



# **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

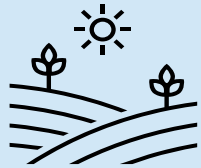
## Pima County:

- 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

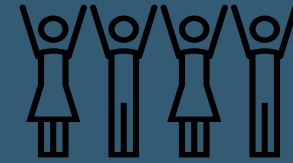
1380 TOTAL DEPENDENCY CASES  
INCLUDING 2258 CHILDREN IN CARE



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
<b>Totals:</b>	<b>2298</b>	<b>551</b>	<b>638</b>	<b>27.76%</b>	<b>1166</b>



# INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

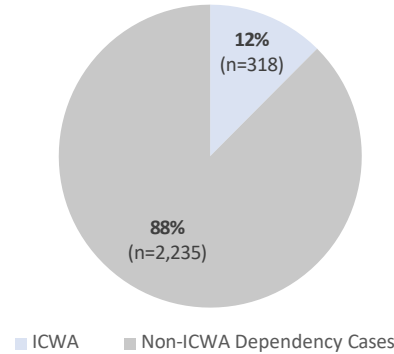
## Pima County Juvenile Court

As of July 6, 2023

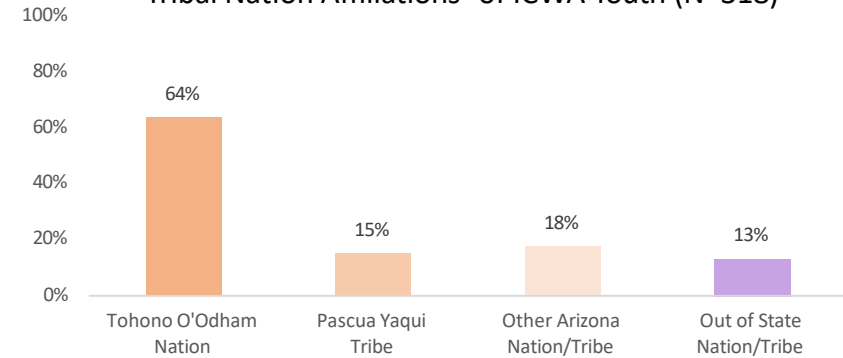
# JULY 2023 SNAPSHOT P. 1

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 party<sup>1</sup> (intervention granted by judge).

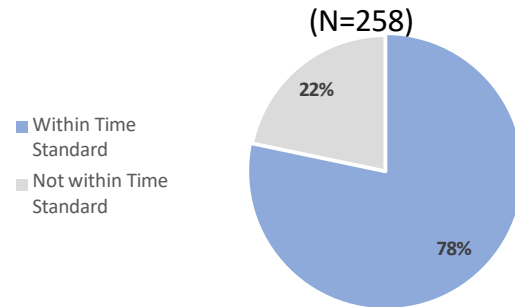
### Population of Active Pima County Dependency Cases (N=2,553)



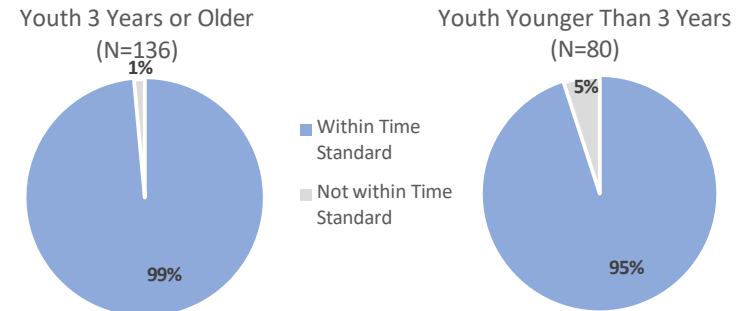
### Tribal Nation Affiliations<sup>2</sup> of ICWA Youth (N=318)



