

UTTEAKA NAU NAAWAK TOGETHERNESS, STRONG ROOTS

PASCUA YAQUI TRIBE 2023-2024 ICWA ANNUAL REPORT

2024-2028

TRIBAL COUNCIL



The Pascua Yaqui Tribal Council is an elected body that serves a four year term. The current Council took Office in June 2024. The Council selects four of its members to serve in Executive roles that include a Chairman, Vice Chairman, Secretary and Treasurer. Council members also serve on various government operations through face-to-face, regularly scheduled meetings with Division/ Department Directors and key staff.

Julian Hernandez, Chairman

Peter S. Yucupicio, Vice Chairman

Thomas J. Cupis, Treasurer

Rosa Soto Alvarez, Secretary

Rolando Flores, Council member

Herminia Frias, Council member

Gloria Alvarez Gomez, Council member

Andrea Gonzales, Council member

Francisco Munoz Jr., Council member

Jose-Enrique Saldana, Council member

Irene R. Sanchez, Council member

HISTORY OF THE PASCUA YAQUI TRIBE

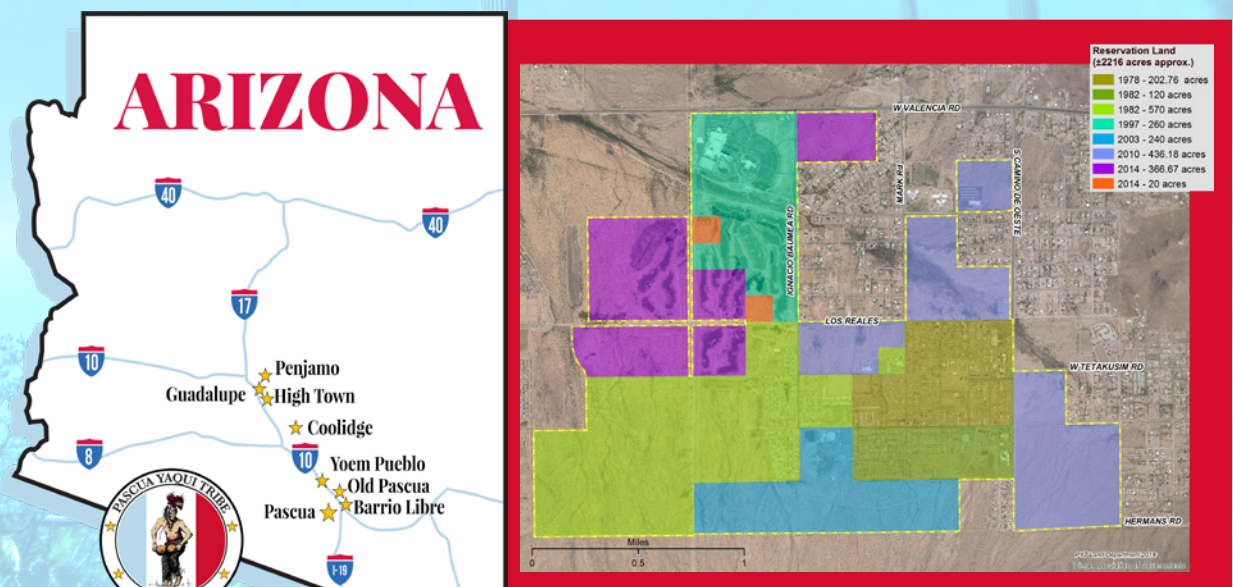
The Yaqui people have inhabited many parts of North America, from northern Mexico and the southern United States from Arizona, west to California and north to Colorado since 500 AD. The Yaquis' main territorial base is located along the Rio Yaqui in Sonora, Mexico and consists of eight original pueblos: 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 hiapsamta tu'l 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

Hotline Report and Investigation

**No safety concerns observed
Case Closed**

Safety concerns observed

Removal

**Children kept in home and
court oversight is needed**

**Children kept in home but court
oversight is not required**

**Throughout the case,
active efforts are
required and
placement preferences
need to be followed**

DCS files a Dependency

Tribe must be given notice

**Prehearing Conference/Preliminary
Protective Hearing – First court
hearing set to discuss placement,
visitation, and services**

**Dependency Adjudication – A court finding that child is in need of care.
Can be done at a pretrial conference, status hearing,
mediation, initial hearing, or trial**

**Routine Report and Review/Dependency Review
Hearings – Check on parents' participation in
services, placement, whether the case plan is
appropriate, and any other issues**

