

PIMA COUNTY ICWA COURT

*Permanency &
Proportionality*

ICWA COURT COLLABORATION

PIMA ICWA COURT FORMED JANUARY 2020

Enforce letter & spirit of ICWA and expedite permanency:

Judicial and ICWA Attorney/DCS Team Assignments

Tribal caseworkers receive all minute entries & disclosure

Tribal holidays calendared and respected

PPH/5 ICWA blocks for early tribal presence & intervention

ICWA affidavits in lieu of testimony (including at mediation)

ICWA community relationships and engagement:

Monthly webinars; quarterly & bi-annual group meetings;
tribal relationships; Casey; informal court-to-court contacts

Partners:

Within Court

Tribes

Attorneys

Casey

CASA

Child Welfare

Data/Research

AZ DEMOGRAPHICS & AI DISPROPORTIONALITY

Arizona:

- 22 federally recognized tribes
- Top three in AI population (2020)
- +- 5% of Arizona is AI/AN (2022)
 - [U.S. Census Bureau QuickFacts: Arizona](#)
- +- 5% students (public) = AI (2019)
 - [Arizona 2019 Indian Education Annual Report Final July-2020.pdf \(azed.gov\)](#) at p. 5

Pima County:

- Two tribes, both active in Pima court
- First ICWA Court in Arizona
- +- 4.4% of Pima County is AI/AN
 - [U.S. Census Bureau QuickFacts: Pima County, Arizona](#)
- +- 3% students (public) = AI (2019)
 - [Arizona 2019 Indian Education Annual Report Final July-2020.pdf \(azed.gov\)](#) at p. 6

ARIZONA 1.5 DISPROPORTIONALITY RATE

PIMA COUNTY



1380 TOTAL DEPENDENCY CASES
INCLUDING 2258 CHILDREN IN CARE

145 ICWA CASES INCLUDING 285 ICWA CHILDREN (+-9.5%)

+27% of cases remain open 2+ years
Average days to case closure for all
children in Pima County = 615 days

PIMA COUNTY ICWA COURT DATA



Time for permanency/time in care

Processes for permanency

Tribal participation and intervention

Placement Active Efforts

Reunification/Guardianship/Severance

PIMA COUNTY DATA

ACTIVE CASES BY CHILD AND TIME CASE IS PENDING

	Total Active Dependency Minors, as of 11/21/2023	Average Days Active for All Dependency Minors, as of 11/21/2023	Number of Dependency Minors Active More than Two Years	% of Minors Active More than Two Years	Average Days for Minors Active More than Two Years
Totals:	2298	551	638	27.76%	1166

JULY 2023 SNAPSHOT P. 1



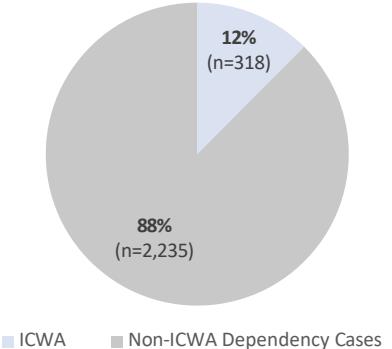
INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

Pima County Juvenile Court

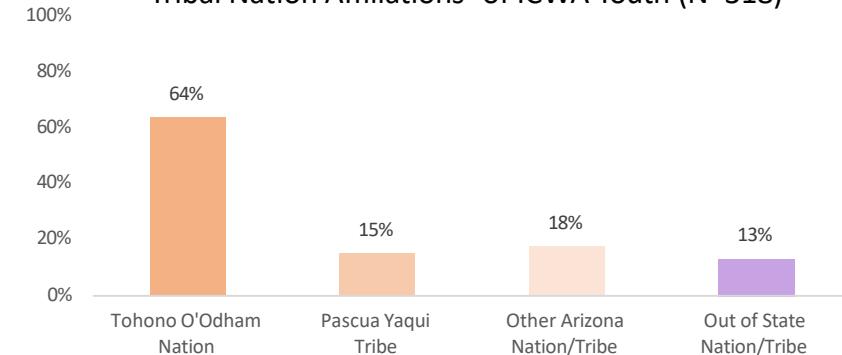
As of July 6, 2023

There are currently **318** active ICWA youth (determined "ICWA applies" or "Reason to Know").
Of these cases, **263 (83%)** of ICWA-applicable youth currently have a tribe as an intervening party¹ (intervention granted by judge).