### Compliance with Dependency Adjudication Time Standard<sup>3</sup> for ICWA Youth (N=258)



### Compliance with Permanency Hearing Time Standards<sup>4</sup> for ICWA Youth



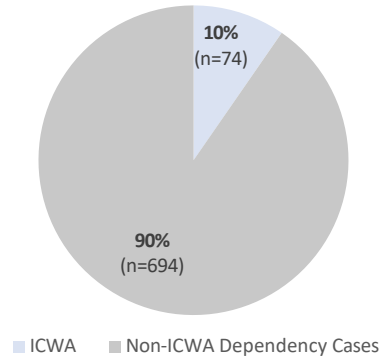
# JULY SNAPSHOT P.2

## INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

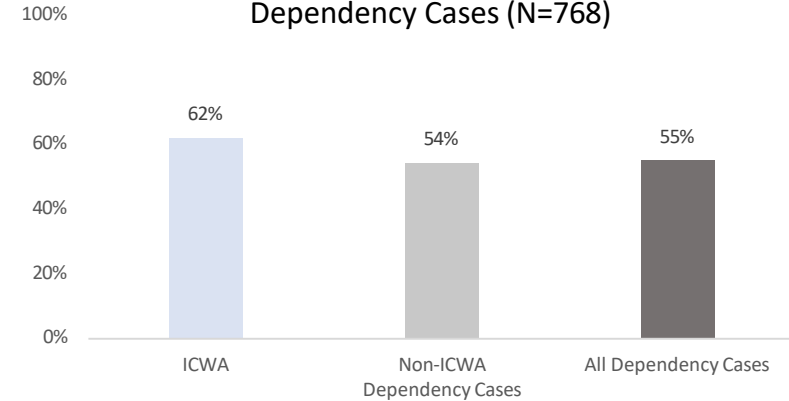
### Pima County Juvenile Court

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 Reunification <sup>5</sup>	54%	43%
Guardianship	16%	8%
Adoption	12%	27%
Pre-Adjudication Reunification <sup>6</sup>	8%	12%
Turned 18	7%	10%
ICWA/Transferred to Tribe	3%	0%
All Other Case Outcomes	0%	1%

<sup>1</sup>An 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.

<sup>2</sup>A child can be affiliated with more than one tribal nation.

<sup>3</sup>The 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.

<sup>4</sup>The 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.

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

<sup>6</sup>Pre-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.





# INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

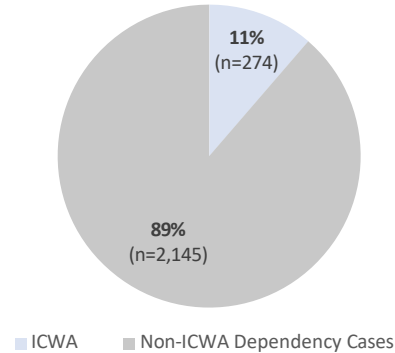
## Pima County Juvenile Court

As of October 2, 2023

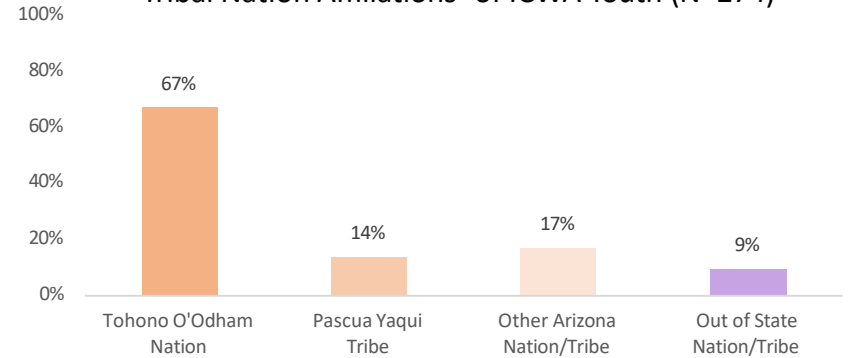
# OCT. 2023 SNAPSHOT P.1

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 party<sup>1</sup> (intervention granted by judge).

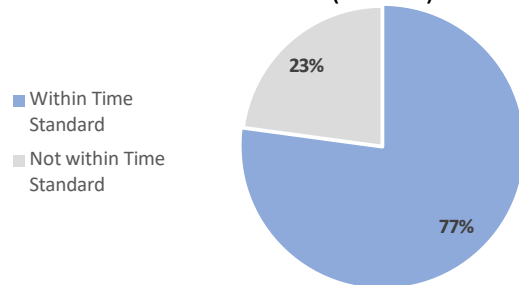
Population of Active Pima County Dependency Cases (N=2,419)