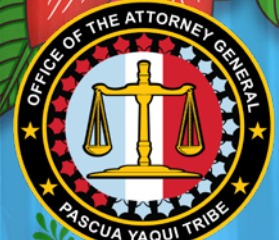
**Permanency Planning Hearing – Are parents
participating in services and is the case plan
appropriate?**

**Reunification
Goal is to return
child(ren)
to parent(s)**

**Guardianship
Tribal preference if
reunification
not feasible**

**Severance and
Adoption**

**Long Term Foster
Care/
Independent Living**



▲▲▲ ICWA STAFF PHOTOS ▲▲▲



PIMA COUNTY STAFF

Left to Right: Marissa Quiroz, Tony Sanchez, Domingo DeGrazia, Jeanne Shirly, Melissa Higuera.



MARICOPA COUNTY STAFF

Left to Right: Alonzo Corral, Frances G. Amedee

HISTORY AND PURPOSE OF INDIAN CHILD WELFARE ACT

Indian families living on reservations lost at least one child to the foster care system. Child Welfare agencies were often ignorant, indifferent 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.

CITATION: Montana DPHHS. “ICWA History and Purpose.” <https://dphhs.mt.gov/CFSD/ICWA/icwahistor>



1789

1789 - The first law of Congress relating to Indians was the creation of the War Department.

1800'S

1819 - Indian Civilization Act of 1819.

1824 - Bureau of Indian Affairs established.

1850 - Majority of Arizona's Reservations were established between 1850 and 1920. (dispossession)

1879 - Carlisle Indian School is opened in Carlisle, Pennsylvania. (assimilation)

1887 - After the Apache Wars, surviving Apache children were forcibly removed from families and shipped by train to the Carlisle Indian Industrial School in Pennsylvania.

1891 - The Phoenix Indian School opened in 1891. Arizona, as a state, had the second most Indian boarding schools, with as many as 51 schools.

1900'S

1947 - The Church of Latter-Day Saints begins the Indian Placement Program.

1948 - Native Americans secure the right to vote in Arizona.

1950 - Arizona desegregates schools.

1958 - Bureau of Indian Administration and Child Welfare League of America encouraged adoption of Native American children by non-Native families through the Indian Adoption Project.

1978 - Indian Child Welfare Act is adopted, establishing requirements for child welfare agencies when serving Native children and families.

1978 - Pascua Yaqui Tribe is federally-recognized.
1980 - Enactment of the Adoption Assistance and Child Welfare Amendments of 1980 establishes a new Title IV-E Foster Care and Adoption Assistance entitlement program.

1985 - Title IV-E is amended to include a new Independent Living program to assist youth that age-out of the foster care system.
1989 - United States Supreme Court Decides Mississippi Band of Choctaw Indians v. Holyfield.

1990'S

1990 - Resolution passed by the Pascua Yaqui Tribe to establish a foster care and home review committee.

1993 - Title IV-B is amended to create a new Family Preservation and Family Support program.

1997 - Adoption and Safe Families Act is enacted. It creates timelines for moving children to permanency, provides adoption bonuses for states, and continues the child welfare waiver demonstrations. The law also renames the Family Preservation and Family Support program to Promoting Safe and Stable Families (PSSF) and expands the use of funds to two additional categories of service: time limited reunification services and adoption promotion and support services.

2000'S

2002 - Pascua Yaqui Tribe adopted the Child Welfare Policy Act.

2002 - Pascua Yaqui Tribe begins to use Tribal attorney to represent in ICWA State Cases.

2002 - Pascua Yaqui Tribe develop ICWA Staff.

2004 - Resolution of the Pascua Yaqui Tribe Expanding the Definition of Eligibility for Membership solely for Indian Child Welfare Act Purposes passes.

2007 - Pascua Yaqui Tribe approves Tribe's membership in National Indian Child Welfare Act Association



2010'S

2013 - Pascua Yaqui Tribe Approved the Grant Acceptance of the 2013 Tribal Title IV-E Plan Development Grant Funding and Authorizing the Expenditure of Funds.

2013 - United States Supreme Court decides Adoptive Couple v. Baby Girl

2013 – Resolution of the Pascua Yaqui Tribe approving acceptance of a grant from the National Congress of American Indians to implement a pilot program for legal representation in the Child Welfare System.

2016 – Bureau of Indian Affairs (BIA) issues ICWA Guidelines and issues ICWA Regulations.

