

INDIAN CHILD WELFARE ACT OF 1978

“A LAW FOR OUR CHILDREN”



PART II

A SUMMARY AND ANALYSIS OF THE INDIAN CHILD WELFARE ACT OF 1978

On November 8, 1978, under its power over Indian affairs and its "responsibility for the protection and preservation of Indian tribes and their resources," Congress enacted the Indian Child Welfare Act of 1978.^{1/} Pursuant to finding "that there is no resource more vital to the continued existence and integrity of Indian tribes than their children," and that an "alarmingly high percentage of Indian families are broken up by the removal, often unwarranted, of their children" in proceedings which fail "to recognize the essential tribal relations of Indian people and prevailing cultural and social standards," Congress declared it a national policy to:

. . . protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs. (Sec. 3.)

^{1/} It should be pointed out that although the Congress clearly recognized that legislation was needed to prevent the "unwarranted" removal of Indian children by state courts, the Act does not cover custody disputes between parents in a divorce, or placements arising out of acts by children that would be crimes if committed by adults. In other words, the Act does not apply to most "divorce" or many "juvenile delinquency" cases. Tribes and agencies dealing with the Act should realize, therefore, that a significant number of "custody" cases are not covered by the Act. Instead, the Act applies to cases where a child is removed for reasons such as abuse, neglect, or parental unfitness, and to cases where the parents voluntarily give up the child for foster placement and adoption.

The Act begins with sections stating the Congressional findings and purpose which give rise to the Act. This is followed by a section defining a number of terms used in the Act. Because these sections are relatively short and straightforward, they will not be summarized here. Some of these terms will be defined below in the course of discussing the various sections in which they appear. The reader is also referred to the Glossary in Appendix D, which does not cover terms defined in the Act but instead concentrates on legal terms used in the Act with which the layperson may have some difficulty.

TITLE I - CHILD CUSTODY PROCEEDINGS

Jurisdiction- Indian Child Custody Cases

SEC. 101.

Exclusive Jurisdiction for Tribal Courts

(a) Prior to passage of the Act, one of the most troublesome problems in Indian child custody cases was the question of "jurisdiction," that is, the question of which court had the power to decide the case. Indian parents and tribes naturally trusted tribal courts to be more understanding of their situation and to make every effort to keep the child with the parents, or at

least with the tribe. In their view, state courts were more likely to remove the child from the tribe altogether and place it in a non-Indian home. Cases arose in which an Indian child was the object of a tug-of-war between a tribal court and the court of a particular state, with each court making a different decision as to what should be done with the child. Section 101(a) seeks to settle this problem by providing that only the tribal court can decide custody cases involving an Indian child who lives on a reservation. The tribal court would have what is called "exclusive jurisdiction" over the case. The Act uses the legal terms "resides or domiciled within the reservation" to describe those children whose cases can be heard only in tribal court. These words are subject to interpretation, but in their broadest sense they would cover children who are living for the time being ("residing") on the reservation, as well as those who may be living temporarily off the reservation, but whose permanent home ("domicile") is clearly on the reservation. The only exceptions to this rule granting exclusive jurisdiction to tribal courts are the states in which federal law has previously empowered state courts to hear such matters. This would include states under Public Law 83-280 or similar laws where tribes cannot regain exclusive jurisdiction over such cases until they "reassume"

it through a procedure set out in the Act (see discussion of Section 108 below). Subsection (a) also provides that a tribal court will have exclusive jurisdiction even over children who are living off the reservation if those children are already wards of the tribal court. [Note: this last provision probably gives tribal courts an incentive to declare children wards of the court even in doubtful cases, so as to protect the tribe's jurisdiction over them in the future.]

Referral
Jurisdiction
for Tribal
Courts

(b) As part of its effort to allow tribal courts to decide more Indian child custody cases, Congress provided that even when a state court clearly has jurisdiction over a case under the terms of subsection (a), the case may still be transferred to the tribal court at the request of one of the parents or the child's tribe or Indian custodian (for a discussion of this latter term see subsection (c) below). Such a transfer may be blocked in two ways, however. The transfer cannot take place if one of the parents objects. This obviously gives a veto power to a parent (particularly a non-Indian parent) who may wish to keep the case in the state court. Also, the transfer may be denied by the state court if it finds "good cause" for doing so. Since good cause may be loosely defined, state courts have a good deal of power to block a transfer.