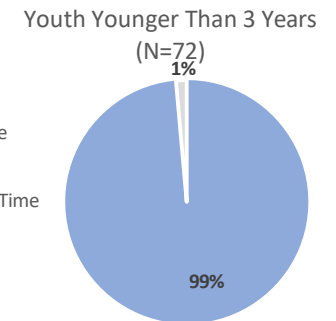
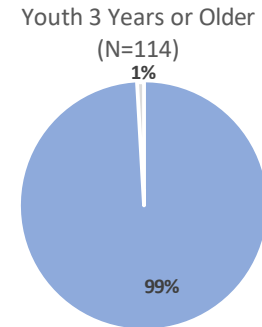
Tribal Nation Affiliations<sup>2</sup> of ICWA Youth (N=274)



Compliance with Dependency Adjudication Time Standard<sup>3</sup> for ICWA Youth (N=219)



Compliance with Permanency Hearing Time Standards<sup>4</sup> for ICWA Youth



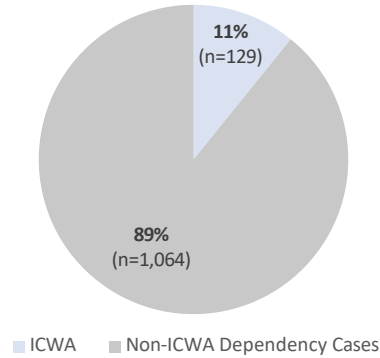
# OCT. SNAPSHOT P.2

## INDIAN CHILD WELFARE ACT (ICWA) DATA SNAPSHOT

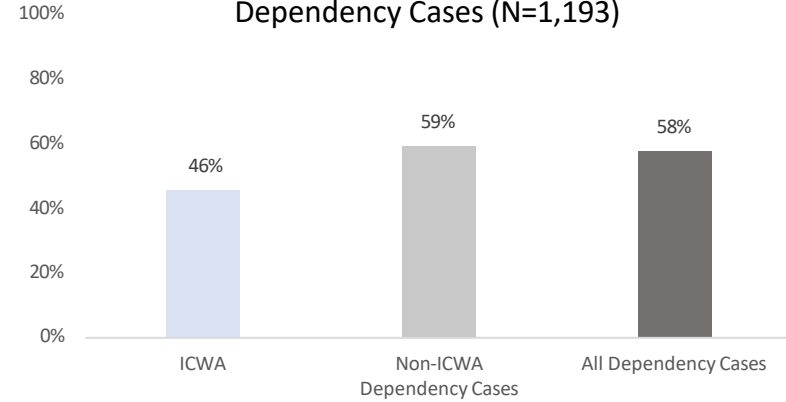
### Pima County Juvenile Court

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 Reunification <sup>5</sup>	42%	47%
Guardianship	26%	9%
Adoption	19%	22%
Turned 18	5%	9%
Pre-Adjudication Reunification <sup>6</sup>	4%	13%
ICWA/Transferred to Tribe	2%	0%
All Other Case Outcomes	3%	1%

<sup>1</sup>An 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	<b>58.57%</b>
Post-Adjudication Reunification	5701	4811	890	<b>21.40%</b>
Turned 18	991	537	454	<b>10.92%</b>
Guardianship	1250	909	341	<b>8.20%</b>
All Other Case Outcomes	249	216	33	0.79%
ICWA Transfer	82	77	5	0.12%
Pre-Adjudication Reunification	652	652	0	0.00%
<b>TOTAL</b>	<b>13289</b>	<b>9130</b>	<b>4159</b>	<b>100.00%</b>