2016 - Resolution to authorize submission of Pascua Yaqui Plan for Title IV-E of the Social Security Act direct federal payments for foster care and adoption assistance.

2016 - Pascua Yaqui Tribe secures BIA Tiwahe funds to support ICWA attorney and Legal Assistant in Maricopa County, Arizona.

2017 - Pascua Yaqui Tribe Hosts Inaugural ICWA Conference.

2019 - Resolution authorizing the Tribe to participate in an amicus curiae brief in Brackeen V. Zinke to the U.S. Court of Appeals for the Fifth Circuit, in support of appellant tribes' position of upholding the ICWA.

2019 - Pima County, Arizona begins ICWA Court.

2019 - Pascua Yaqui Tribe begins Title IV(e) implementation.

2020'S

2021 – Pascua Yaqui Tribe formalizes ICWA Unit within Office of the Attorney General.

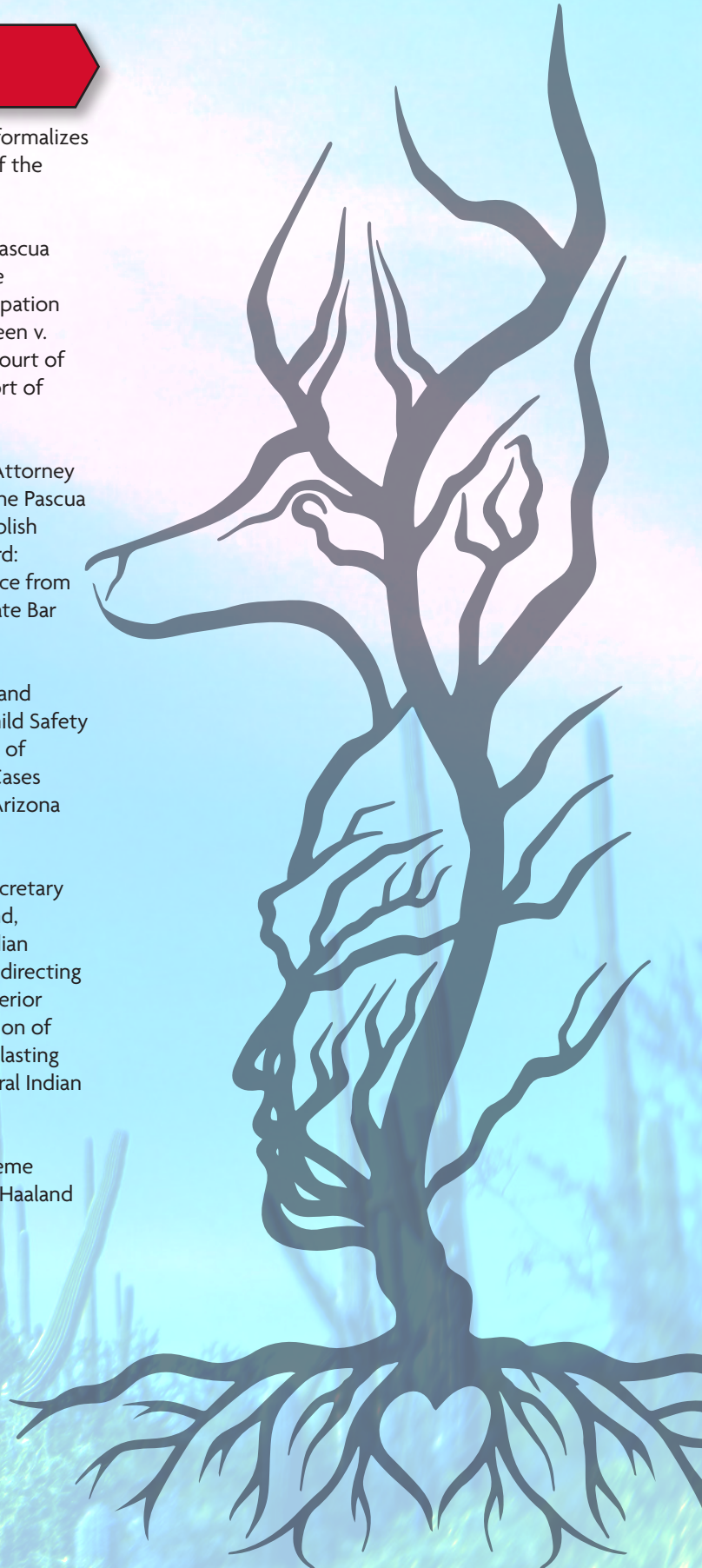
2022 – Resolution of the Pascua Yaqui Tribe authorizing the Pascua Yaqui Tribe's participation in an amicus brief in Brackeen v. Haaland to the Supreme Court of the United States in support of upholding the ICWA.