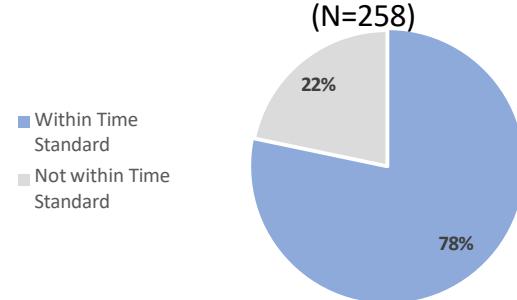
Population of Active Pima County
Dependency Cases (N=2,553)



Tribal Nation Affiliations² of ICWA Youth (N=318)



Compliance with Dependency Adjudication
Time Standard³ for ICWA Youth
(N=258)



Compliance with Permanency Hearing
Time Standards⁴ for ICWA Youth



Prepared by:

Erica Ponder-Gilby, Senior Research and Evaluation Specialist, PRE
Data Specialists, Data Analytics team of CCFS

July 6, 2023

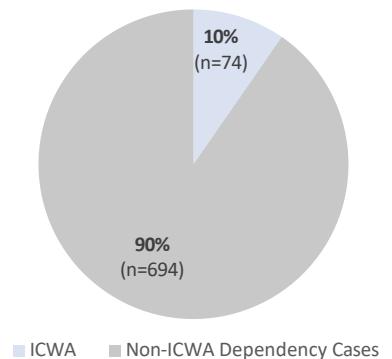
JULY SNAPSHOT P.2

INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

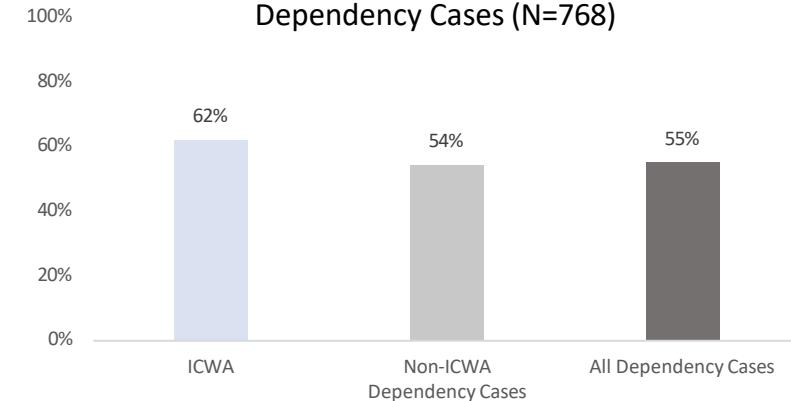
Pima County Juvenile Court

Cases Closed between January 1, 2023 and June 30, 2023

Population of Closed Pima County Dependency Cases (N=768)



Reunification Rates of Closed Pima County Dependency Cases (N=768)



Case Closure Outcome	ICWA	Non-ICWA
Post-Adjudication Reunification⁵	54%	43%
Guardianship	16%	8%
Adoption	12%	27%
Pre-Adjudication Reunification⁶	8%	12%
Turned 18	7%	10%
ICWA/Transferred to Tribe	3%	0%
All Other Case Outcomes	0%	1%

¹An Intervening Party is one that has joined the case based on an approved Motion to Intervene. Additionally, Arizona law permits participation by non-parties, who can and do actively participate in the case on behalf of the Tribe or Nation. Their participation is not reflected in the intervention rate.

²A child can be affiliated with more than one tribal nation.

³The Arizona Administrative Office of the Courts (AOC) requires 98% of youth to have an adjudication ("First Finding") for at least one parent completed within 100 days of the filing date.

⁴The AOC requires that 98% of children under 3 years of age have their Permanency Hearing within 180 days of removal from home, and 98% of all other youth within 365 days of removal.

⁵Post-Adjudication Reunification is the rate of all children with cases Terminated-Placed/Returned to Family divided by number of children with cases closed.

⁶Pre-Adjudication Reunification is the rate of all children with cases Dismissed-Placed/Returned to Family, Dismissed-No Dependency Found, and Dismissed-Petition Withdrawn divided by the number of children with cases closed.