Full
Cred
Trib
Rulin

Right of
Intervention
in State Court
Cases

(c) If the case turns out to be one which must be heard in state court, this subsection gives the parents, the tribe, and the Indian custodian a right to "intervene" in the case. This means that they will be recognized by the court as valid parties to the case, whose arguments and desires must be considered by the court. This is an important right, since under most state laws, only the parents and the welfare department are entitled to have their wishes considered. This subsection thus creates an important role for the Indian custodian. The Indian custodian is an Indian person with whom an Indian parent has left his or her child, or to whom the child is entrusted pursuant to tribal custom, tribal court order or even state law. Without this provision, state courts would probably not recognize the rights of a person who was informally entrusted with the child by a parent or by tribal custom.

Full Faith and
Credit for
Tribal Court
Rulings

(d) As described above, conflicts have arisen in the past between state and tribal courts over who had jurisdiction over child custody matters. In many cases, state courts have refused to recognize or take into consideration prior decisions and orders of a tribal court regarding a particular child. This subsection says that all courts in the United States (including other tribal courts) must grant a tribal court's valid orders

"full faith and credit." This means that such orders must be treated with the same seriousness as would the orders of a court of any state. The lack of recognition of tribal court orders by state courts has, of course, been one of the most serious challenges to the power of tribal courts over the years. This provision settles this controversy, at least in the area of child custody cases.

Federal Safe-
guards for State
Court Proceedings

SEC. 102.

Notice of State
Proceeding to
Parent, Tribe,
Custodian in
Involuntary
Proceedings
only

(a) This section provides various safeguards for Indian parents, tribes and custodians in the handling of child custody cases by state courts. This subsection provides the important safeguard of notice. Obviously, all of the rights contained in the Act will be of little use if a parent, custodian, or tribe does not find out until too late that a child has been removed by a state court. Therefore, notice to the parent, custodian and tribe via return receipt letter is required, but only in involuntary cases. No notice is required when Indian parents willingly give up their children for placement. The notice must include an explanation of the right of intervention (see discussion of Section 101 (c) above). If the identity or location of any of these parties is unknown, the state court can comply by sending notice

to the Secretary of the Interior. In order that those entitled to notice can have a chance to plan their response, the state court is prohibited from proceeding with the case until at least 10 days after the date of delivery as marked on the receipt when it is returned. A 20 day extension is also available if requested.

Court Appointed
Counsel for
Indigent Parents

(b) Provides for a free attorney to be appointed by the court to represent any Indian parent too poor to afford one. If the state law does not already provide funds for this purpose, the court can apply to the Secretary for reimbursement. The court can also appoint a separate counsel for the child if it finds it appropriate to do so.

Intervenor's
Access to
Records

(c) Provides that once an Indian custodian or tribe has intervened under Section 101 (c), they may have access to the records of the case. This is important because many states make the records of juvenile proceedings confidential to all but court personnel and parents.

Removal Only
As Last Resort

(d) Provides that whoever is seeking to have the child removed must first satisfy the court that all other methods of handling the family's problems have been tried without success. This is meant to make it more difficult to remove Indian children from their homes than it has been in the past.

Clear and Con-
vincing Evidence
for Foster Care
Placements

(e) Provides that the party seeking foster placement for a child must prove their case by "clear and convincing evidence." This is more demanding than the present rule in many states which requires that the winning party's evidence merely outweigh that of his opponent, even if only slightly. Under the Act, the case for foster placement must "clearly and convincingly" outweigh the case against such placement. In addition, it appears that expert testimony will be required in every case to show that the child is likely to be damaged if he is not placed in a foster home. The Act requires that such experts be "qualified." Presumably such experts would not be considered qualified unless they were well-acquainted with Indian customs and social relations.

Beyond a Reason-
able Doubt for
Termination of
Parental Rights

(f) Provides that when parental rights are terminated (i.e., when the child is taken away from his parents permanently) the party seeking this result must prove his case "beyond a reasonable doubt." This is the highest kind of proof that can be demanded, and means that if after the conclusion of the case, a reasonable person would still have any doubts as to whether the child is likely to be damaged by staying with his parents, then the termination must be denied (i.e., the parents are given the

benefit of any "reasonable" doubts). Again, the testimony of "qualified expert witnesses" will be required.

**Safeguards for
Consent Cases**

SEC. 103.