2022 – ICWA Supervising Attorney and Attorney General of the Pascua Yaqui Tribe author and publish "ICWA – The Gold Standard: Golden Nuggets of Evidence from Arizona" in the Arizona State Bar Magazine.

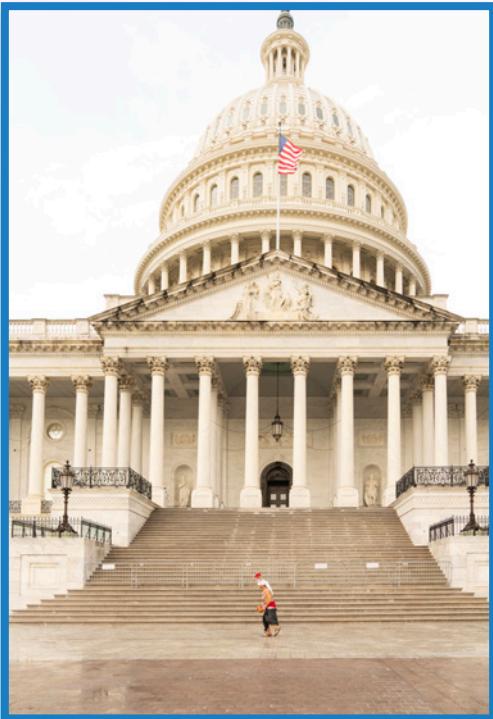
2022 – Pascua Yaqui Tribe and Arizona Department of Child Safety enter into a Memorandum of Understanding for ICWA Cases
2022 – Maricopa County, Arizona begins ICWA Court

2022 - On June 22, 2021, Secretary of the Interior, Deb Haaland, announced the Federal Indian Boarding School Initiative, directing the Department of the Interior to undertake an investigation of the loss of human life and lasting consequences of the Federal Indian boarding school system.

2023 – United States Supreme Court decides Brackeen v. Haaland







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 650 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 Mr. Domingo DeGrazia, and his legal assistant 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

Pascua Yaqui Tribe's Enrollment Department Tribal CPS and ICWA Processed Verifications and Applications October 2023 – June 2024

Below you will find the table summary of requests tracked for ICWA Verification purposes for the months of October 2023 – June 2024. As you can see in the summary the Total Non-Member Requests for the months below were four hundred thirteen (413) and Total Member Requests were eight (8). The requests are the number of children for which a search was conducted on our Enrollment databases.

MONTH	TOTAL NON-MEMBER REQUEST	TOTAL MEMBER REQUEST	TOTAL
OCTOBER 2023	49	2	51
NOVEMBER 2023	37	0	37
DECEMBER 2023	51	0	51
JANUARY 2024	29	0	29
FEBRUARY 2024	74	0	74
MARCH 2024	43	4	47
APRIL 2024	63	1	64
MAY 2024	32	0	32
JUNE 2024	35	1	36
Monthly totals	413	8	421

The table below shows the number of applications received from October 2023 – June 2024 which involve applicants who are either identified as Tribal CPS or ICWA. There was a total of 13 applications processed for those identified as ICWA and a total of 7 applications were processed for Tribal CPS children.

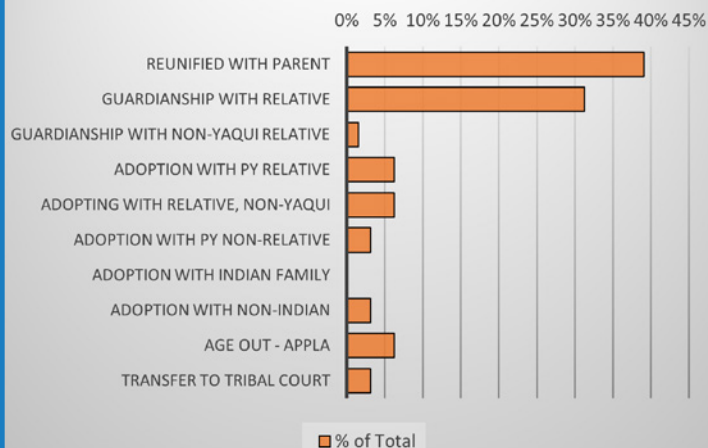
Enrollment Applications Received	Total
ICWA	13
TRIBAL CPS	7
Total Applications YTD	20





