



QUALITY IMPROVEMENT CENTER ON ENGAGING YOUTH IN FINDING PERMANENCY

QUALITATIVE ANALYSIS OF TRIBAL CHILD WELFARE EXPERT INTERVIEWS

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EXECUTIVE SUMMARY

Interviews were conducted with eleven stakeholders including tribal child welfare professionals (including program administrators, supervisors, and direct line staff), court professionals (including a tribal judge and a practicing attorney), and people with lived expertise in the child welfare system. Collectively, these participants represented the views of tribal child welfare experts in five different states (Alaska, Arizona, Michigan, Oklahoma, and Washington). A framework analysis was conducted to understand how youth engagement policy and practices have been implemented in tribal child welfare settings from the perspective of these various stakeholder groups. Common forms of engagement that emerged showed that children and youth were most likely to be a part of permanency decisions about their care and in relational permanency efforts including family finding and supporting fictive kin relationships. Participants with lived expertise described that state and county workers struggled to engage them in efforts to promote cultural permanency, as there appeared to be limited guidance regarding how to gather information about which aspects of their culture were most important and meaningful. The tribal child welfare administrators and court professionals supported children and youth engagement in court by encouraging them to attend and accommodating attendance, eliciting

information about what children and youth would like to tell the court, among other strategies.

The level of engagement for children and youth varied by age. Based on our findings, children and youth became more engaged in decisions about their care between the ages of 12 through 16. Depending on the state and agency, children and youths' rights to engage in decisions about their future were granted by some combination of state laws, court orders, agency policies, or worker discretion. Of the 11 interviews, five indicated there were state laws or agency policies that gave children and youth, and enforced in some manner, the right to make some decisions related to legal permanency.

The primary barrier to engaging children and youth overall was a lack of time and resources. Child welfare is an under-resourced field, and overloaded caseworkers are unlikely to have the time required to build trusting relationships, elicit information from children and youths, and advocate for what children and youths would like their future to look like. Additionally, given the demands of the job, worker turnover was high across the board. A high turnover means that even if workers are successful in building a relationship with children and youths, this progress is erased every time a worker leaves and a new worker is hired. Permanency planning may be interrupted, stalled, or dropped altogether when a worker leaves their position, complicating the planning process. It is important to note however, that both the child welfare administrators who were interviewed in this report articulated that they had experience working in both state public and tribal child welfare settings; and it was their experience that worker turnover is more of a concern in public child welfare settings as compared to tribal child welfare settings. All of the people interviewed with lived expertise in the current study experienced placement in state child welfare systems that shared jurisdiction with tribes, and as such, children and youth in placements supervised exclusively by tribal nations may have had different experiences with their caseworkers and the courts

All 11 interviewees felt that engaging children and youth was important because it promotes a sense of personal empowerment that often feel like they have little or no autonomy or say in what happens to them. This helps children and youth cope emotionally while motivating them to effectively partner with their case worker and/or lawyer-guardian ad litem (LGAL) to create a long-term permanency plan. Recommendations to promote children and youth engagement included worker and court training and coaching; allowing more time for workers and LGALs to build relationships by reducing caseloads numbers; providing supervision that reinforces the training model; institutionalizing the child welfare (CW) agency and court's commitment to children and youth voice and partnership; creating policies that require youth engagement; providing youth with options early and often throughout the case planning process; improving worker communication, trust, and decision-making across the state, county and tribal CW agencies for cases that share jurisdiction; and increasing the number of resources available in the community. The most frequently cited worker skills to support children and youth engagement were building trusting relationships, communication and listening skills, and preparing and educating children and youth.

THE QIC-EY

The Quality Improvement Center on Engaging Youth in Finding Permanency (QIC-EY) is a five-year cooperative agreement funded by the Administration on Children, Youth and Families, Children Bureau. The five partner agencies include Spaulding for Children, the North American Council on Adoptable Children (NACAC), the New England Association of Child Welfare Commissioners and Directors (NEACWCD), the University of Nebraska at Lincoln (UNL), and the University of Washington (UW). Spaulding serves as the Lead Agency.

The QIC-EY will select two tribal pilot sites, which can include a single tribe or a tribal consortium. Working in partnership with the tribal sites, the QIC-EY will implement and evaluate culturally relevant authentic youth engagement models in the pilot sites and help the sites to make systemic changes necessary for sustaining their youth engagement models after the pilot concludes. The QIC-EY will develop a training for courts along with a training/coaching model for child welfare workforce. The training/coaching model will include capacity-building training, tools, and strategies that will serve as a change agent for the tribal child welfare workforce and system to embrace the voice of children and youth in all aspects of the system of care.

The QIC-EY is expected to bring systemic change that will be reflected through intentional policies, practices, and culture shifts – at first, within the selected pilot sites and, later, within tribal nations at large. The new center

is expected to raise awareness, and change the mindsets of caregivers, social work professionals, families, court personnel, and other support agencies in order for American Indian/Alaskan youth to be recognized as competent, knowledgeable parties who deserve to have input and decision-making power about their lives.