**Consent in
Open Court**

(a) The section as a whole provides safeguards for those cases in which a parent voluntarily agrees to foster care placement or termination of parental rights. The House Report that accompanied the Bill recognized that in the past many Indian parents had consented to the removal of their children without really understanding what they were doing or after being unfairly pressured to do so. This subsection requires that such consent be put down in writing in front of a judge who will then certify that he explained the meaning of the consent to the parent (with an interpreter if necessary) and that the parent understood. It also provides that a consent given at any time before, or within ten days after, the birth of a child in question shall not be valid. This provision recognizes that many Indian parents, especially if young and unmarried, are under a great deal of emotional stress at such times and can be subjected to unfair pressures to give up the child.

**Withdrawal of
Consent -
Foster Placements**

(b) Provides that a parent or Indian custodian may withdraw his earlier consent to

foster care placement "at any time." When this happens, the child must be returned.

Withdrawal of
Consent -
Adoptions

(c) Provides that a parent may withdraw his consent to a termination or adoption at any time before the state court issues its final decree in the case. After that time, Congress presumably felt that any change of heart would be too emotionally damaging to the child and the other parties involved.

Adoptions -
Fraud and Duress

(d) Provides an exception to the rule in the last subsection by allowing parents to have their children returned even after a final decree of adoption or termination if the parent can prove that he was tricked or pressured into giving his consent. This right exists, however, only for two years after the final decree unless state law provides that such a challenge can be made even later.

Remedy for Violations of
the Act

SEC. 104. This section provides that a parent, Indian custodian, tribe, or Indian child (through an attorney) can have a foster placement or termination of parental rights overturned if it can be shown that the earlier proceeding violated any part of Sections 101, 102, or 103. The question then arises, how far into the past can this section be used to "undo" a foster placement or termination of parental rights violated in these sections? It would appear from Section 113 that this section

(Section 104) can only apply to state court actions or "subsequent proceedings" that begin after May 7, 1979. (See discussion of Section 113 below.)

**Preferences in
Indian Child
Placements**

SEC. 105.

**Preferences in
Adoptive Placements**

(a) This section as a whole tries to ensure that an Indian child removed from his parents or custodian by a state court will be placed with members of his family, his tribe, or at least with other Indians, rather than with non-Indians. Subsection (a) provides that for adoptions the court should first try to find a home with a member of the child's "extended family," which is the family as defined by the tribe's custom or laws. If there is no law or custom then the person must be an adult who has one of the relationships to the child specified in Section 4 Paragraph (2) of the Act. If no extended family member can take the child, then a member of the child's tribe is preferred. If this is not possible, then an Indian family from another tribe is preferred over a non-Indian family.

**Preferences in
Foster Placements**

(b) This subsection establishes a similar order of preference for foster placements. In addition it requires that the setting be as family-like and as close to the child's regular home as is possible, taking into account the

child's special needs.

Tribal Order of
Preference

(c) Provides that a tribe can establish its own order of preference for adoption and foster placements. The state court or agency is then obliged to follow this order as long as the preferred placement has the character just described in subsection (b). This subsection also provides that the Indian child's or parent's own preferences be taken into consideration where "appropriate."

Prevailing Tribal
Standards Control

(d) Provides that the suitability for placement in an extended family member's home or other preferred setting be measured by tribal standards rather than the standards of the non-Indian community where the case is being heard (i.e., what is considered an adequate home by tribal people.) If this were not so, state courts might be tempted to find that all the legally preferred settings were not good enough and that only non-Indian settings were suitable.

Compliance Records

(e) To help make sure the preference system is followed, the state court or agency is required to keep a record of its efforts to follow the order of preference for each placement. This record is available to the Secretary of the Interior and to the tribe so that they can check up on performance.

Changes of
Placement

SEC. 106.

Return of
Adopted Child

(a) If, as sometimes happens, an adoption

does not work out and the case is returned to court, the natural parent or prior custodian can have the child restored to him or her. This request cannot be denied unless the court holds a proceeding which contains all the safeguards of Section 102.

**Foster Home Changes
Controlled by Act**

(b) Whenever a child is removed from a foster home for placement elsewhere, the new placement must be done under the provisions of the Act, except when the decision is simply to return the child to the parent or custodian.

**Adoptee's Right
to Information**

SEC. 107. On turning eighteen, an adoptee can approach the court to find out his tribal background and other information necessary to protect whatever rights he has with the tribe.

