engagement is essential to the success of the tribal child welfare code process.

This analysis of tribal child welfare codes captured innovative tribal policies and practices, and highlighted unique opportunities to insert tribal culture and priorities into the tribal child welfare code process. Further, because state courts are required to defer to tribal child welfare law in certain circumstances, tribal codes have the power to direct state action involving Native American children.

The study contributes to the information needed to foster continued conversations about how tribes can assert their sovereignty to protect their children.