

# DEFENDING OUR CHILDREN AND FAMILIES



**UTTEAKA NAU NAAWAK**  
**TOGETHERNESS, STRONG ROOTS**  
PASCUA YAQUI TRIBE OF ARIZONA 2022-2023 ICWA REPORT





2020-2024

# TRIBAL COUNCIL



The Pascua Yaqui Tribal Council is an elected body that serves a four year term. The current Council took Office in June 2020. The Council selects four of its members to serve in Executive roles that include a Chairman, Vice Chairman, Secretary and Treasurer. Councilmembers also serve on various government operations through face-to-face, regularly scheduled meetings with Division/Department Directors and key staff.

Peter Yucupicio, **Chairman**

Robert Valencia, **Vice Chairman**

Sergio Varela, **Treasurer**

Francisco R. Valencia, **Secretary**

Catalina Alvarez, **Councilmember**

Maryjane Buenamea, **Councilmember**

Antonia Campoy, **Councilmember**

Herminia Frias, **Councilmember**

Andrea Gonzales, **Councilmember**

Angelina Matus, **Councilmember**

Francisco Munoz jr., **Councilmember**



## HISTORY OF THE PASCUA YAQUI TRIBE

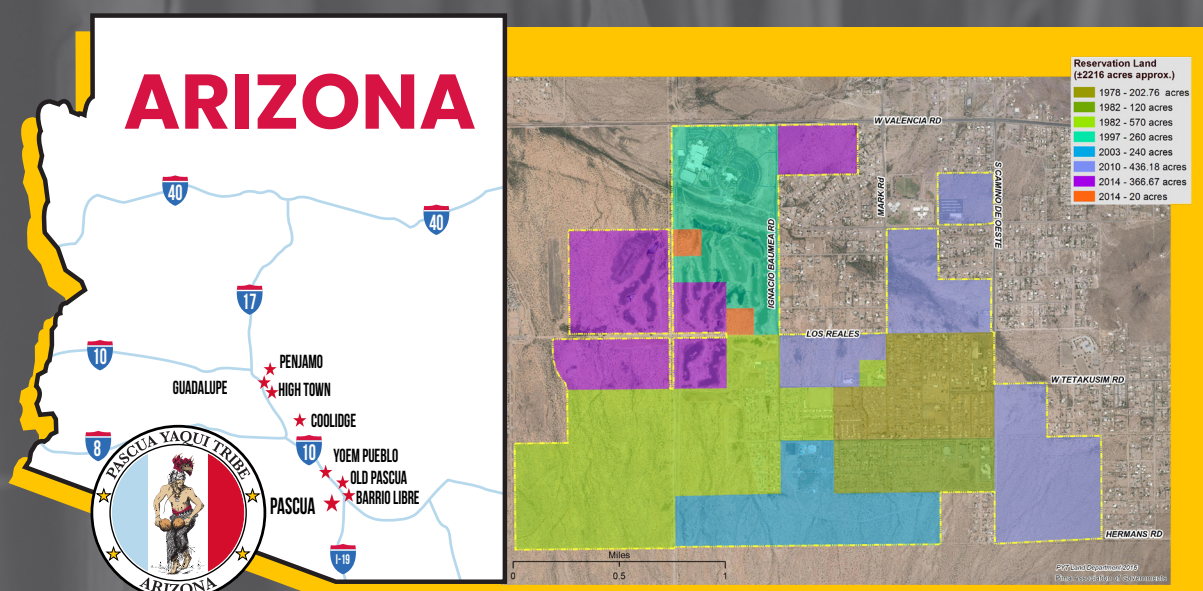
The Yaqui people have inhabited many parts of North America, from northern Mexico and the southern United States from Arizona, west to California and north to Colorado since 500 AD. The Yaquis' main territorial base is located along the Rio Yaqui in Sonora, Mexico and consists of eight original pueblos: Benem, Huiviris, Rahum, Potam, Vicam, Torim, Bacum, and Cocorit. The name Yaqui was given to the "Yoeme" (the Yaqui word for "People"), by the Spanish who called the Yoeme Haiki (Yaqui), which is the Yoeme word for "speech."

Historically, the Yoeme resided in six main Yaqui communities: (1) Guadalupe, near Phoenix; (2) old Pascua Village, in downtown Tucson; (3) Pascua Yaqui Pueblo, which is the Yaqui Reservation outside of Tucson; (4) Barrio Libre, in the City of South Tucson; (5) Yoeme Pueblo, in Marana; and (6) Penjamo in Scottsdale. These six communities, in addition to others in Coolidge, Scottsdale, and elsewhere, continue today.

