



CHILD WELFARE, JUVENILE JUSTICE, AND VIOLENCE PANEL

*“ICWA- THE GOLD STANDARD: GOLDEN
NUGGETS OF EVIDENCE FROM
ARIZONA INDIAN COUNTRY”*

Fred Urbina, Attorney General-Pascua Yaqui Tribe

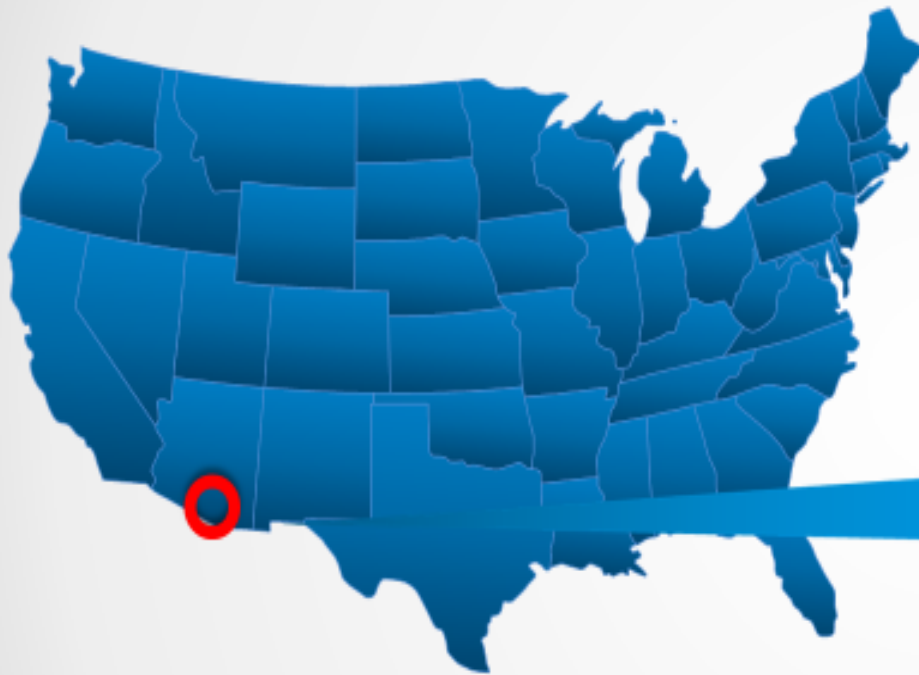


Pascua Yaqui History

First Contact with Non-Indians

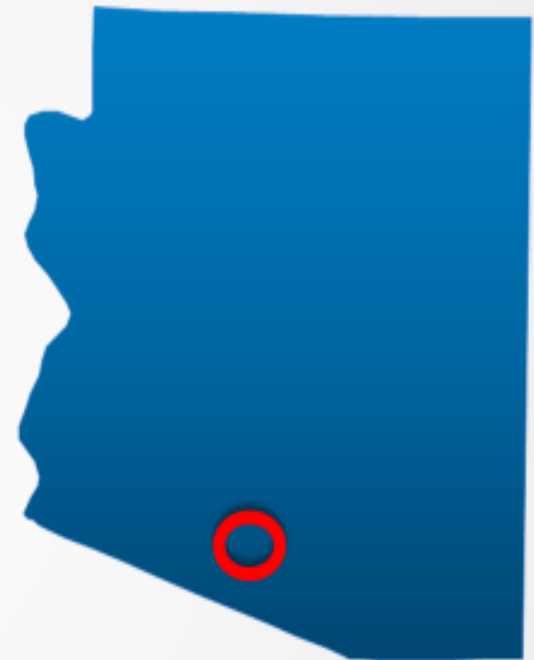
1533- First contact with Non-Indians (Spanish) "Up to this line and as far as the eye can see in these three directions, is Yaqui land. No invaders will be allowed to enter." (1610 Peace Treaty with Spain) The Tribe has spent a few centuries protecting their people, their way of life, and ensuring the territorial integrity of their homeland from invading colonizers. ICWA Intervention is consistent with our history, we never asked others to protect our families and children.

ARIZONA, PASCUA YAQUI & the INDIAN CHILD WELFARE ACT



United States

22,000 Tribal Members, 5,000 live on Reservation, 75% plus, live off Reservation.



Arizona –Pascua Yaqui

There are Pascua Yaqui kids in care in State systems, and there are also cases where children are wards of the Pascua Yaqui Tribal Court.

Pascua Yaqui

DEMOGRAPHICS



- The Pascua Yaqui Tribe is located on a 2,216-acre reservation southwest of Tucson and in seven off-reservation communities in Arizona, including several in and near Tucson (Pima County) and Guadalupe, which is close to Phoenix (Maricopa County).
- There are over 23,000 enrolled tribal members. One quarter, or 5,000 of them, live along with approximately 1,500 non-Native residents, on the Reservation.
- community members speak Spanish, Yaqui and English. Almost 40% of the enrolled members of the Pascua Yaqui Tribe are under 18 years old, and 30% of households have income less than \$20,000.

