



# Redressing the Wrongs of History



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# Guest Speaker



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# Focus of Digital Dialogue

- 1 Treatment of Native Americans prior to ICWA and impact on family and community

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- 2 Vital elements of ICWA

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- 3 Implementing ICWA effectively



**“...By the late 1870s, [federal government] goals turned toward destroying tribal identity and assimilating Indians into broader society.** See L. Lacey, *The White Man’s Law and the American Indian Family in the Assimilation Era*, 40 *Ark. L. Rev.* 327, 356– 357 (1986). **Achieving those goals, officials reasoned, required the “complete isolation of the Indian child from his savage antecedents.”** ARCIA 1886, at LXI. And **because “the warm reciprocal affection existing between parents and children” was “among the strongest characteristics of the Indian nature,” officials set out to eliminate it by dissolving Indian families.** Annual Report of the Commissioner of Indian Affairs to the Secretary of Interior 392 (1904). “

--Justice Gorsuch, concurring opinion  
*Haaland v Brackeen*, 599 U.S. \_\_\_\_ (2023)



# PARENT-CHILD RELATIONSHIP

- Shame, guilt & remorse for past behaviors
- Traumatic memories may be stimulated for parents who were abused as children
- Lack of exposure to good parenting models, engage in coercive/punitive parenting
- Parental trauma histories impact their:
  - Ability to regulate their emotions
  - Soothe their child
  - Judgements on safety for self/children







**“The historical losses experienced by North American Indigenous people are not ‘historical’ in the sense that they happened long ago and a new life has begun. Rather, they are ‘historical’ in that they originated long ago and have persisted.”**



# The Indian Child Welfare Act (ICWA)

“Often, Native American Tribes have come to this Court seeking justice only to leave with bowed heads and empty hands. But that is not because this Court has no justice to offer them. Our Constitution reserves for the Tribes a place – an enduring place – in the structure of American life. It promises them sovereignty for as long as they wish to keep it. And it secures that promise by divesting States of authority over Indian affairs and by giving the federal government certain significant (but limited and enumerated) powers aimed at building a lasting peace. In adopting the Indian Child Welfare Act, Congress exercised that lawful authority to secure the right of Indian parents to raise their families as they please; the right of Indian children to grow in their culture; and the right of Indian communities to resist fading into the twilight of history. All of that is in keeping with the Constitution’s original design.”

--Gorsuch, J., concurring opinion  
Haaland v Brackeen, 599 U.S. \_\_\_\_ (2023)



Anna Townsend, 9, of Fallon, Nevada, testifying on April 8, 1974, at the Subcommittee on Indian Affairs of the U.S. Senate.

*Photo courtesy: NBCUniversal*



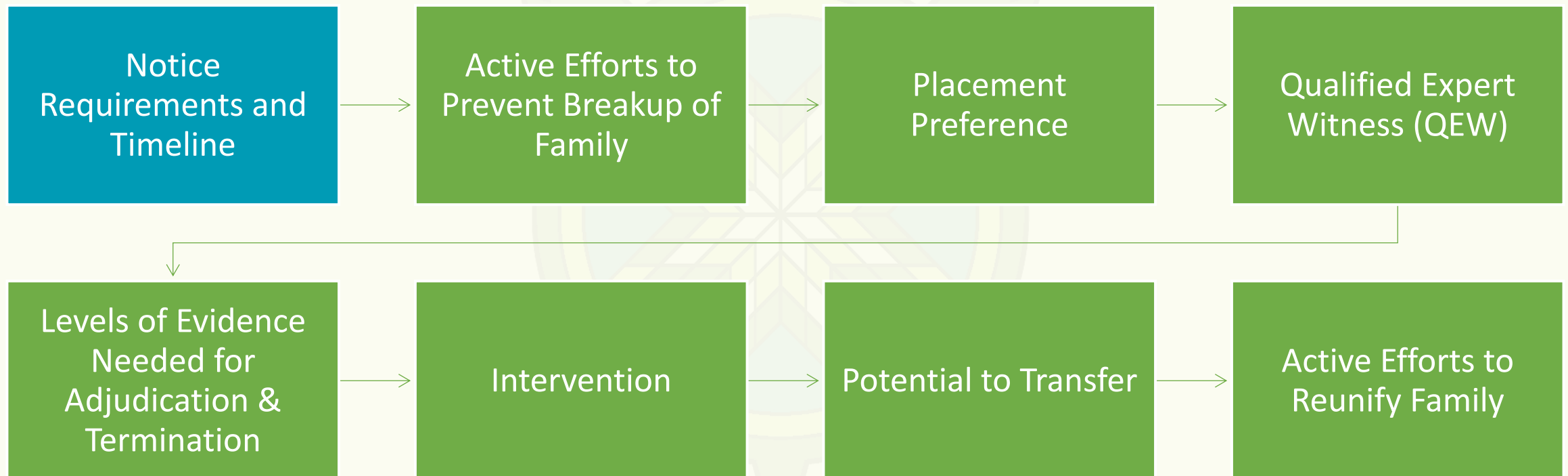


# SPIRIT OF ICWA

- Gold standard practice across the board for families involved in the child welfare system
- Keep families connected to each other, their community and culture
- Provide active efforts to prevent the break-up of Indian families
- If imminent danger exists, placement should be with family