In 1964, a bill was passed for the transfer of two hundred and two acres of desert land to the Yoeme where they could maintain their tribal identity. Many Yoeme moved to this new land, now the Pascua Yaqui Reservation, located seven miles west of I-19, south of Valencia Road. The Pascua Yaqui Tribe gained federal recognition as an Indian Tribe on September 18, 1978 and passed its first Constitution in 1988. On October 14, 1994, Congress adopted Public Law 103-357, recognizing the Pascua Yaqui Tribe as a "Historic Indian Tribe," possessing all sovereign rights of an Indian Tribe.

The tribal and federal governments provide health, education, social services, vocational training, and housing services to tribal members. Additionally, the reservation community is provided public safety services.

Annual celebrations include Tribal Recognition Day on September 18 and the Easter ceremonies, which start each year on Ash Wednesday and continue through the Lenten Season.



ICWA

## MISSION STATEMENT

The Pascua Yaqui Tribe recognizes that our Yaqui children are our future. Together in genuine partnership with families, our community, and other governmental agencies we strive to provide support for children and families in reaching their full potential. Our vision is to strengthen families and promote the well-being of our children through prevention, intervention, education and advocacy.

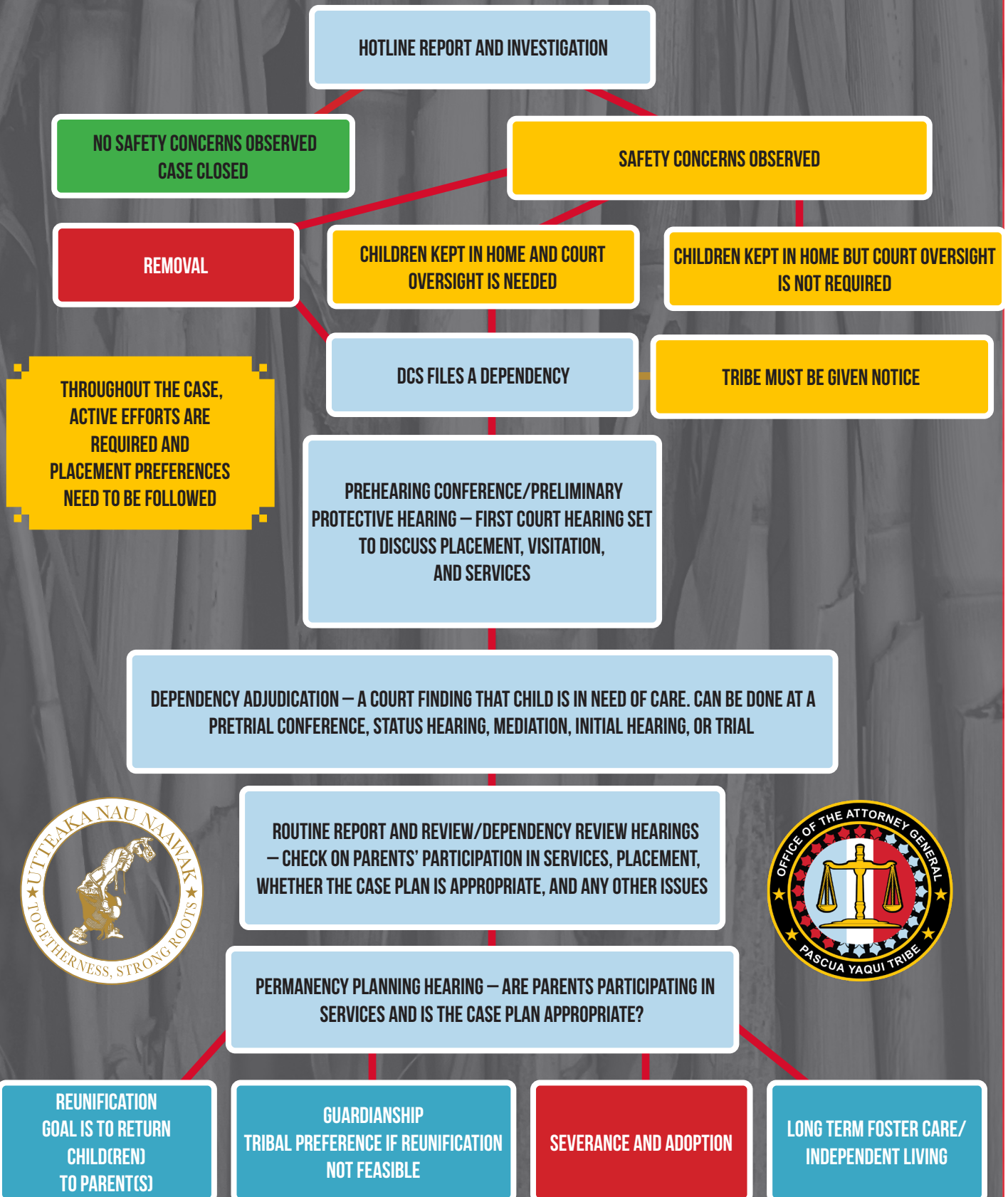
Hiak Pahkua Motchaala Nau Ho'arakame, Itom yoemia taa hu'uneiya. Ito vetchi'ivo am haptia nokitune'epo into nau nana'anapo siimem nau welisia, Itom vatoraata. Yaura vetana hoara'apo itom utte'amak hunaman yeu toha'u waka hiapsanta tu'I vatoita itom yoemiam vetana. Navuhti vicha au suawamta into waka vem emo mahtatevone'epo waa hinamiamake.