# 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

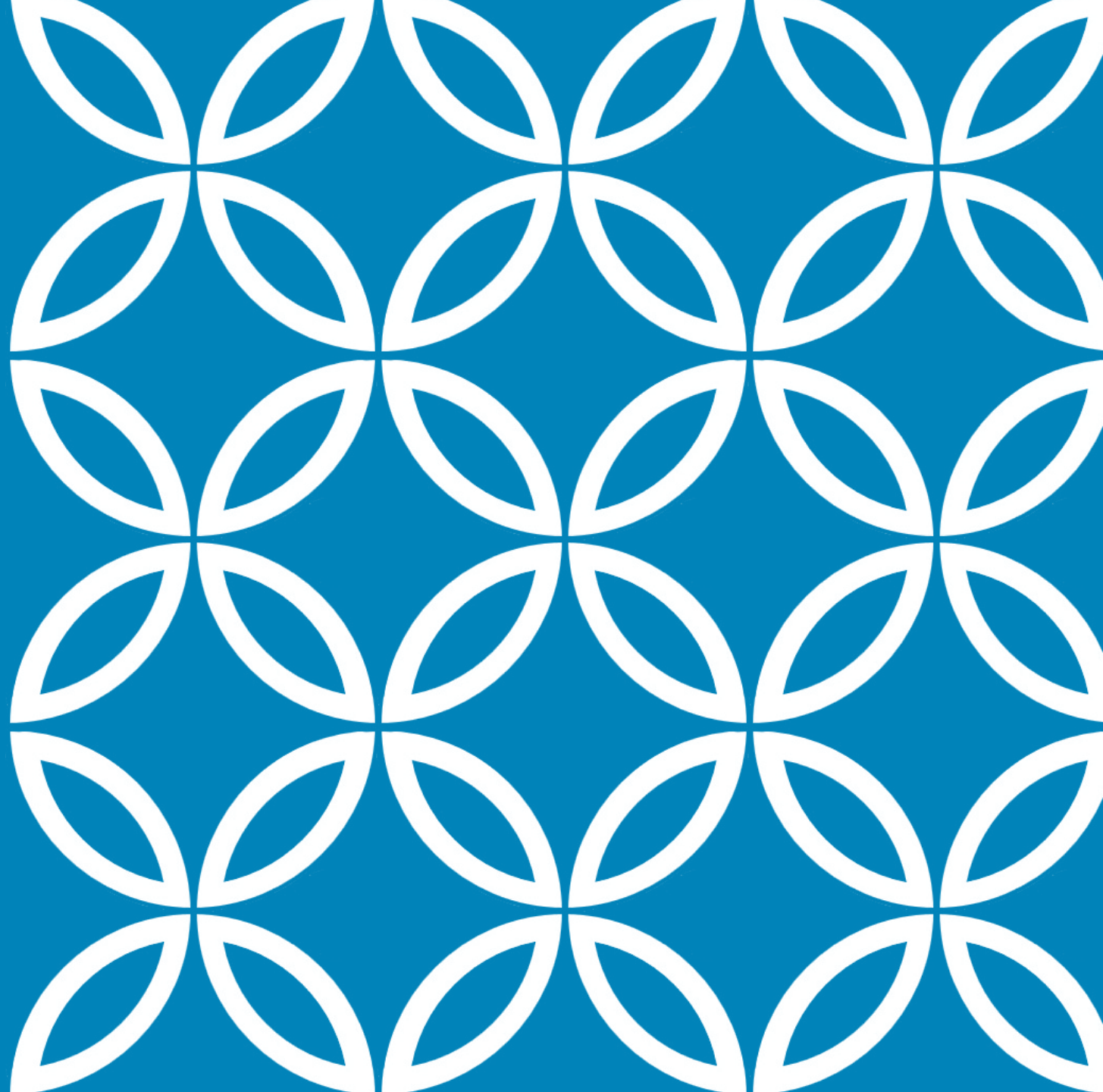
## Pascua Yaqui Tribe ICWA Data

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



# PIMA COUNTY ICWA COURT

- ❖ Hon. Janet Bostwick
- ❖ Hon. Kathleen Quigley
- ❖ [jbostwick@sc.pima.gov](mailto:jbostwick@sc.pima.gov)
- ❖ [kquigley@sc.pima.gov](mailto:kquigley@sc.pima.gov)



	TOPIC	PRESENTERS	DATE
1	Healing Tribal Services: Recovery in Culture	Native American Connections (Phoenix) and Native Music Coalition (Tucson)	10/18/2023
2	Tribal Family Culture, Customs, & Traditions	Sharing by tribal members ~ Gila River Indian Community and Navajo Nation	11/15/2023
3	Parent Engagement, Peer Support & Tribal Mentors	Presented by tribal parent mentors and parent peer support program providers	12/13/2023
4	Tribal/State Court Collaboration and Peacemaking Courts	Hon. Tim Connors and Hon. Cheryl Demmert Fairbanks	1/17/2024
5.	Constitutional Implications & Issues post- Brackeen	Erwin Chemerinsky, Dean/Distinguished Professor of Berkeley Law; Prof. Barbara Atwood, Arizona Law, moderator	2/14/2024