INTRODUCTION

Despite the child welfare system's focus on legal permanency, many American Indian/Alaskan Native youth exit foster care without permanency. According to AFCARS Report #27, over 10,000 children in foster care identified as American Indian/Alaskan Native in 2019. In that same year, less than half of American Indian/Alaskan Native children exited out of foster care (USDHHS, ACF, Children's Bureau, 2020). We know these numbers are underestimates of the number of American Indian/Alaskan Native children and youth in foster care as these numbers only include tribal children who are either exclusively supervised by state or county courts or co-supervised by state or county courts in partnership with tribal child welfare agencies. These data do not take into account the number of American Indian/Alaskan Native children that are supervised under the exclusive jurisdiction of tribal child welfare agencies and courts.

Prior research indicates that engaging youth in their permanency planning improves permanency and transition-related outcomes while enhancing both child and agency wellbeing (Salazar, Spier, & Pfister, 2021; Thomas & Percy-Smith, 2012). Engaging youth in permanency planning allows youth to gain a sense of control in the decisions being made about their lives and has been shown to enhance their decision-making skills (Augsberger, 2014). Child welfare agencies also benefit from authentically engaging youth in services through the creation of more effective and relevant policies, programs, and services, and improved relationships and understanding between staff and youth (Walker, Seibel, & Jackson, 2017). Youth involvement expands permanency options, resulting in fewer children leaving care without a connection to a stable, consistent adult (Salazar et al., 2018).

However, despite the research demonstrating the effectiveness of children and youth engagement in permanency planning and youth interest in having a say in decisions that impact them, child welfare practice has not historically – nor presently – centered on children and youth voice or engagement (Saunders & Mace, 2006). Similar to findings in this report, Hochman et, al. (2004) report that when youth do not receive information or education about what is happening to them in child welfare, they report feeling like they had lost their voices and autonomy. Further, the culture and mindset among the tribal child welfare workforce, including court professionals, needs to adapt to see children and youth as partners and not individuals in need of a savior. This change requires training and ongoing coaching on how to establish relationships with the children and youth on their caseloads, engage them in decision-making, and empower them to use their voices (Havlicek, Curry, & Villalpando, 2018). Creating shared power requires staff to see children and youth as experts who have important perspectives and innovative ideas to share. Authentic youth engagement (EY) requires child welfare staff and court professionals to dedicate the time needed to establish a trusting relationship with children and youth, by listening to them, respecting their opinions, and being consistently present and available. According to the Annie E. Casey Foundation (2014) under an authentic youth engagement model, youth should feel respected, the relationship should be reciprocal, and youth should be engaged in all aspects of the process. In that same report, one Native Youth Leader in Maine explained what happens when youth are not engaged: “Without the voices of young people in foster care—the people who have lived it—the system will not know what is going wrong and what is going right and will not be able to make the changes that are needed” (p. 1).

In early 2022, the QIC-EY team conducted a systematic literature review of available peer-reviewed and gray literature regarding the essential competencies and characteristics of child and youth engagement for child welfare professionals and court professionals. This analysis revealed nine competencies and three characteristics that are necessary to the practice of authentic engagement by child welfare professionals and court professionals.

The QIC Workforce Council identified two additional characteristics which were not coded for in the review. The identified competencies and characteristics that support the implementation of authentic engagement by child welfare professionals in permanency planning and for court professionals are:

1. Inform youth,
2. Elicit information from youth, and
3. Partner with youth.

The three competencies that were mentioned above with the highest frequency in the tribal interviews were building trusting relationships, communication and listening skills, and preparing and informing youth of the process and how to engage in that process.

To understand current efforts to engage children and youth in tribal settings, as well as barriers to engagement and recommendations to promote authentic children and youth engagement, the QIC-EY team conducted a series of 11 interviews with stakeholders, including tribal child welfare workforce (i.e., 3 child welfare administrative staff, 1 child welfare supervisor, and 2 child welfare direct line staff) and 2 court professionals as well as with 2 people with lived expertise in the child welfare system. Specifically, interviewees included tribal child welfare direct line staff, supervisors, tribal child welfare administrators, a tribal judge, a tribal practicing attorney, and American Indian/Alaskan Native people with experience in tribally-guided child welfare. Results revealed that children and youth are being engaged primarily through family team meetings, family search efforts, and conversations with their caseworker(s). Workers felt most comfortable beginning to engage youth at age 12 or 14 when they felt it was developmentally appropriate to do so. The top recommendations to promote children and youth engagement were targeted worker training, coaching, and supervision, and reducing caseload size to allow time for relationship building.

METHODOLOGY

PARTICIPANT RECRUITMENT

Participants were identified through tribal contacts in the network of the identified authors of this report. Specific participant demographics are provided in Table 1. All participants agreed to participate in individual interviews. Each interview ranged in length between 60 and 90 minutes. Two of the 11 interviews were completed face to face at a location selected by the interviewee; the remaining interviews were completed remotely over Zoom. Participants were compensated with a \$75 Amazon gift card for their participation.