La Tribu Pascua Yaqui reconoce que nuestros niños son nuestro futuro. Existe una colaboración única entre familias, nuestra comunidad y entre otras agencias gubernamentales, y juntos hacemos el esfuerzo de proveer el apoyo para los niños y familias en realizar su potencial. Nuestra visión es de fortalecer las familias y promover el bien estar de nuestros niños a través de prevención, intervención, educación, y abogacía.





# DEPENDENCY PROCESS IN THE STATE OF ARIZONA





# ICWA STAFF PHOTOS



## PIMA COUNTY STAFF

Left to Right: Domingo DeGrazia, Tony Sanchez, Marissa Quiroz, Brenda Urbina, Christopher Molina Jr.



## MARICOPA COUNTY STAFF

Left to Right: Tara Hubbard, Selena Gortariz, Frances Amedee, Kanani Anderson



**BRACKEEN TIMELINE****JUNE 15TH, 2023**

Supreme Court issued its Opinion holding ICWA. The Court affirmed that Congress had authority to pass ICWA and that ICWA does not violate the anti-commandeering clause. The Court did not address the equal protection and non-delegation challenges due to lack of standing.

**November 2022**

Supreme Court heard oral arguments.

**APRIL OF 2022**

325 page decision from En Banc Fifth Circuit Court upholding certain parts of ICWA and striking others. Both sides appealed to the Supreme Court of the United States.

**2020**

En banc Fifth Circuit Court Hearing.

**AUGUST 2019**

Three judge panel of Fifth Circuit held that ICWA is constitutional. Plaintiffs requested that the Fifth Circuit vacate its August ruling and rehear the case en banc (in front of the entire Fifth Circuit).

**OCTOBER 2018**

The Northern District of Texas held ICWA unconstitutional. Defendants appealed to the Fifth Circuit.

**2018**

Several non Native prospective adoptive placements brought suit in the Northern District of Texas alleging ICWA violates the Equal Protection Clause. Plaintiffs were joined by three states: Texas, Louisiana, and Indiana. Defendants consist of several federal agencies and officials joined by five tribes: Cherokee Nation, Morongo Band of Mission Indians, Navajo Nation, Oneida Nation, and Quinault Indian Nation.



## ICWA HISTORY & PURPOSE

Child Welfare agencies were often ignorant, indifferent of or insensitive to cultural differences in child rearing and parenting practices and, as a result, many unnecessary, and unwarranted, foster and adoptive placements were made. As stated by Choctaw tribal chief, Calvin Isaac, during US Senate testimony prior to the passage of ICWA, “One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by non-tribal governmental authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and child rearing. Many of the individuals who decide the fate of our children are, at best, ignorant of our cultural values and, at worst, have contempt for the Indian way and convinced that removal, usually to a non-Indian household or institution can only benefit an Indian child.” In response to this testimony and other overwhelming evidence from Indian communities that the loss of their children meant the eventual destruction of Indian culture Congress passed the Indian Child Welfare Act in 1978.

ICWA was enacted to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. It established minimum Federal standards for the removal of Indian children and provides guidelines for the placement of Indian children in foster or adoptive homes which reflect the unique values of Indian culture. ICWA protects the interests of both Indian children and tribes. In the context of child welfare law, protecting the interests of a tribe in its children is unique. An underlying premise of ICWA is that Indian tribes have sovereign rights and legal powers with respect to Indian children and have a vital legal role to play in determining whether Indian children should be separated from their families and culture. The Act recognizes the authority of both tribal and state courts to make decisions regarding the welfare, care, custody and control of Indian children. The Act also provides assistance to Indian tribes in the operation of tribal child and family service programs.