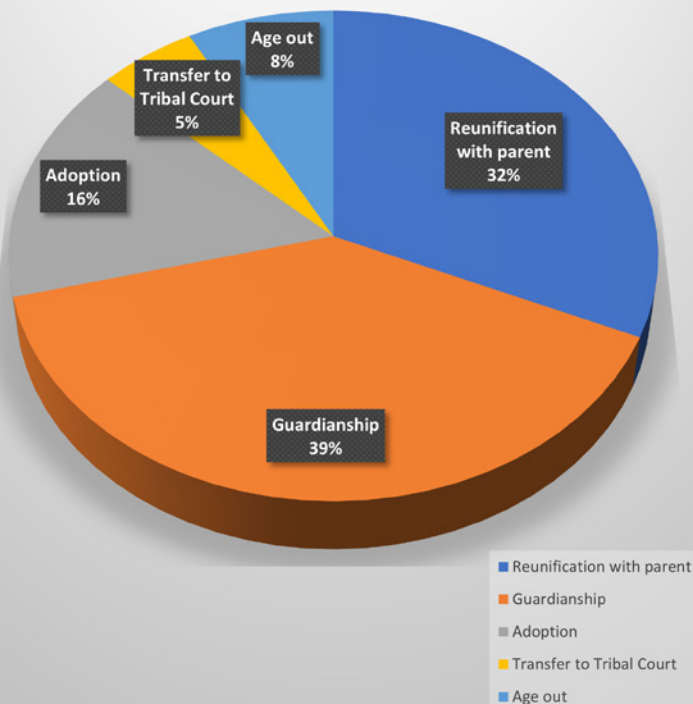
ICWA STATUS REPORT DATA

ICWA Case Conclusion (Previous 12 months)

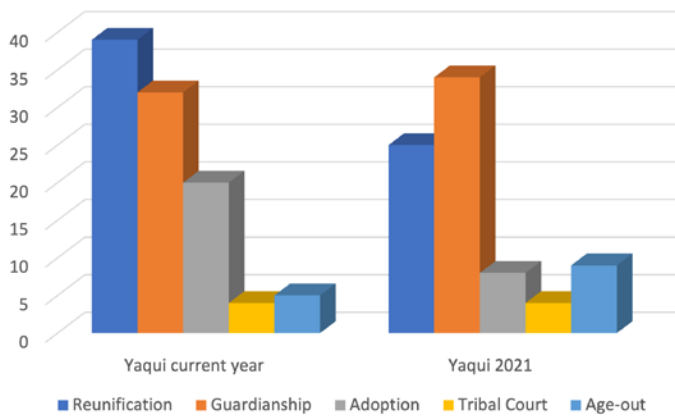


ICWA Cases Closures

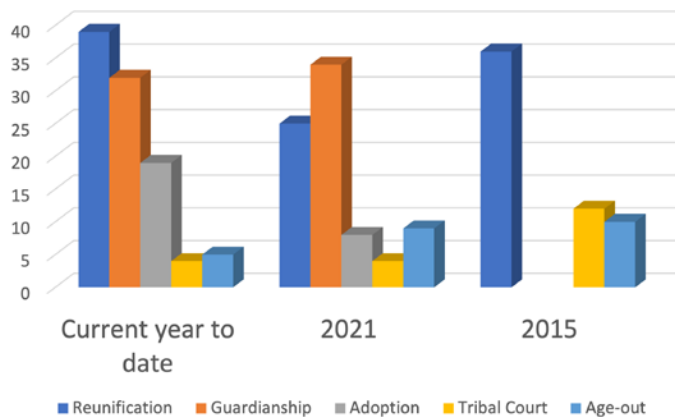
*Cases closed between March 2023 and April 2024