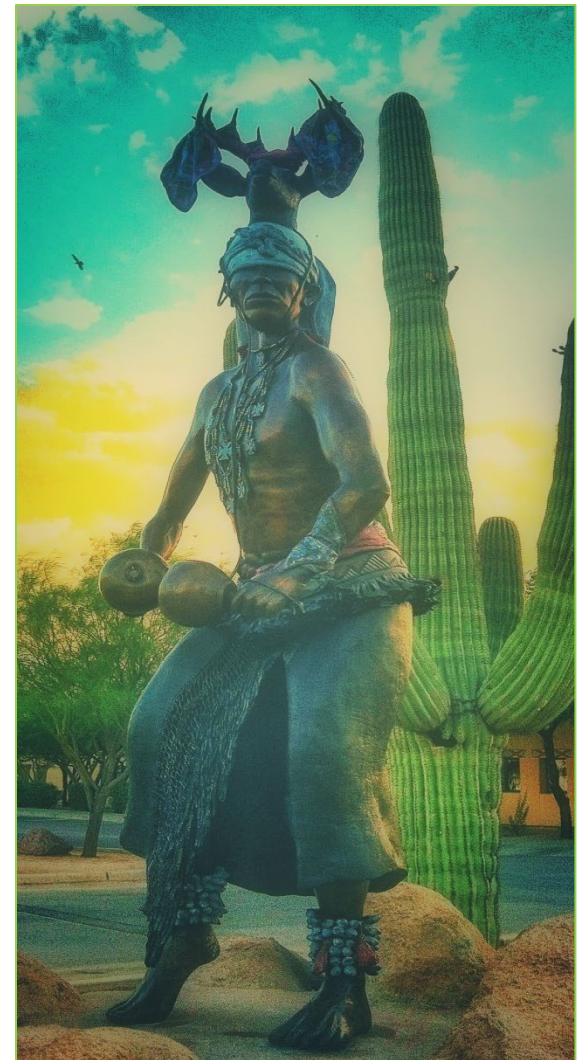
Historic Background

- ❖ 1978-PY Federal Recognition.
- ❖ 1978-ICWA passed by U.S. Congress.
- ❖ 1981-1983-Determination by Council to intervene in ICWA cases, via Contract Counsel.
- ❖ 1999-2000- Tamara Walters assumes ICWA Attorney role.
- ❖ 2005-Paralegal Norena Valencia hired.
- ❖ 2017-BIA Tiwahe Funding used to hire Additional Attorney, Paralegal, Data Entry.



ICWA Programs Additional Factors

- Small Reservation of 202 Acres
- In 1980, the Tribal Council requested that five traditional Pascua Yaqui Communities be designated as “Near Reservation” territories. The “Near Reservation” designation was necessary to (1) financially assist Tribal members in these pueblos, and (2) provide social services to Tribal members in these areas. P.Y.T Res. C-20-80, Tribal Council. (1980).
- 75 % of Tribal enrolled population live off-Reservation in consolidated, traditional areas.