Reassumption

SEC. 108.

**Petition or Plan
for Reassumption**

(a) Provides that tribes which fell under state jurisdiction (i.e., became subject to the power of state courts) as part of Public Law 83-280 or any other Federal law may reassume jurisdiction over child custody cases (i.e., may set up tribal courts to handle these cases in accordance with the Act). Before this can happen, however, a tribe must present the Secretary with a petition for reassumption together with a plan as to how the tribe is going to fulfill its responsibilities under the Act. The Secretary must then approve the request and the plan.

**Criteria for
Reassumption**

(b) (1) Sets out some of the things the

Secretary may consider when deciding whether to approve a tribe's petition. These things will presumably help him decide whether the tribe's plan will work. They are such things as whether there is a membership roll or other way of identifying members, the size of the reservation, the number and distribution of tribal members, and finally the likelihood of problems where there is more than one tribe in an area.

Alternatives
to Denial

(b) (2) If the Secretary does not believe that the tribe can handle all custody cases arising on the reservation under Section 101 (a), he can instead approve the setting up of a tribal court that will hear only those cases transferred to it under Section 101 (b) (see discussion of this section above). The Secretary can also approve an arrangement where the tribe takes full jurisdiction under Section 101 (a), but only over a limited geographical area.

Notice of
Reassumption

(c) If the Secretary approves of reassumption he notifies the state and announces his approval in the Federal Register. Sixty days after this announcement the tribe may start to exercise its new powers. The subsection also provides that when the Secretary denies a petition he must provide the tribe with "technical assistance" in order to correct the problem that led to denial.

Effect on Pend-
ing Cases

(d) Provides that reassumption will not

affect any case already in state court.

State-Tribe
Agreements

SEC. 109.

Scope of
Agreements

(a) States and tribes are free to negotiate their own agreements regarding jurisdiction and other child custody matters. This means for instance that a tribe and a state could, if they wished, agree to have the tribal court handle all cases regarding the children of that tribe regardless of where they live in the state. The subsection also allows for the setting up of a method for assigning cases to one court or the other on a case-by-case basis, or for allowing either the state or the tribal courts to hear custody cases at the election of the parties.

Revocation

(b) Provides that these agreements can be ended with 180 days written notice but that this will not affect cases already begun in tribal court.

Return of Impro-
perly Removed
Children

SEC. 110. Sometimes a person wishing to have the child removed from his Indian parent or custodian will take the child through some kind of trick or dishonesty and then bring a custody action in a state court. To put a stop to this kind of practice, this subsection requires that the state court refuse to hear the case and instead return the child unless it is shown that returning the child would be dangerous. The danger that is meant here is not merely some vague worry about the child's long term welfare, but rather

a real and pressing concern about the child's immediate future.

Application of
Laws Protecting
Indian Rights

SEC. 111. The state and federal courts who would otherwise be bound by the safeguards of the Act as to parents and custodians can instead apply the equivalent parts of state or federal laws respectively if those laws contain even more safeguards for the Indian parent or custodian.

Emergency Removal
by State

SEC. 112. Under the Act, state courts have no jurisdiction over Indian children domiciled on the reservation, even though such children may be temporarily away from the reservation (see discussion of Section 101 (a) above). This subsection makes an exception to this rule in emergency situations where the child faces an immediate physical threat (as opposed to mental harm). In such cases the state court can remove the child from his parent or Indian custodian as long as it then attempts to return the child or transfer the case to tribal court as soon as possible.

Effective Dates
for Act

SEC. 113. This section provides that most of the Act only takes effect 180 days after passage (November 8, 1978 + 180 days = May 7, 1979), and therefore many provisions do not apply to cases begun before that date. The exceptions to this are Sections 101 (a), 108 and 109. The latter two sections deal with reassumption and tribal-state agreements and allow tribes to get a head-start with these arrangements.

Section 101 (a) grants exclusive jurisdiction to tribal courts over custody cases involving children living on the reservation. All such cases should have been brought in tribal court beginning November 8, 1978 except in states where reassumption is necessary. All provisions of the Act apply to any "subsequent proceeding" in a state court. If, for example, a court places a child in a foster home, but sometime after May 7, 1979 desires to terminate parental rights completely, it must then do so under the provisions of the Act.

TITLE II - INDIAN CHILD AND FAMILY PROGRAMS

Grants for
On-Reservation
Programs

SEC. 201.