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**Thursday, June 15, 2023**

## FOR IMMEDIATE RELEASE

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### **THE PASCUA YAQUI TRIBE CELEBRATES THE U.S. SUPREME COURT DECISION IN HAALAND V. BRACKEEN UPHOLDING THE INDIAN CHILD WELFARE ACT AND AFFIRMING TRIBAL SOVEREIGNTY**

**Tucson, AZ** — Yesterday, in a 7-2 decision, the United States Supreme Court upheld the constitutionality of the Indian Child Welfare Act. “Today is a wonderful day for Tribes and for our families and children.” Pascua Yaqui Chairman Peter Yucupicio said in a statement. “The Pascua Yaqui Tribe recognizes that our Yaqui children are our future and our greatest treasure. Together in genuine partnership with families, our community, and other governmental agencies we strive to provide support for children and families in reaching their full potential. Our vision is to strengthen families and promote the well-being of our children through prevention, intervention, education, and advocacy. We applaud the advocates, ICWA caseworkers, attorneys, and court personnel who work daily to protect our children and reunify our families. We are also thankful for and appreciate our state partners in Arizona. Arizona has a history of standing up for ICWA and supporting the best interest of Native American children and tribal sovereignty.”

The ICWA was implemented in response to outcomes of a study that exposed the disproportionality of children removed from Indian families. In 1978, the Tribe was federally



recognized as an U.S. Indian Tribe.<sup>1</sup> The same year, the United States Congress declared that it was in the best interest of Indian children to establish federal standards for the removal of Indian children from their family.<sup>2</sup> Additionally, Congress committed to assisting tribes in operating child and family service programs.<sup>3</sup> This Public Law became the ICWA.<sup>4</sup> Today, Native American families are four times more likely to have their children removed and placed in foster care than their white counterparts. In Arizona, Native children make up 5 percent of the child population, yet represent 8 percent of those removed from their families by the state.<sup>5</sup> Pursuant to ICWA, the Pascua Yaqui Tribe administers an Indian Child Welfare Act (the “ICWA”) program to intervene and represent the Tribe in state ICWA juvenile dependency cases by being proactive rather than reactive.<sup>6</sup> Over the past forty years, the Tribe has continued to expand our program so that our families fully realize the protections provided by the ICWA. Continuous legal efforts, partnerships, and investments by the Tribe to prevent the breakup of our families has resulted in increased positive outcomes for our Yaqui families.<sup>7</sup>

“Because of these challenges, it’s important that we collectively continue to work to affirm and codify the provisions of the Indian Child Welfare Act (ICWA) in Arizona law. The Hobbs Administration and the Arizona Legislature should work directly with Arizona’s sovereign Indian Nations to address the history of disproportionate and unwarranted removals of Indian children from their families and tribal communities. The State of Arizona should start by convening a task force with tribes and key stakeholders to provide input and shape legislation that will protect Native American tribes and children. The Hobbs Administration should also encourage and help coordinate the development of cooperative agreements and partnerships between tribal, local, and state agencies to better respond to and investigate child welfare cases and authorize state courts to continue reasonable and effective ICWA ‘Gold Standard’ procedures.”

### **About the Pascua Yaqui Tribe ICWA Program:**

The Pascua Yaqui Tribe is directly involved in state ICWA cases and intervenes in state child welfare matters every day. The Tribe has been operating an ICWA program since 1980. The Tribe has clear evidence and can demonstrate that ICWA helps sustain our Tribe, our families, and our tribal government. The Tribe has children learning our language, culture, and traditions, “who they are,” after being placed in Yaqui relative foster homes. The Tribe assists and works in partnership with the state to reunify and place our children with tribal families, because it is in the best interest of our children. The Tribe relies on ICWA because it is the “Gold Standard” practice and should be adopted in all state dependency cases. Finally, we help the state close ICWA cases faster than normal and the State of Arizona avoids paying out expensive adoption subsidies for children who must be adopted out and can close cases earlier, which saves administrative costs through the life of a case.

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<sup>1</sup> Pub.L. 95-375, Sept. 18, 1978, 92 Stat. 712.

<sup>2</sup> Pub.L. 95-608, § 2, Nov. 8, 1978, 92 Stat. 3069.

<sup>3</sup> *Id.*

<sup>4</sup> 25 U.S.C.A. § 1901-1963.