OCT. 2023 SNAPSHOT P.1



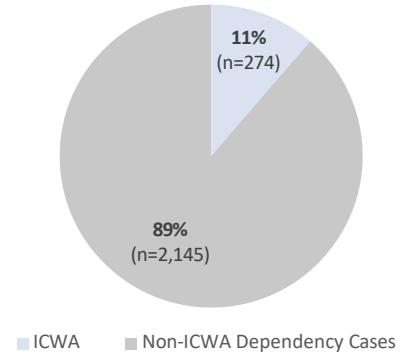
INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

Pima County Juvenile Court

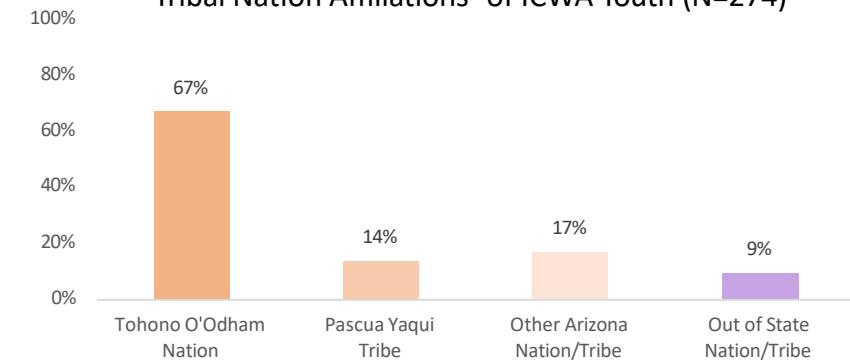
As of October 2, 2023

There are currently **274** active ICWA youth (determined "ICWA applies" or "Reason to Know").
Of these cases, **230 (84%)** of ICWA-applicable youth currently have a tribe as an intervening party¹ (intervention granted by judge).

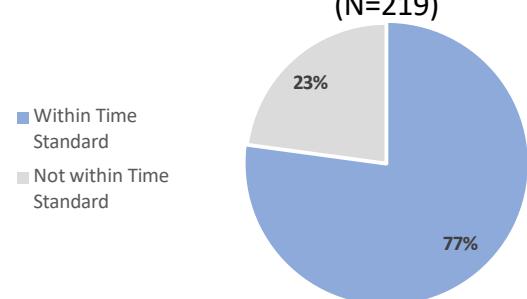
Population of Active Pima County
Dependency Cases (N=2,419)



Tribal Nation Affiliations² of ICWA Youth (N=274)



Compliance with Dependency Adjudication
Time Standard³ for ICWA Youth
(N=219)



Compliance with Permanency Hearing
Time Standards⁴ for ICWA Youth



Prepared by:

Erica Ponder-Gilby, Senior Research and Evaluation Specialist, PRE
Data Specialists, Data Analytics team of CCFS

October 2, 2023

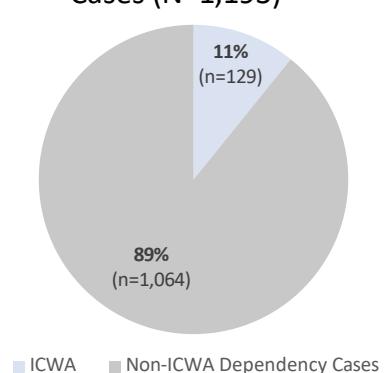
OCT. SNAPSHOT P.2

INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

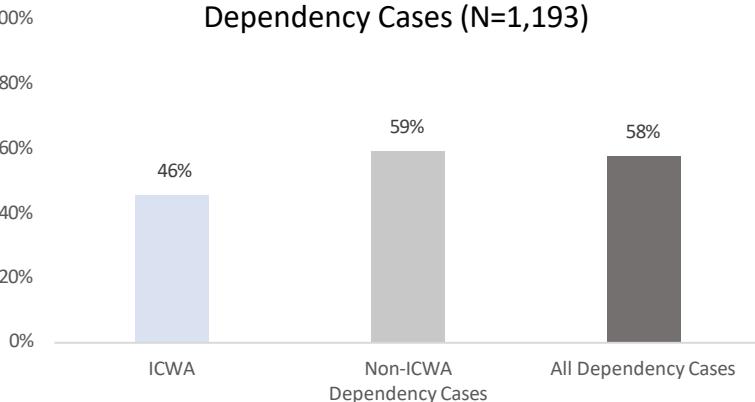
Pima County Juvenile Court

Cases Closed between January 1, 2023 and October 2, 2023

Population of Closed Pima County Dependency Cases (N=1,193)