Family Service
Programs and
Child Welfare
Codes

(a) Title II gives the Secretary the power to make grants for family services programs, and for establishing child welfare codes. This section provides for grants to tribes and "Indian organizations" (groups controlled by, or mainly composed of, Indians) for these purposes. The section covers family service programs located "on or near reservations," while Section 202 covers "off-reservation" programs. It requires that the objective of every family service program be to prevent the breakup of Indian families and to insure that removal of a child take place only as a last resort. Examples are then given of the kind

of programs eligible for grants. These include foster home licensing, counseling centers and children's shelters, daycare programs, the employment of professionals and the training of tribal court personnel, adoption subsidies, and legal advice and representation for Indian families in custody cases.

Matching Funds

(b) Provides that funds authorized by this section may be used to qualify for federal matching funds. Many federal aid programs are designed to provide funds equal or in a certain proportion to the amount of funds contributed by a state. Since states might not be willing to provide funds necessary to put up the "matching shares" necessary to qualify for these programs, the Secretary will provide such funds under this subsection. In addition, funds under this subsection cannot be used as an excuse for cutting back or denying other funds. The purpose of this provision is to make sure other programs continue at their previous levels. The subsection also makes clear that where a federal program calls for state licensing of foster or adoptive homes in order to qualify for aid, tribal licensing will also satisfy this requirement.

**Grants for
Off-Reservation
Programs**

SEC. 202. This section authorizes grants for off-reservation family service programs. These can include, among other things, support for foster

or adoptive homes, family counseling facilities, family assistance (homeowners, daycare, etc.), and advice or legal representation in custody cases. The support for adoptive homes can include funds for supporting the adoptee similar to those received by foster children. These support funds must bear some reasonable relationship to the standards set by the state for the support of the children.

Funding Authority SEC. 203.

**Agreements
with HEW**

(a) Provides that the Secretary of the Interior and the Secretary of Health, Education and Welfare can agree to share the responsibility for funding and overseeing these programs. The latter is authorized to use funds for this Act that would go to similar uses under other programs, provided that the necessary funds have already been approved by Congress.

**Appropriation
Authority**

(b) Provides that Congress is empowered to appropriate funds for the Act under the same law that provides the general funding for the BIA (the Snyder Act).

**Expanded Defini-
tion of Indian**

SEC. 204. This section provides that for the purposes of off-reservation programs (Section 202) and for agreements with HEW (Section 203), the broader definition of Indian provided at 25 U.S.C. 1603 (c) will be applied.

TITLE III - RECORDKEEPING, INFORMATION AVAILABILITY,
AND TIMEKEEPING

Adoption Records
in State Courts

SEC. .301.

Copies to
Secretary -
Confidentiality

(a) At any time after November 8, 1978, that an adoption proceeding is completed in state court, the court is required to send the Secretary a copy of the final decree together with the four items listed in this Section. If the former parents have requested in a sworn document that their names be kept secret, the court will send this to the Secretary with the other items. The Secretary is then bound to keep it secret. It also will not be subject to the Freedom of Information Act which allows public access to many documents in the government's possession.

Adoptee's Access
to Information

(b) Like Section 107, this section provides that on becoming 18 years of age an Indian adoptee can find out his tribal affiliation and membership rights, but not his real parents' names if they have requested that their names be withheld. In order to avoid revealing such names the Secretary is allowed to "certify" to the child's tribe that he or she is eligible for membership.

Regulations

SEC. 302. The Secretary of the Interior is given the responsibility for developing regulations under the Act. (For an explanation of this function, see the discussion in Appendix C.) The Secretary

published the proposed regulations required by the Act within 180 days required by this Section. The final regulations were published in the Federal Register of July 31, 1979.

TITLE IV - MISCELLANEOUS

Local Schools for Indian Children SEC. 401.

Reason for Study

(a) Congress declared its "sense" that the absence of convenient local schools (and the resulting necessity for BIA boarding schools) "may contribute" to the breakup of Indian families.

Placement Prevention Study

(b) The Secretary is directed to prepare, in cooperation with HEW, a study of what would be involved in providing local schools for Indian children, especially those in elementary grades. This report must be submitted to the two congressional committees which oversee Indian Affairs by November 4, 1980.

Notice of Act

SEC. 402. The Secretary is directed to send the designated officials of every state within 60 days a copy of the Act, the committee reports on the Act, and an explanation of its contents.