# Vital Aspects of ICWA



# Comprehensive State ICWAs

Individual states have enacted their own laws to protect Indian children & their families. As of early 2023, those states are:

- **California, Connecticut, Iowa, Michigan, Minnesota, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Washington, Wisconsin, and Wyoming**

Proposed state laws in 2023

- **North Dakota, South Dakota, and Utah**

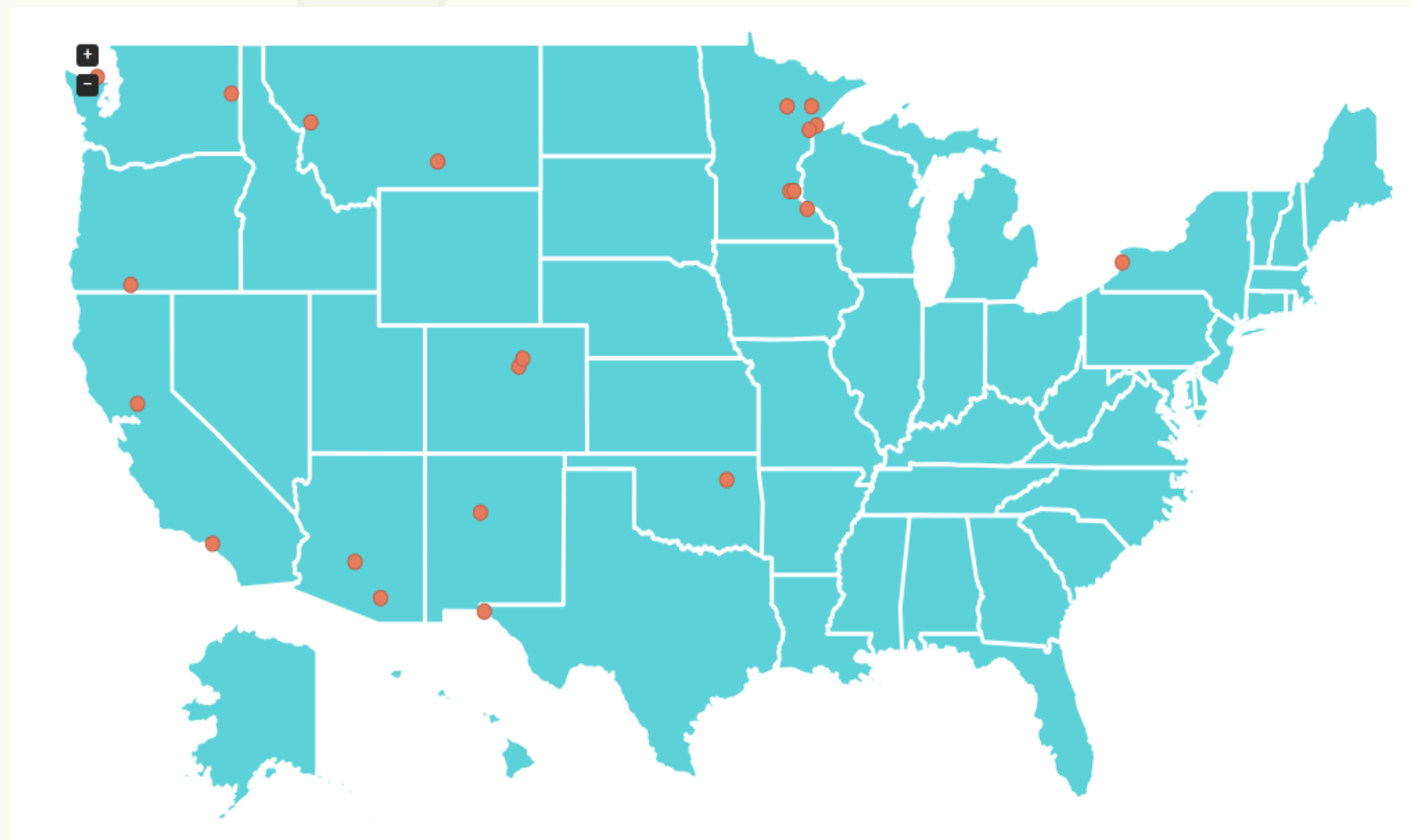




# ICWA Courts

## 21 ICWA Courts across the US:

- Arizona
- California
- Colorado
- Minnesota
- Montana
- New Mexico
- New York
- Oklahoma
- Oregon
- Texas
- Washington



# Strategy: Learn & View History with a Trauma Lens

## Policies and practices that impacted Indigenous people and tribes

Removal Policies

Prosecution for traditional and ceremonial practices

Boarding School Era

60's Scoop & Adoption of Indian Children practices

Impacts of historical and intergenerational trauma on individuals, families, communities and tribes

# Resources

- National Native Children's Trauma Center: <https://www.nnctc.org/>
- Native Child Advocacy Resource Center: <https://www.nativecac.org/>
- Capacity Building Center for Tribes: <https://capacity.childwelfare.gov/tribes>
- Smithsonian National Museum of the American Indian Native Knowledge 360°:  
<https://americanindian.si.edu/nk360>





## Final Considerations

Every tribe is different, every Indigenous person is unique, no two ICWA cases will be the same.

Remember your influence; use your voice.





# Q&A

Please type your questions into the Q&A box.

## Kimee Wind-Hummingbird



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# Thank you for joining us!