Reunification Rates of Closed Pima County Dependency Cases (N=1,193)



Case Closure Outcome	ICWA	Non-ICWA
Post-Adjudication Reunification⁵	42%	47%
Guardianship	26%	9%
Adoption	19%	22%
Turned 18	5%	9%
Pre-Adjudication Reunification⁶	4%	13%
ICWA/Transferred to Tribe	2%	0%
All Other Case Outcomes	3%	1%

¹An Intervening Party is one that has joined the case based on an approved Motion to Intervene. Additionally, Arizona law permits participation by non-parties, who can and do actively participate in the case on behalf of the Tribe or Nation. Their participation is not reflected in the intervention rate.

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CASE CLOSURES – ALL CHILDREN

Closure Type	Total Minors	Minors with Active Dependency Cases Open Less than Two Years	Minors with Dependency Cases Open Two Years or More	% of Minors with Dependency Cases Active Two Years or More, by Closure Type
Adoption	4364	1928	2436	58.57%
Post-Adjudication Reunification	5701	4811	890	21.40%
Turned 18	991	537	454	10.92%
Guardianship	1250	909	341	8.20%
All Other Case Outcomes	249	216	33	0.79%
ICWA Transfer	82	77	5	0.12%
Pre-Adjudication Reunification	652	652	0	0.00%
TOTAL	13289	9130	4159	100.00%

DEFINING ICWA-RELEVANT DATA

What measures success under ICWA?

What does permanency mean to the tribe?

IS CHILD IN CULTURE?

PLACEMENT & OUTCOME

Tribal voice in the process

Not severed from tribe

Guardianship as success

Tribal & traditional adoptions

ICWA Court has increased tribal presence & intervention and the child's connection with culture



Is permanency progress timely with active efforts for every child toward the outcome in their best interest?

PERMANENCY MAY TAKE TIME

Loving care and safety

Cultural identity

Family from tribal perspective

Community

Early compliant placement

Expedite progress with active efforts

May need patience for best outcome



ICWA PERMANENCY IS
URGENT AND NOT
DEFINED JUST BY TIME
STANDARDS.

The interests of adhering to time standards for adjudication and permanency do not always align with adherence to ICWA's gold standards and best practices.

DELAYS AND LONGSTAYERS

- * Tribes unable to verify eligibility for ICWA within dependency case time standards
- Awaiting QEW testimony for adjudication
(Pima takes steps to expedite so judge and parties can make more timely and informed decision)
- * Additional time and efforts needed for recovery
- * Limited resources in some rural areas
- * Time for efforts preventing reentry and reactivation of petitions: resilient lasting recovery