Severability of Act

SEC. 403. It sometimes happens that a court will declare one part of an Act invalid, and then will be concerned whether Congress wanted the Act to survive

without the part in question. "Severability" provisions such as this one are included in Acts to make clear that Congress does not want the whole Act thrown out if one part is found invalid.

SEPT 30, 1990
BANGOR DAILY
NEWS, P. 9

Child welfare conference to be held October 4-5

The Child Welfare Department of Pleasant Point Reservation, Perry, will sponsor a program October 4 and 5, 1990, featuring Victoria Iron-Graves, Native American social worker from Red Lake Indian Reservation in Redby, Minn.

Miss Graves has an extensive background in Child Welfare issues, including Foster Care Program Development. Topics to be discussed are: Family Dynamics, Self-Esteem Concepts from Infancy to Adolescence, Chemical Dependency and the Role of Children in the Family, Fetal Alcohol/Drug Syndrome, Communication Skills, Activities for Special Needs Children and Creative Ways for Guidance Counseling for Foster Children.

The program is open to the Pleasant Point Community members and professional staff, and it will be held at the Community Building from 9 a.m. to 4 p.m. A buffet luncheon will be served.

For reservations, call 853-2551, ext. 242, no later than October 1.

WORK COMPONENT

WORK TASK	MILESTONE	TIME / DATE	REMARKS
Review State Requirements for Staffing	18. Designations of Staffing	Jun 1991	To be done by W.George
Preparation of Alternatives for Staffing	19. Selection	Jul 1991	To be done by W.George
Preparation of Job Descript.	20. Staffing Report	Aug 1991	Sipayik Care selects. W. George
Recruitment of staff commences	21. Job Interviews/ Hirings	TBA 1991	Sipayik Care Committee
Preparation of in-service training needs	22. Additional qualification	1991	Child Welfare Dept
Observations in field of other facilities	23. Orientation of others	1991	" " "
Commence training at FH	24. Orientation	1991	To be done by FH Admin
Commence care	25. Opening of FH	1992	FH Staff
A S	A M E N D E D 2-15- 91		

WORK COMPONENT

SUPPORT PROGRAMS

WORK TASK	MILESTONE	TIME / DATE	REMARKS
Review Existing IHS and Tribal Programs	14. Existing Programs designated that can be adapted	Jun 1991	Done by W. George
Analyze Additional Programs Required	15. Selection of Additional Programs	Jun 1991	"
Determination of Program Costs	16 Program Cost Report	Jul 1991	"
Presentation of Support Programs	17 Approval, Disapproval, or Revisions of Support Programs	Sep 1991	Performed by Sipayik Care
A S A M E N D E D 2-15-91			

WORK COMPONENT

Project Contract

WORK TASK	MILESTONE	TIME / DATE	REMARKS
Definition of Boundaries	1.Project Eligibility	Dec 1990	Note: this is a culmination of previous 90 days ; W. George performs varied work tasks.
Documentation of Needs	2.Identification of problem	Dec 1990	
Analysis of Causation	3.Likely causes of problem	Dec 1990	
Preparation of Objectives and Work Program	4.Project Contract	Dec 1990	

Property Acquisition

WORK COMPONENT

WORK TASK	MILESTONE	TIME /DATE	REMARKS
Identify and review varied financing options available	6. Selection of most likely	Feb 1991	6. Decision is made by Sipayik Care
Review criteria for site and facility	7. Criteria for site and structure	Feb 1991	7. Performed by W. George
Applying criteria to sites, and structures, Zoning, State Regulations & National Life Safety Code	8. Land use provisions and facility requirements	Feb 1991	Performed by W. George
Presentations of various sites	9. Site Selection	Feb 1991	9. Decision by Sipayik Care
Determination of cost of acquisition	10. Appraisal Report	Mar 1991	10. Performed by outside appraisal firm.
Identification of improvements to be made	11. Site Improvements Cost Report	Mar 1991	11. Performed by W. George & Engr Firm
Preparation of property improvements	12. Rehabilitation Report	Apr 1991	12. Performed by W. George & Engr Firm
Final financing and legal work	13. Closing	Apr 1991	12. Coord by W. George