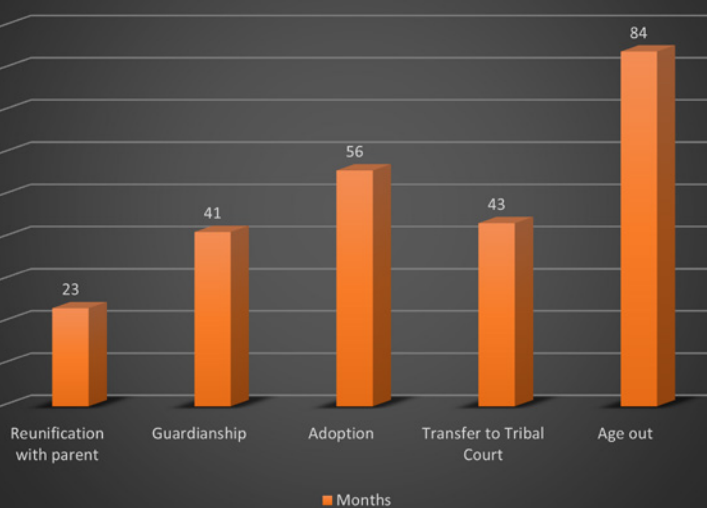
*Percentage of total case outcomes



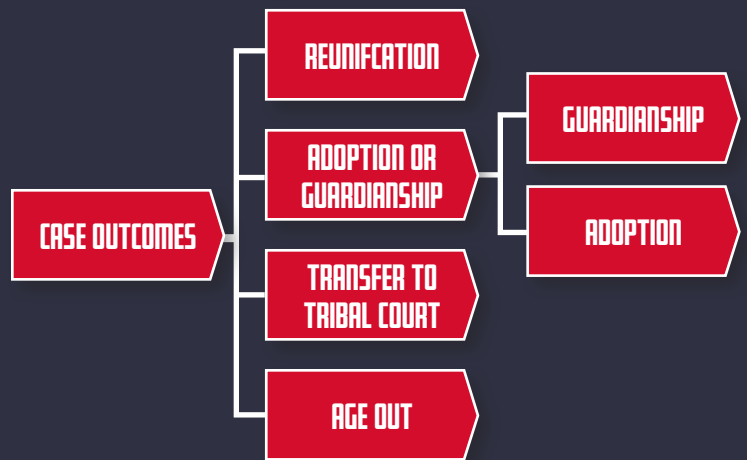
*Percentage of total case outcomes



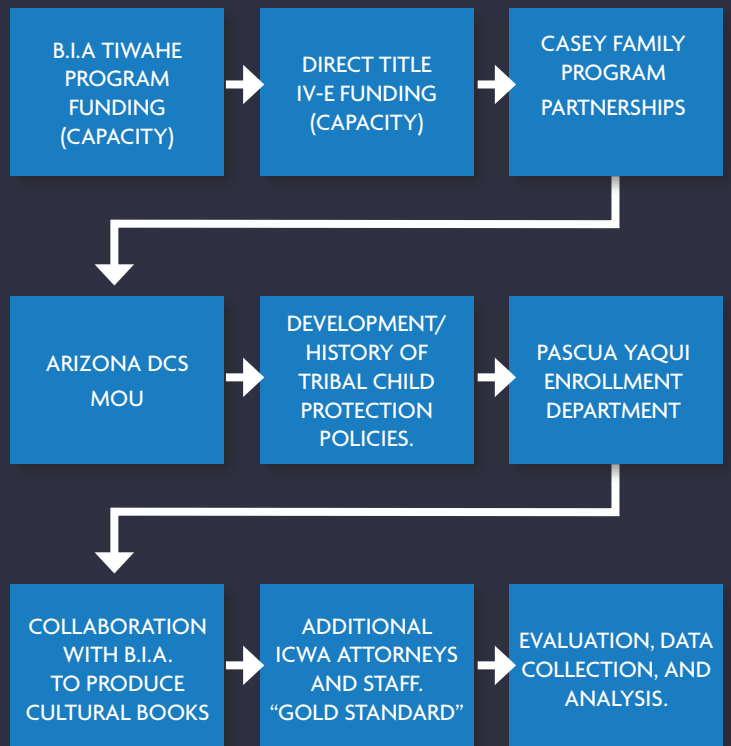
ICWA Case
Average Length of Time to Closure