<sup>5</sup> [https://tucson.com/news/local/racial-and-ethnic-disparities-in-child-removals-go-unaddressed-here/article\\_d9e1939c-2258-11e8-ba00-a782206171cc.html](https://tucson.com/news/local/racial-and-ethnic-disparities-in-child-removals-go-unaddressed-here/article_d9e1939c-2258-11e8-ba00-a782206171cc.html)

<sup>6</sup> [https://tucson.com/news/local/pascua-yaqui-working-to-keep-foster-children-connected-to-tribal-culture/article\\_d1c62ab1-17c2-5449-a4dc-3df8fb9f4d5d.html](https://tucson.com/news/local/pascua-yaqui-working-to-keep-foster-children-connected-to-tribal-culture/article_d1c62ab1-17c2-5449-a4dc-3df8fb9f4d5d.html)

<sup>7</sup> <https://pascuayaquicwa.com/>



In 2016, the Tribe entered a formal partnership with Casey Family Programs (“Casey”). Tribal departments and Casey are working to initiate culturally relevant training for tribal program workers. Additionally, this partnership extends to a collaboration with a statewide taskforce to increase the number of Native American foster placements in Arizona. This mechanism provides cultural competency training to stateside workers, including AZ Department of Child Safety workers, state court judges, and state attorney generals. The Pascua Yaqui Tribe’s Social Service department also administers and operates a Title IV-E program. The Tribe’s plan, under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, allows the Tribe to directly administer and operate a Title IV-E Foster Care and Adoption Assistance Program for tribal children.

Through the Bureau of Indian Affairs (B.I.A.) Tiwahe Initiative, the combination of flexible funding in Social Services, ICWA, Job Placement and Training, Housing, Court, and Law Enforcement allows the tribe to work with our families. Tiwahe funding integrated and enhanced existing staff, support, and services to increase family reunification and preservation. When Tiwahe planning got underway, the Pascua Yaqui Tribe was confronting a backlog of child welfare cases across far-flung communities in Arizona and beyond. Since hiring a Tiwahe-funded enrollment research specialist, the Tribe can more quickly process enrollment verifications and applications and identify relatives for placement, minimizing the traumatic experience of separation for Yaqui families. In a few short years, intervention time in child welfare cases has decreased from ten days to three. The ICWA team has been able to place Yaqui children 91% of the time with Tribal families.

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ICWA TIMELINE 1789-2023











## COLLABRATIVE DEPARTMENTS

### OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General (“OAG”) represents the Tribe in all Indian Child Welfare Act matters in state courts. The OAG receives about 500 notices from various states a year. For every notice that is received we create and submit an ICWA enrollment verification to determine the child(ren’s) and/or parent(s) eligibility status. Once eligibility confirmation is received from the Tribe’s Enrollment Department on eligibility status, our Assistant Attorney Generals will intervene in the case. If eligibility is not confirmed, a Non-Intervention Letter will be mailed. Every month the Assistant Attorney Generals Mrs. Tara Hubbard, and their legal assistants compile a report on the status of all ICWA cases.

### SOCIAL SERVICES – CHILDREN SERVICES

The Children’s Services Program-Indian Child Welfare Act (ICWA) Unit under the Social Services Department strives to achieve this mission by providing support and guidance to families in any state child welfare system through case management services; consultation, collaboration and coordination with state child welfare agencies and courts; education on cultural teachings and ICWA; and advocating for Yaqui children and their families in and out of court. The ICWA unit works in conjunction with the Office of the Attorney General to prevent the breakup of Tribal families during state investigations and team decision making meetings, to place children with family or in Yaqui homes when removals occurs and to advocate for reunification services.

### ENROLLMENT

In collaboration with Senior Enrollment Research Specialist ICWA, in order to serve as a liaison between the Office the Attorney General and Tribal Social services. The Senior Enrollment Research Specialist ICWA concentrates on providing Enrollment verification and vital tribal information for child welfare cases. The Specialist conducts a thorough review of all enrollment databases in order to not only verify whether the child is enrolled but also to link that child to family members which information is then reported on a Kinship report. The Kinship Report is vital in the placement of children in the child welfare system. When the child is an enrolled tribal member, the specialist will also issue a Certificate of Indian Blood for the child to show tribal affiliation. The Specialist initiates the Application for Membership as well as request the Birth Certificate from Arizona’s Department of Vital Records for eligible children. In doing so, we are looking to enroll eligible children more quickly so that they can remain connected with their culture and maintain a sense of identity.