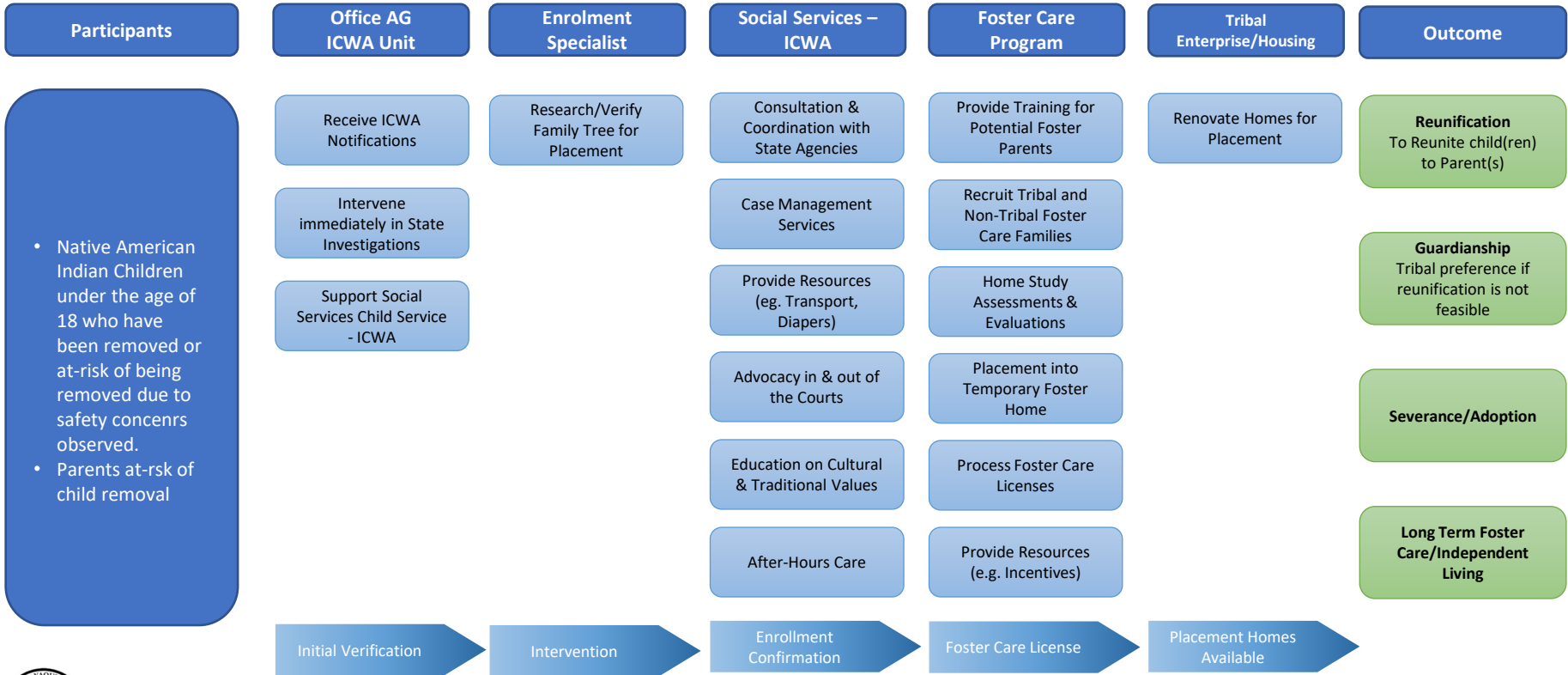
Collaboration to Find Solutions



- ❑ B.I.A. Tiwahe Program Funding (capacity)
- ❑ Title IV-E Funding (Capacity)
- ❑ Casey Family Programs Partnership
- ❑ Pima County ICWA Court
- ❑ Foster Recruitment and Home Repair (HIP)
- ❑ Development/History of Tribal child protection policies.
- ❑ Attendance Achievement Program (TUSD partnership)
- ❑ Collaboration with B.I.A. to Produce Cultural Books
- ❑ Additional ICWA Attorneys and Staff. “Gold Standard”
- ❑ Evaluation, Data Collection, and Analysis.