CASE OUTCOMES FLOW CHART

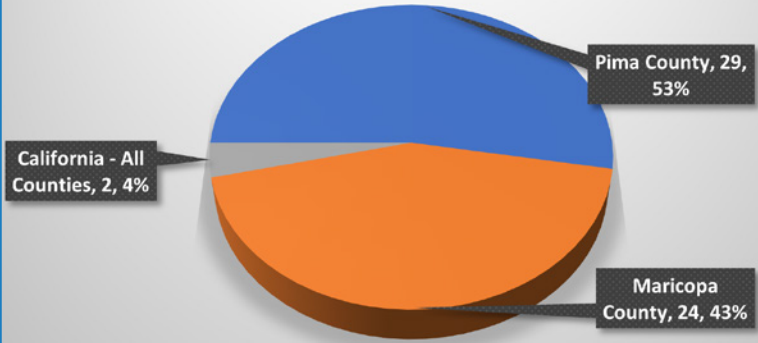


ICWA COLLABORATIONS & SOLUTIONS

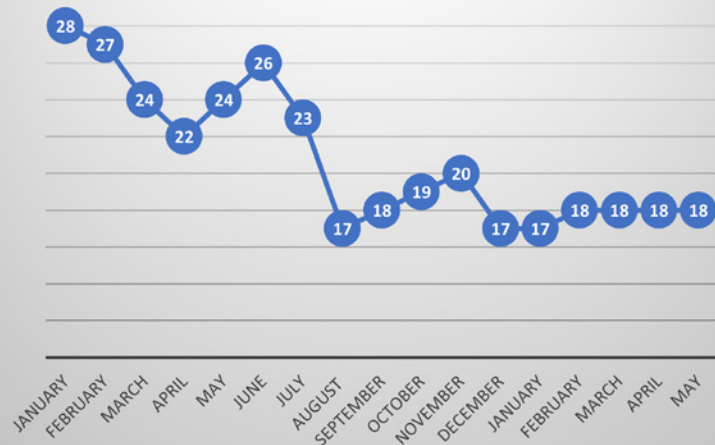




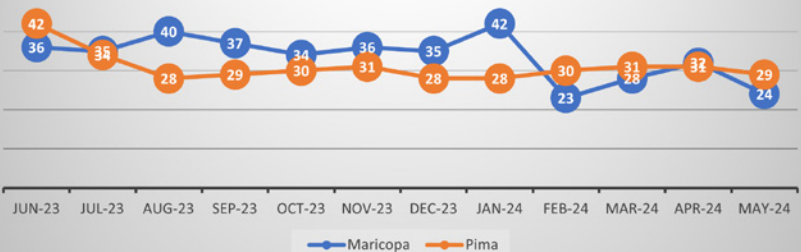
ICWA Children By location, May 2024



Pima County ICWA Cases January 2023 - May 2024



Total Number of ICWA Children in Care (Last 12 months)