# ENROLLMENT DATA

## TRIBAL CPS AND ICWA PROCESSED VERIFICATIONS AND APPLICATIONS OCTOBER 2022 – JUNE 2023

### ICWA

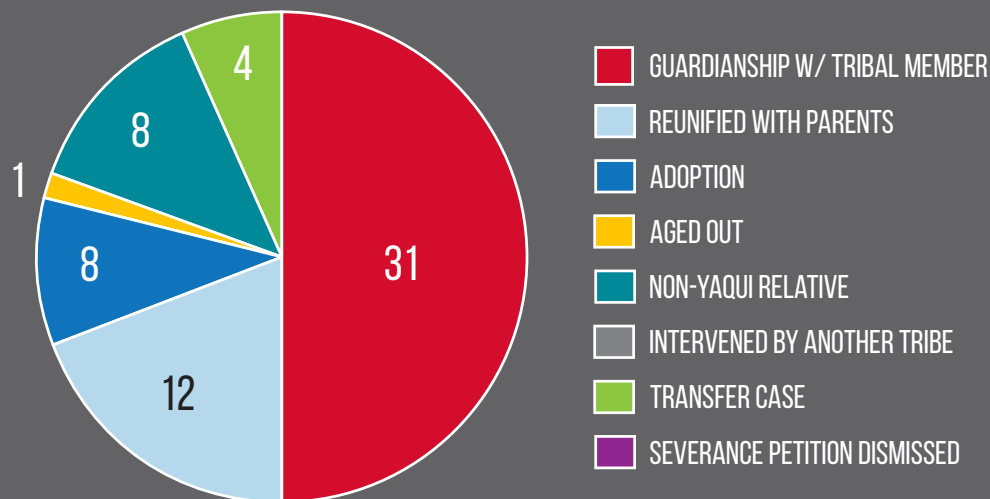
Below you will find the table summary of requests tracked for ICWA Verification purposes for the months of October 2022 – June 2023. As you can see in the summary the Total Non-Member Requests for the months below were four hundred-sixty-one (461) and Total Member Requests were twenty (20). The requests are the number of children for which a search was conducted on our Enrollment databases.

MONTH	TOTAL NON-MEMBER	TOTAL MEMBER REQUEST	TOTAL
OCTOBER 2022	63	0	63
NOVEMBER 2022	29	2	31
DECEMBER 2022	46	2	48
JANUARY 2023	21	2	23
FEBRUARY 2023	63	2	65
MARCH 2023	80	6	86
APRIL 2023	46	0	46
MAY 2023	52	4	56
JUNE 2023	61	2	63
<b>MONTHLY TOTALS</b>	<b>461</b>	<b>20</b>	<b>481</b>



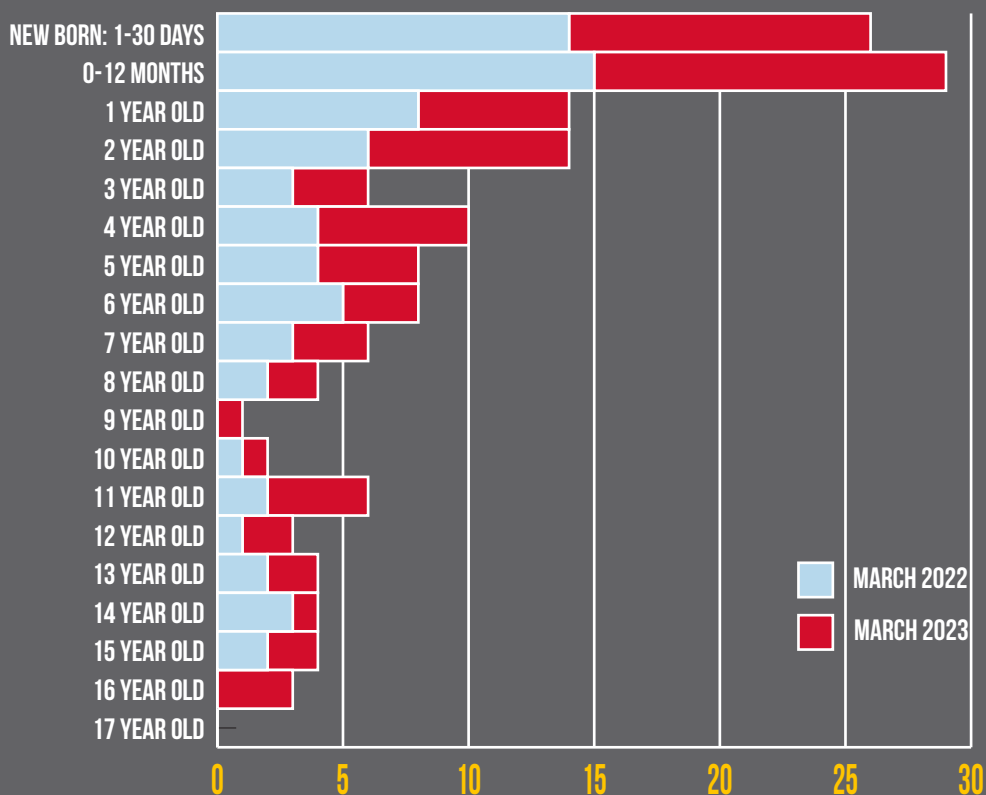
An evaluation of monthly case data between March 2022 through March 2023 shows that there were 44 dependency cases opened in both Maricopa and Pima County. Additionally, there were 36 dependency cases closed in both Maricopa and Pima county. In that same time period the ICWA team recieved 481 notices for eligibility determination. Moreover, there were 852 children in total that were addressed that either (1) enrolled, (2) eligible for enrollment, or (3) non-member/not enrolled. the ideal case plan resolution is reunification with a parent. If reunification is not likely, the Pascua Yaqui Tribe has preference for guadianship over severance and adoption. The data shows 40% of ICWA cases resulted in reunification with parent(s).