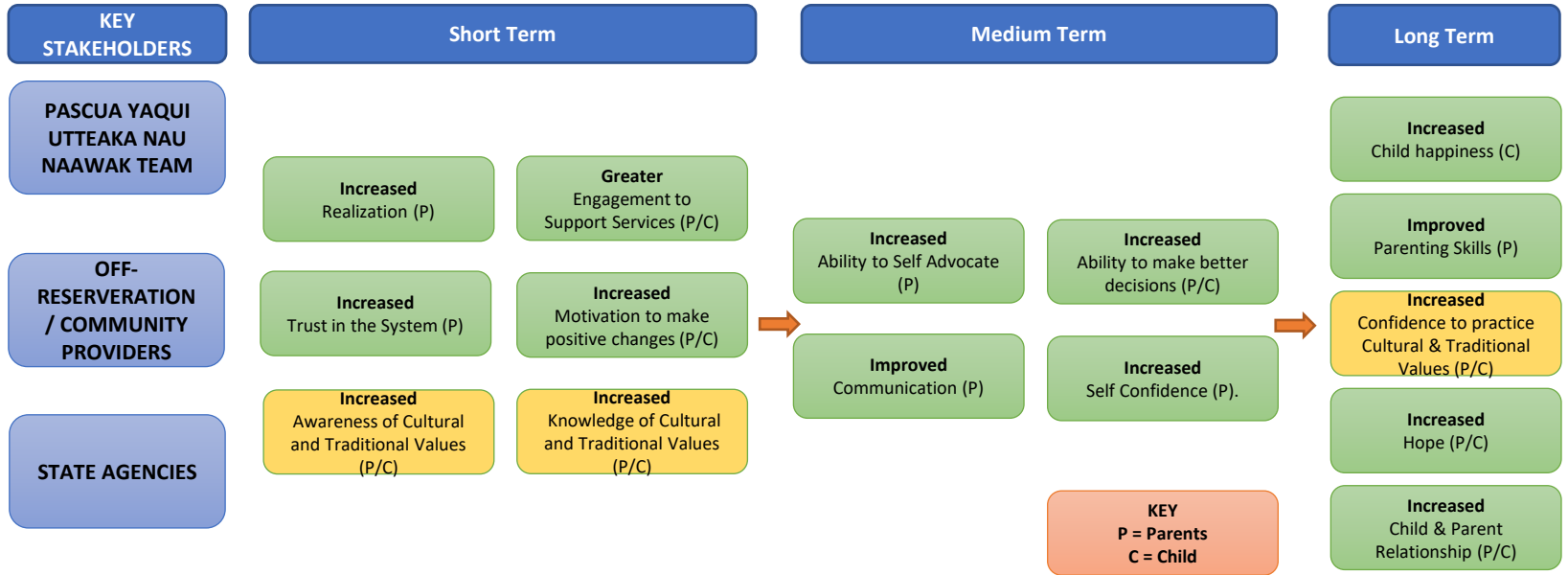
UTTEAKA NAU NAAWAK OPERATIONAL COLLABORATION OF TRIBAL SERVICES





OUTCOMES SNAPSHOT

UTTEAKA NAU NAAWAK



PYT Tiwahe ICWA Program

Pima County

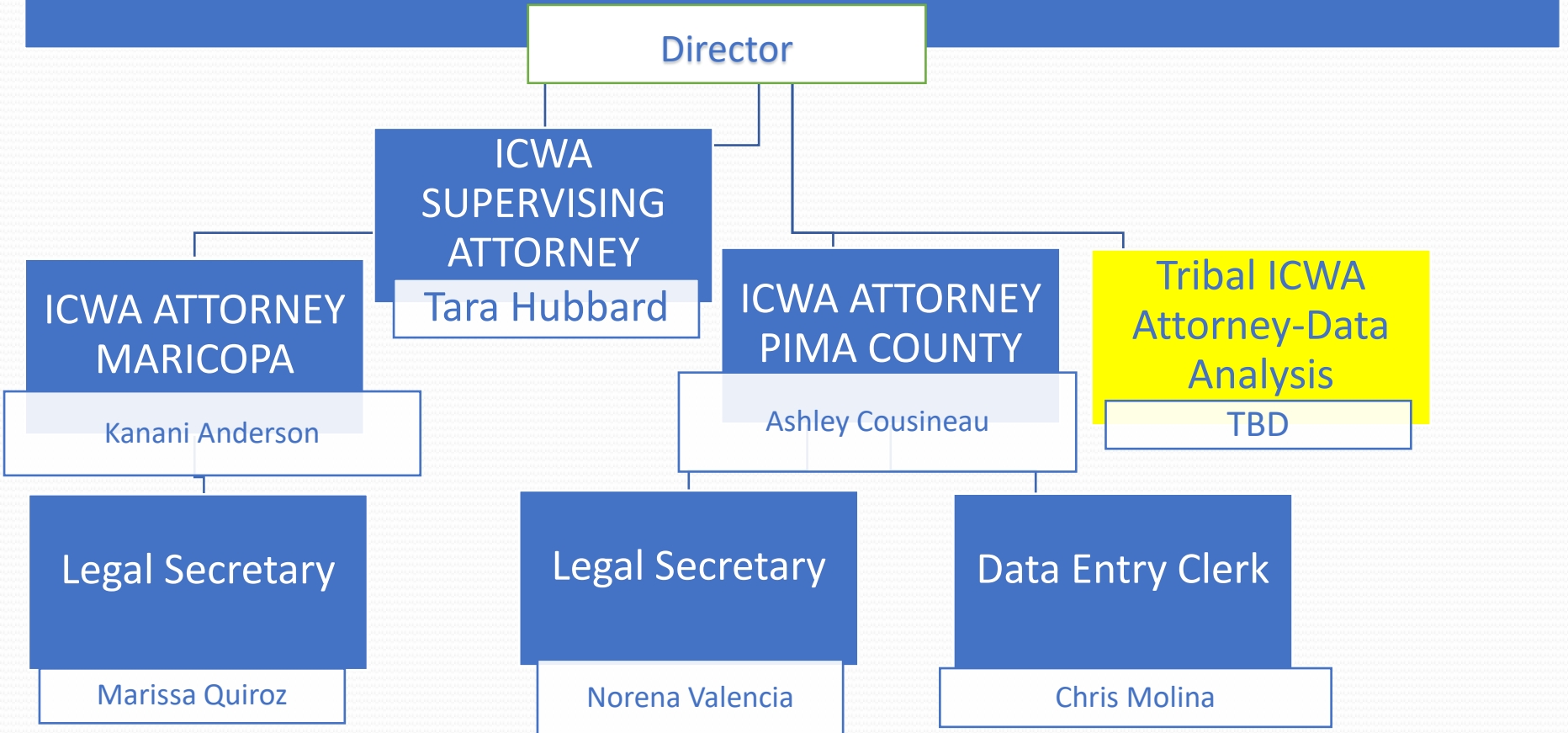


Maricopa County



PASCUA YAQUI ICWA LEGAL UNIT

ATTORNEY GENERAL ICW DIVISION

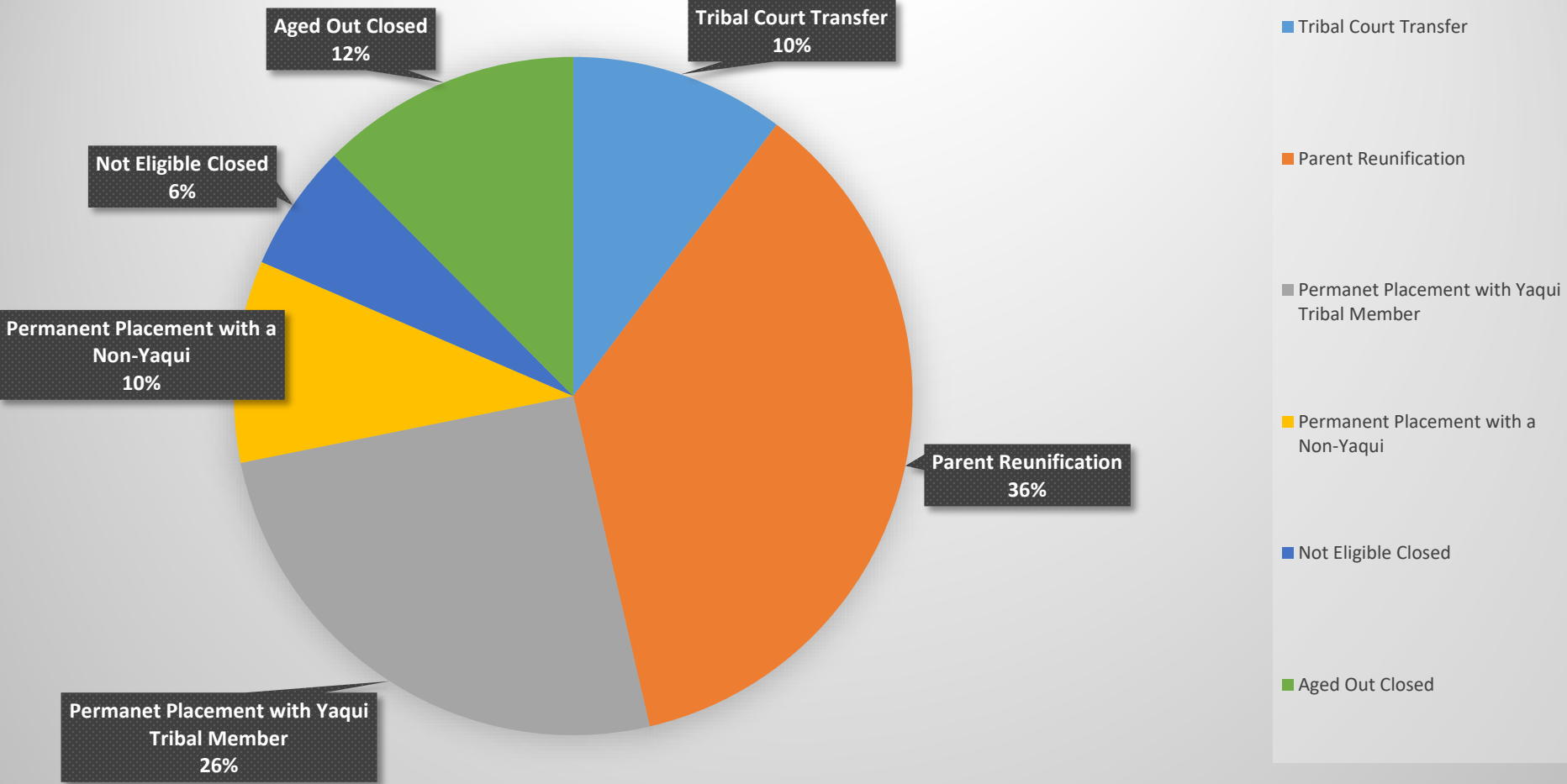


ICWA LEGAL UNIT DEVELOPMENT

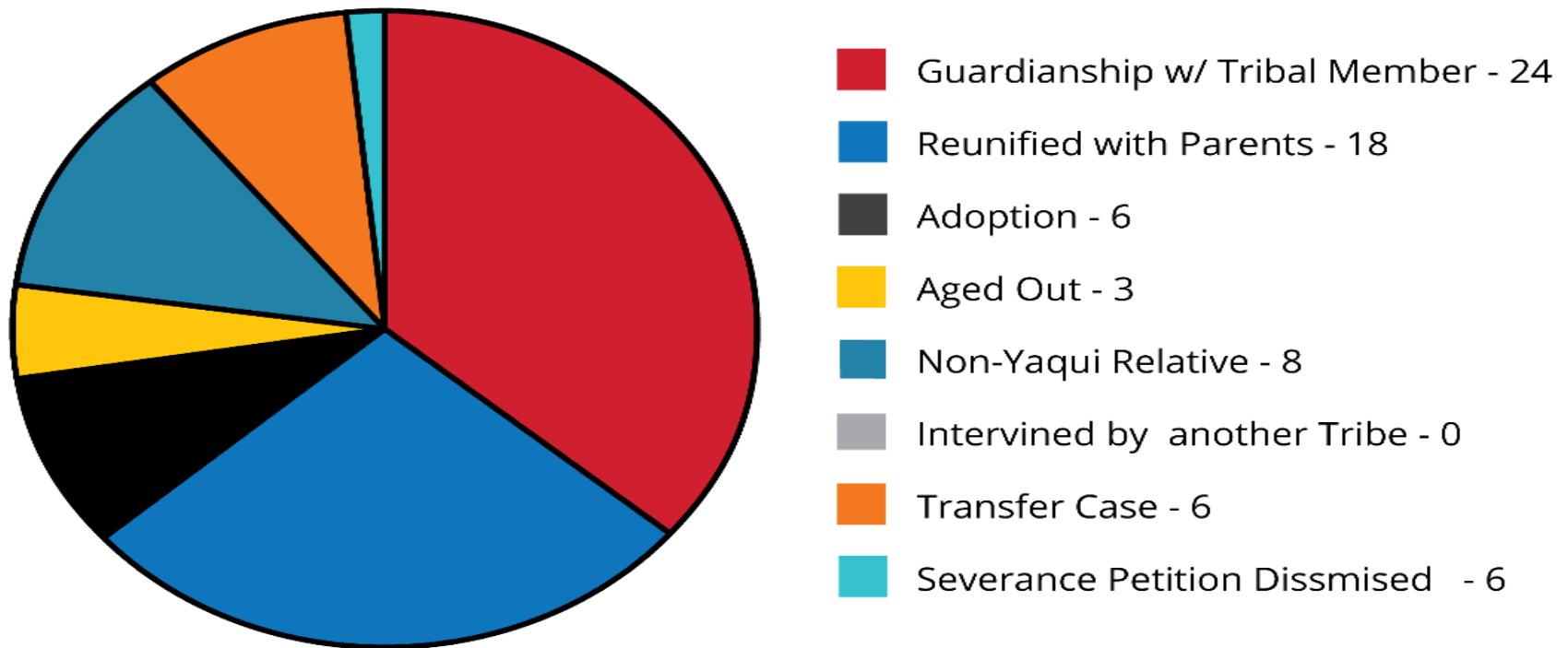
- Pascua Yaqui's Office of Attorney General has B.I.A. Tiwahe-funded positions for ICWA attorneys and paralegals, data coordinator, as well as ICWA Enrollment specialist.
- **43 out of 54 closed cases were reunification with their parents (15), or guardianship/adoption in ICWA compliant placement (28).**
- **There has been a 13% increase in ICWA compliant** placement upon removal. This means 17 more children a year have been placed in ICWA compliant placements.
- There has also been a decrease in the response time from the Enrollment Department to the Office of the Attorney General about whether a case is an ICWA case. **Notification response time has decreased from 10 days to 3 days or less.**
- Plan for the future: create targeted foster care recruitment maps in coordination with PYT's Enrollment Department. And create volume of potential foster families based off of tribal family trees and analysis of traditional communities and neighborhoods where the most Child Welfare removals occur.