WORK COMPONENT

Property Improvements

WORK TASK	MILESTONE	TIME / DATE	REMARKS
Prepare plans and specs	Bid Advertisement	May 1991	Engr Firm
Review contractor requests, prepare addendums, pre-bid conference, and bid opening	Award of Work	June 1991	Engr Firm/Contractor
Construction commences	Improvements	June 1991	Contractor
Coordination and oversee construction	Quality control	June - Dec	Engr Firm
Review of work and payments	Completeness and accuracy of work	June - Dec	Engr Firm/ Sipayik Care
Conduct of inspection for acceptance	Construction completed and accepted	Dec 1991	Engr Firm/ Sipayik Care
	AS AMENDED		
	2-15-91		

WORK TASK	MILESTONE	TIME / DATE	REMARKS
Review of Operations	Status	Dec 1991	Consultant
Analysis of findings	Report	Jan 1992	"
Preparation of revisions	Reorganizational Plan	Jan 1992	"
Implementation of recommendations	Operations Revised	Feb 1992	Sipayik Care and Staff revise op

FOSTER HOME Monthly Budget

Beginning Cash Receipts.....¹\$ 22750

Cash Disbursements:

Supplies.....	400
Dietary.....	2000
Labor.....	12000
Office Supplies.....	50
Utilities.....	900
Administration.....	2000
Insurance.....	2100
Accounting & Legal.....	1000
Telephone.....	100
Transportation.....	500
(Vehicle Payment Included)	
Property Tax.....	200
Depreciation. ²	500