## OUTCOMES 2022-2023

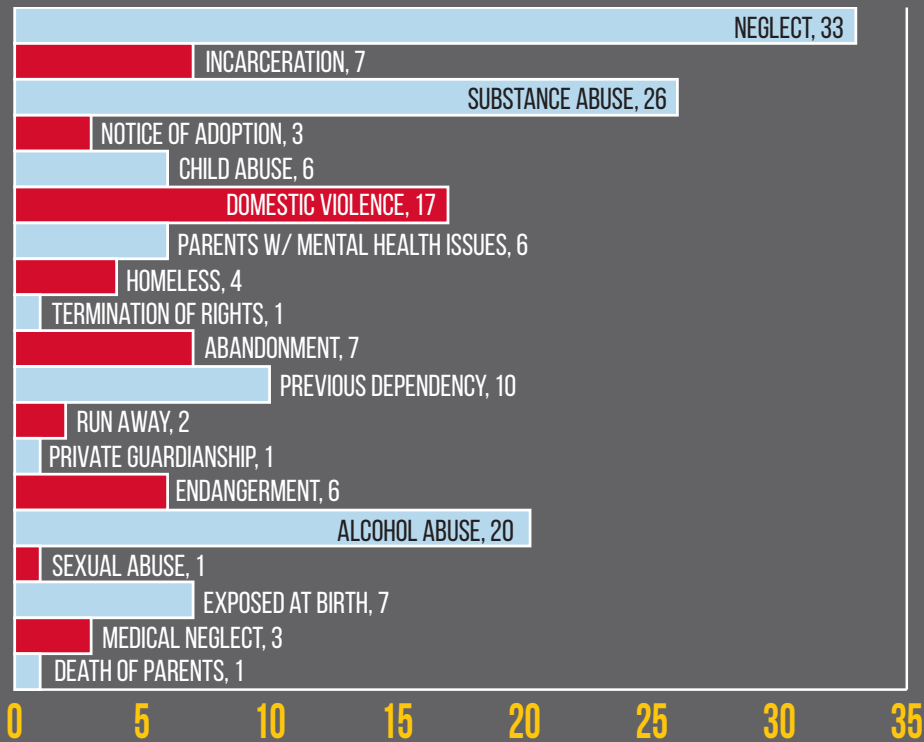


## AGE AT REMOVAL 2022-2023

The chart above shows the ages of the children at the time of removal from the home from March 2021 through March 2022.