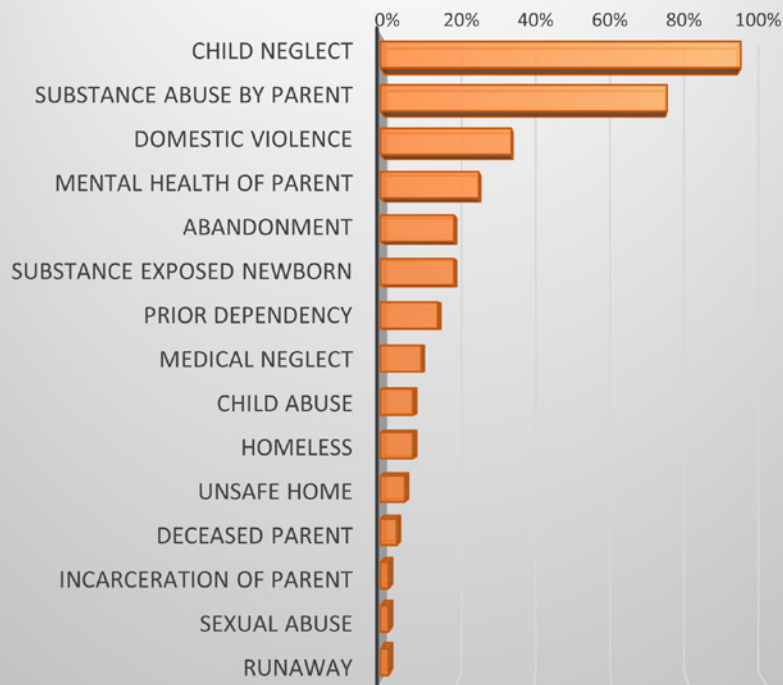
Maricopa county ICWA children

January 2023 - May 2024



ICWA - Reasons for Removal

Percentage of occurrence in all cases 2021-2024



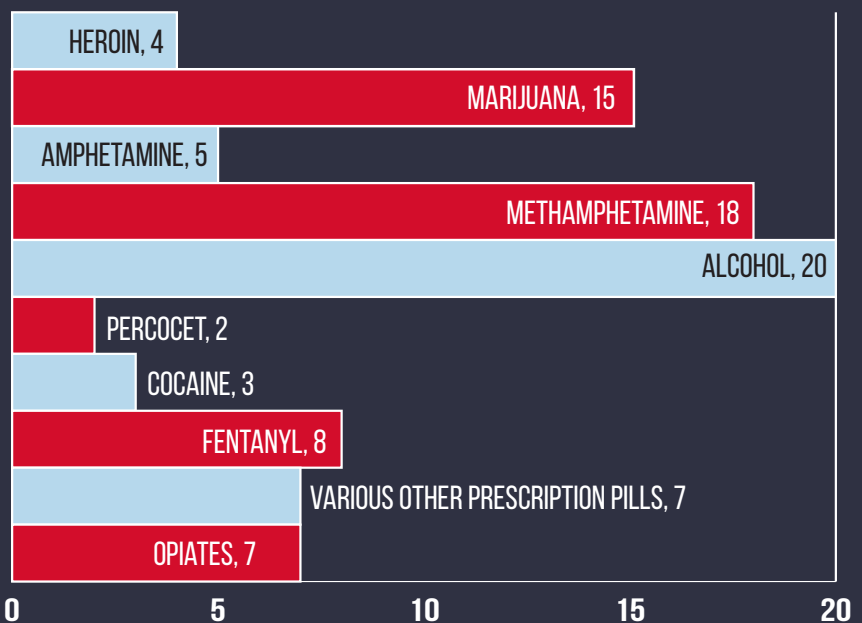
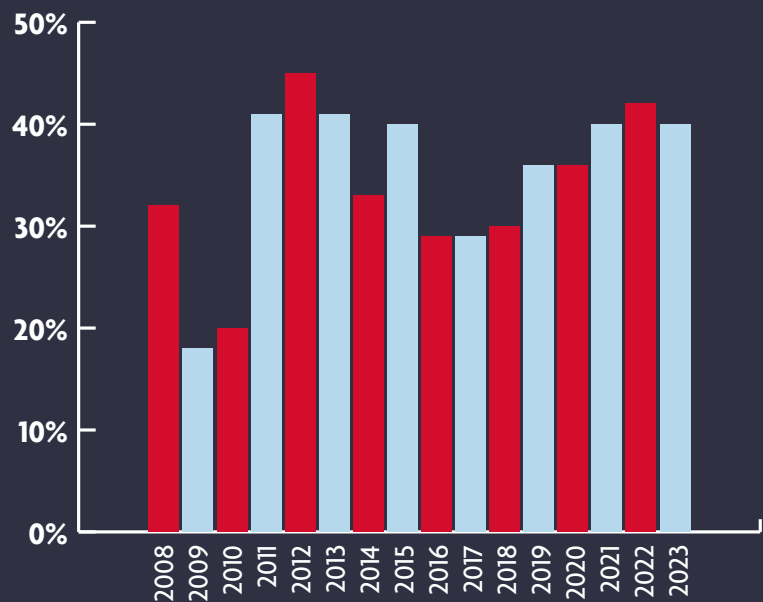


SUBSTANCE AT REMOVAL

Per the open dependency cases between March 2023 through March 2024 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.

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.





OFFICE OF THE ATTORNEY GENERAL

Oscar J. Flores

Attorney General
(520) 883-5111

Alonzo Corral

Assistant Attorney General - ICWA
(520) 883-5106

Domingo Degrazia

ICWA Supervising Attorney
(520) 883-5108

Jeanne Shirley

ICWA assistant attorney general
(520) 883-5119

Marissa Quiroz

ICWA Paralegal
(520) 883-5113

Christopher Molina Jr.

ICWA Data Entry Clerk
(520) 883-5109

SOCIAL SERVICES

Michael Pries

Director of Social Services
(520) 879-5621

Melissa Higuera

ICWA Social Worker
(520) 879-5675

Frances Amedee

ICWA Social Worker
Maricopa County
(480) 798-2002

Tony Sanchez

ICWA Social Worker
Pima County
(520) 879-5614

ENROLLMENT

Marisela Nunez

Enrollment Director
(520) 879-6231

RACHEL FLORES

Enrollment Research Specialist
(520) 879-6242

Vivian Ortiz

Enrollment Research Specialist
(520) 879-6240



PASCUA YAQUI TRIBE OF ARIZONA

ICWA ANNUAL REPORT

2022-2023

OFFICE OF THE ATTORNEY GENERAL
7777 S. Camino Huivisim, Bldg. C
Tucson, Arizona 85757