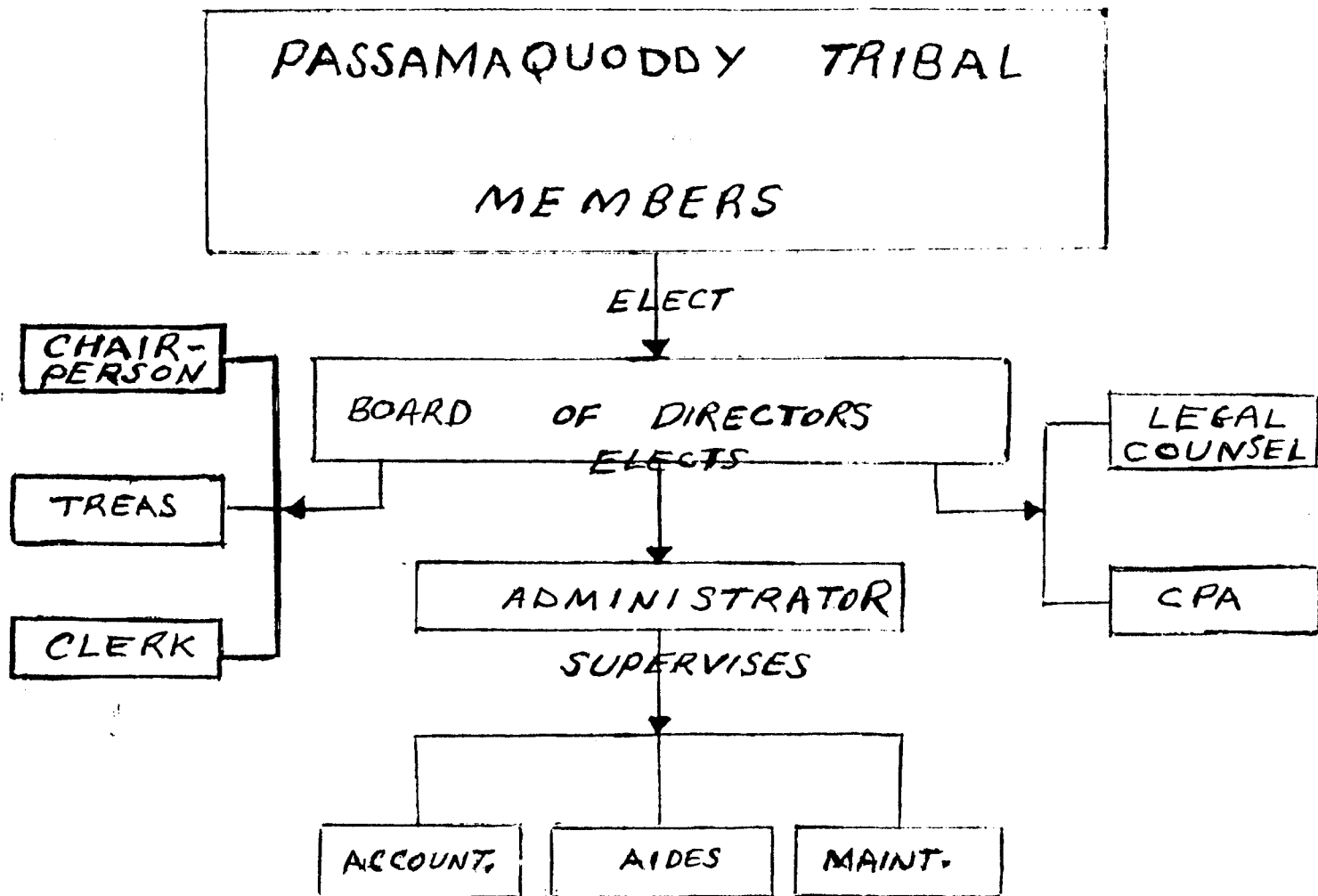
Total Cash Disbursements.....21750

Ending Cash Balance..... 1000

¹DHS, Tribe, GA, and BIA Funding Contracts

²Tribal Carpenter and Tribal Maintenance will perform services for costs of materials/items only.

\$21750 x 12 equals \$261,000 for year.



ORGANIZATIONAL

CHART

FOSTER HOME, PLEASANT POINT, PERRY, ME

The "Silent Cry" Group Update

The "Silent Cry" Group promotes education, awareness, and support for survivors and victims of child sexual abuse. We believe that child sexual abuse is an individual, family and community concern. We strive to provide support by networking with service providers that assist us in our work. One of our goals is Group members.

"Silent Cry" doesn't include incest or other sexual abuse offenders.

It has been awhile since we've reported on the activities of the Group. We met with bill Lowenstein in September after he finished his presentation on Co-Dependency. We had a four hour session with Gail Woodsum on ways to make the group more effective and to attempt to include different groups of women: older women, for example. We plan to implement a policy for this.

In October, we had a procession to observe Domestic Violence Awareness month. Fund raising has kept us busy also.

The supporters of the "Silent Cry" Group - Doris Kirby single handedly put together a small directory for women which contains resources. We will be distributing the directories soon with the help of volunteers. Thank you Doris.

We had a workshop on " Movement" during November for which we were fund raising. Sometime in the Spring we will help sponsor a day-long workshop on racism. We have found that racism is alive and well. It surfaces so smoothly that it is named as "only the facts" or some other label. How many of us have had to deal with the stereotypes of the "Wild Indian," the "Drunken Indian" and on on? We all know that the beliefs that we have for ourselves come from our parents, caregivers, and other in contact with us; not to mention the media; T.V. radio, books, etc. how many of our young children have a clear understanding of their history, who they are, and are able to voice that and speak proudly of their heritage and culture? If not, why not? the answer to these questions and others have been very disturbing. Respect, dignity and acceptance of each other is the antidote of racism, and probably every other social ill that exists. We have the support of some key people in the community in looking at this issue.

A few of us participated in a four-week self-defense course taught by Brett Leighton. That was very interesting, fun and confidence-developing. It was so much fun to watch Mary Bassett flip Brett Leighton!

Tess Wright, Witness Advocate, spoke to a group of women in October. She outlined the process when a woman reports domestic violence. The services are the Victim-Witness Advocate Washington County.

Sexual Abuse of Children: A Guide for Parents

Sexual abuse affects thousands of children every year. Sex acts children suffer range from fondling to violent sexual acts. While some children are grabbed by strangers; many, many more are abused by people they know and trust. Both boys and girls may be victims of sexual abuse, and children as young as six months old have been attacked. The problem is not limited to economically disadvantaged families or to certain ethnic groups.

Abusers, too come from all ethnic groups and all social classes. They are employed in every sort of occupation or profession and are often widely respected in their communities. The overwhelming majority of them are male. They range from adolescents to older men, but most are under the age of 50.

A study of sexually abused children conducted by the American humane Association (1969) reported these findings:

- * 75% of the offenders were known to the child or the child's family before the abuse. In fact 27% of them were members of the child's household.

- * In 72% of the cases, Parents, contributed to the abuse of omission or allowing the abuse to take place.

No one likes to think about sexual attacks on children; but if parents face the reality of the problem, they may be able to help their children escape the guilt, anxiety and fear experienced by many boys and girls who are sexually abused.

* Next week: How Can I Protect My Children From Sexual Abuse?

Submitted by: Silent cry Group