## CAUSE OF REMOVAL

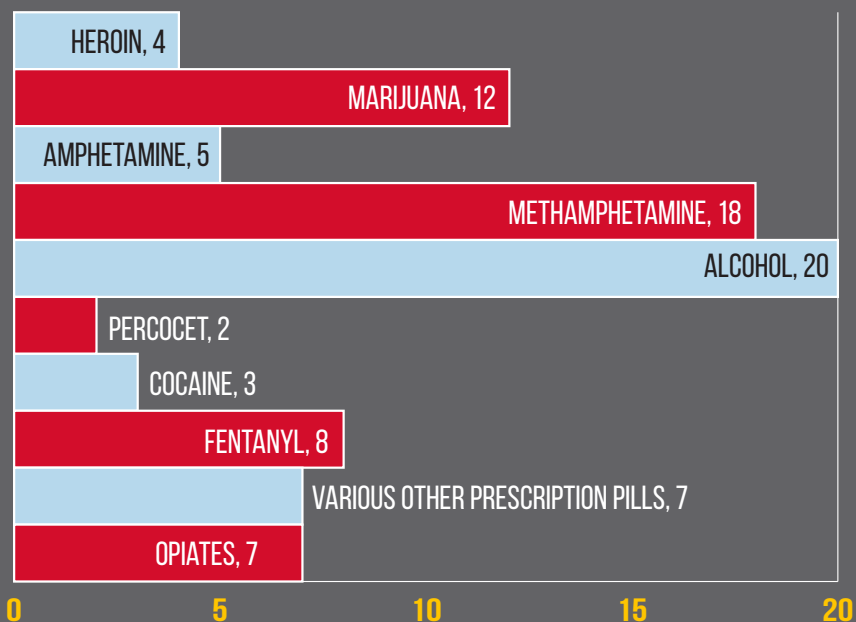


Per open dependency cases shown on graph we have identified multiple reasons for cause of removal of the children. Majority of the cases have more than one cause of removal and more than one child involved. The table shows percentage makeup for each cause of removal.



## SUBSTANCE AT REMOVAL

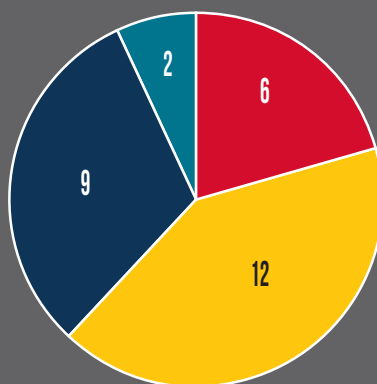
Per the open dependency cases between March 2022 through March 2023 we have identified multiple substances used at the time of removal of the child(ren). We have found that 30% of our open dependency cases have been associated with using alcohol at the time of removal.







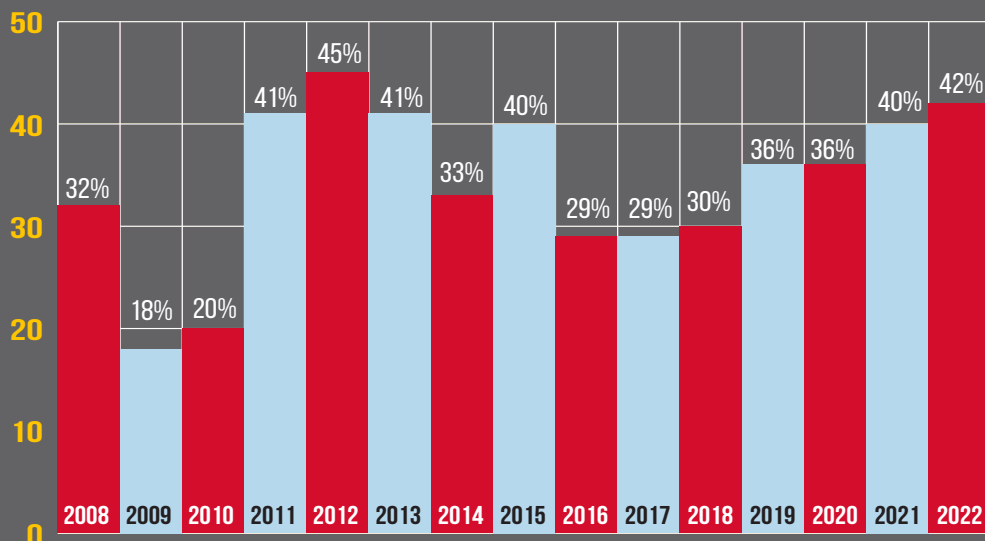
## DURATION OF CASES



\*zero cases lasted less than 30 days

## REUNIFICATION STATISTICS

Pursuant to the inherent sovereign authority of the Pascua Yaqui Tribe, the Tribe established family reunification as the top permanency preference for Yaqui children. The Pascua Yaqui Children's Code places a strong priority on reunification of children with their parents and does not allow for termination of parental rights. While valuing reunification is clearly important, some children currently are unable to return to their parents. Moreover, by applying active efforts, the ICWA Team, Pascua Yaqui Social Services, and State Juvenile Courts have successfully placed many children back with their parents. The chart below demonstrates that applying active efforts can help prevent the breakup of the Indian Family.



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**PASCUA YAQUI TRIBE OF ARIZONA**

# ICWA ANNUAL REPORT

2022-2023

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