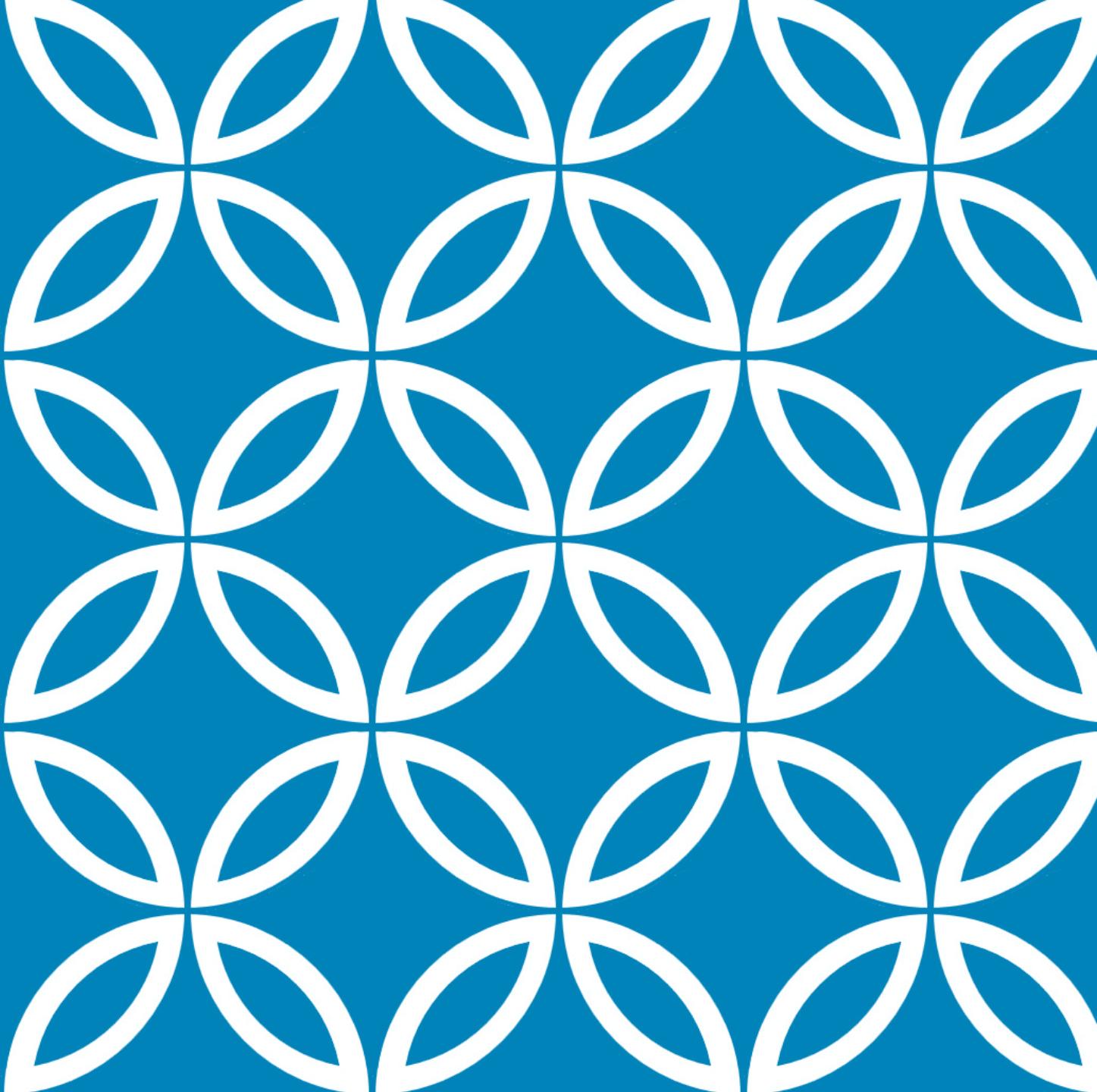
Pima goals include: **Gather/compare data on time to closure for ICWA children and assess causes**
Increase early intervention & provide lasting recovery capital
Enhance identification and timely availability for all services
Data on what permanency means: in-culture placements and case closures
Identify ICWA longstayer cases, broken down by case closure type, in regular data collection and analysis

Pascua Yaqui Tribe ICWA Data

January to August 2023	Pima County	Maricopa County
Total Children Closed	26	19
# of Children Reunified	8	6
Percentage Reunified	31%	32%
# of Children in Guardianships	11	10
Percentage of Guardianships	42%	53%
Reunified & Guardianships	73%	84%

PIMA COUNTY ICWA COURT

- ❖ Hon. Janet Bostwick
- ❖ Hon. Kathleen Quigley
- ❖ jbostwick@sc.pima.gov
- ❖ kquigley@sc.pima.gov



TOPIC	PRESENTERS	DATE
1	Healing Tribal Services: Recovery in Culture	Native American Connections (Phoenix) and Native Music Coalition (Tucson)
2	Tribal Family Culture, Customs, & Traditions	Sharing by tribal members ~ Gila River Indian Community and Navajo Nation
3	Parent Engagement, Peer Support & Tribal Mentors	Presented by tribal parent mentors and parent peer support program providers
4	Tribal/State Court Collaboration and Peacemaking Courts	Hon. Tim Connors and Hon. Cheryl Demmert Fairbanks
5.	Constitutional Implications & Issues post- Brackeen	Erwin Chemerinsky, Dean/Distinguished Professor of Berkeley Law; Prof. Barbara Atwood, Arizona Law, moderator