ICWA Numbers Pre-Tiwaha

2006-2015

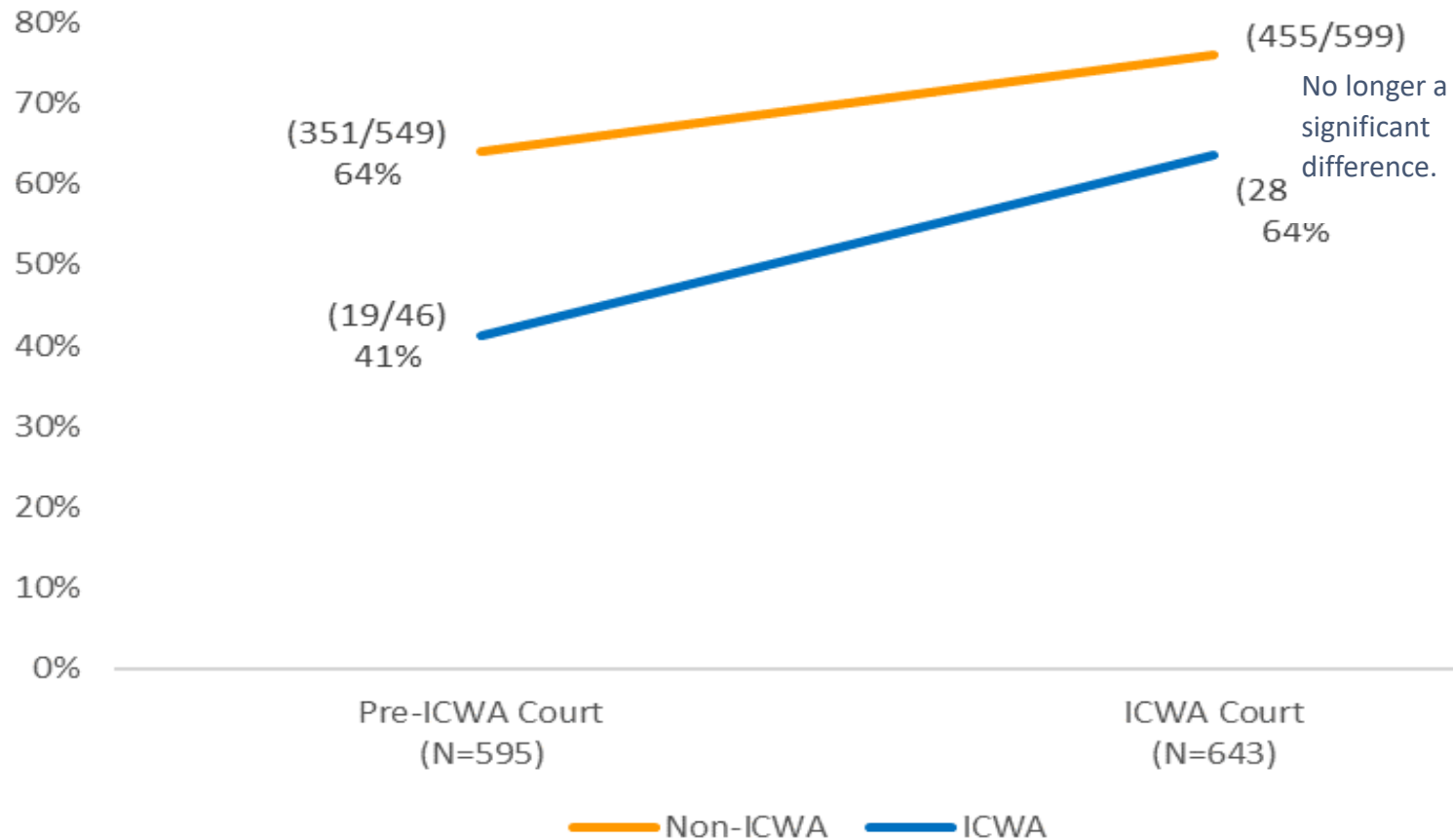


2021 Outcomes and Reunification

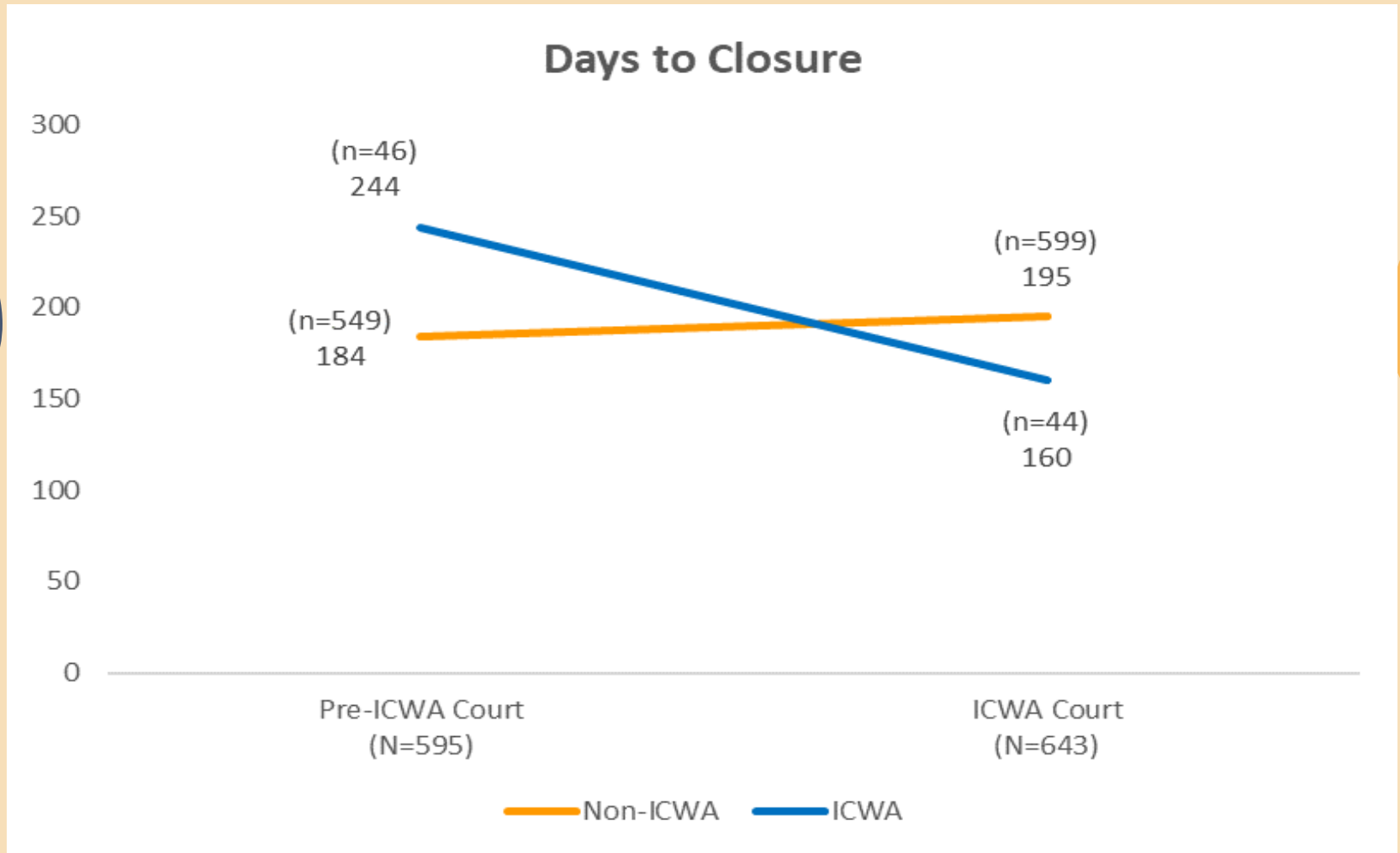


Pima County Data

Percentage Placed with Parents at Closure

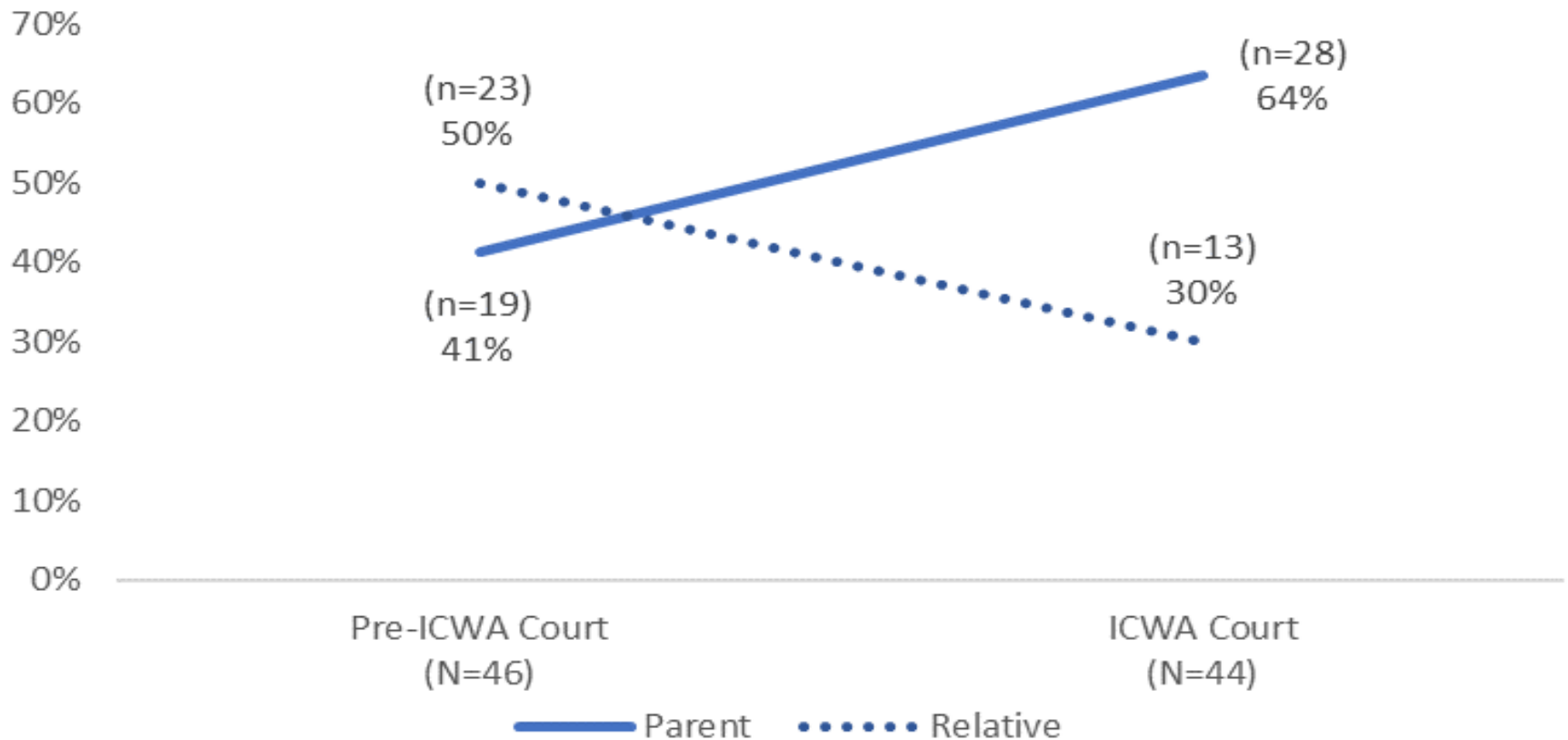


Pima County Data



Pima County Data

ICWA Dependencies: Placement at Closure by %



JUVENILE DELINQUENCY- Crossover Youth

There is no notice provided to a Tribe when a tribal youth is arrested or held in a juvenile custody setting. Trauma and Adverse Childhood Experiences (ACEs), Witness/exposed to Intimate Partner Violence or abuse/neglect victim.



Tribal Court

Tribal Juv. Code
Funding & capacity issue
Housing Shortage

State Juv. Court/ICWA

Disproportionate
Impact
No Notice or Tribal
Participation

Federal Court

No real Services or
programs
Federal Crime or Sex
Crime

PLACEMENT & RESILIENCY

- Increases the Cultural Bond
- Promotes tribal language
- Access to tribal ceremonies
- Traditional Healing Practices
- Mentorship & connection to Elders
- Participation in Tribal Activities
- Reduces Trauma
- Promotes Guardianship and Reunification

Being connected to tribal culture.





Questions?

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