RESEARCH QUESTIONS

The QIC-EY team designed three separate but related interview guides with guiding questions based on the specific role of the interviewee (tribal child welfare workforce professional, tribal court professional, or American Indian/Alaskan Native person with lived expertise in the child welfare system) with the intent to answer the following research questions:

- How have tribal children and youth been engaged in key activities while they are involved with the child welfare system?
- Do engagement approaches vary based on the child's age, race, cultural background, and/or LGBTQ identity in child welfare/court settings?
- What are the main barriers to engaging children and youth in permanency planning?

- What are the perceived benefits of engaging children and youth in permanency planning?
- What would workforce and court professionals like to see included in a children and youth engagement training?

The present report is organized around these five research questions. For a complete list of questions that were asked to each stakeholder group, see Appendix A.

THEME AND SUBTHEME CODING

To extract themes from the interviews, the authors used a framework analysis approach (Goldsmith, 2021). A framework analysis includes a mix of inductive (derived from the transcripts) and deductive (pre-defined) coding. First, the researchers familiarized themselves with the data. Members of the research team recommended preliminary themes based on the interview guide and the previous systematic literature review regarding the essential competencies and characteristics of professionals who have been successful in authentically engaging children and youth. The preliminary themes and their definitions created the initial framework for review.

Second, upon reviewing the transcripts, the reviewers had the freedom to add new thematic codes that were distinctly different from the preliminary themes. The coding framework was adjusted in an iterative process as the reviewers scanned the interviews.

Third, researchers coded the interviews per the pre-determined themes. The researchers continued to expand or modify theme definitions when the existing categories did not sufficiently represent the material. After the initial review and framework adjustment, the authors reviewed the full set of transcripts again to ensure each interview was reviewed using the final framework of themes. Upon two full reviews of each interview, the researchers then summarized the themes and frameworks provided in the data and interpreted the results through the lens of the previous systematic literature review.

The results are organized based on the major research questions of focus and frequency of theme.

SAMPLE DESCRIPTION

Eleven tribal stakeholders participated in interviews between March 27th - May 10th, 2022, representing five states (Alaska, Arizona, Michigan, Oklahoma, Washington) and 11 different Tribal Nations. The gender identities of the interviewees included 9 cis-gendered women (N=9) and two cis-gendered men (N=2).

All CW agency staff and court professionals identified as being enrolled members of a tribe and had experience working in both tribal and nontribal state or private child welfare agencies. Both of the American Indian/Alaskan Native interviewees with lived expertise who participated in the interviews had their cases supervised by a state agency in partnership with their Tribal Nation. Both of the American Indian/Alaskan Native participants experienced placements in kinship care and one experienced reunification. Both of the participants were currently enrolled college students. More specific demographics for each of the participants are captured in Table 1.

Table 1: Participant Demographics

Role	N	# Years in Current Role (Range)
CW Administrator*	3	1-4
CW Supervisor	1	7
CW Direct Line Staff	3	1
Court Professional	2	4.5-6
People with Lived Expertise	2	5.5 years (Average time in care)

*Two CW administrators were employed in a state child welfare agency, one was employed in a private agency

RESULTS

THEMES AND DEFINITIONS

Eleven primary themes were identified. Each theme and its associated description are identified in Table 2. Themes were selected based on whether all the interviewees mentioned them, or whether the themes had more than 50% coverage by child welfare professionals and were 100% covered by the people with lived expertise in child welfare, or they highlight differences between state and tribal system functioning. This was done with the recognition that this group of interviewees is made up of multiple types of people involved with the system, that children and youth voice should be centered, and that state courts and tribal courts operate under different policies and practices.

Table 2: Main Themes from Interviews

Theme	Description
Best interests of the child/youth	Any action or defense taken by adults on behalf of the child/youth in a child welfare proceeding that the adult perceives promotes the child's overall well-being.
Expressed wishes of child/youth	Any action by a child/youth or on behalf of a child/youth that describes or takes into account what the child wants to happen in their own child welfare case.
Child/youth engagement in court (or lack thereof)	Any description of how a child/youth is involved in court proceedings in their own cases – or, conversely, how children are not involved in their own court proceedings either by choice, by order, or by mandate.
Service (In)sufficiency (including tribal services)	Description of services provided, or of services not provided that the individual interviewee felt should have taken place.

Recommended practices for engagement	Ways recommended by interviewees to improve children/youths' participation in their own child welfare cases.
Developmentally appropriate engagement	Any recognition of age and reason as important to consider in child/youth engagement, including involvement in case processes not in a courtroom.
Permanency	Any establishment of a long-standing relationship between a child/youth and a carer, whether through legal means, cultural means, or relational (but not legally binding) means.
Cultural Connection or Competence	Any statement or act implying importance of child/youth being connected to who they are culturally as a part of their well-being.
Listening to/respecting youth (or not)	References to conversations or interactions with children/youth that indicate they felt heard or respected (or not)
Benefits of engagement	Any positive effect that workers, officials, or youths themselves perceive or observe as a result of children or youths being involved in their cases.
State vs. tribal differences	Described differences in how state vs tribal courts operate that promote child/youth engagement

Table 3 identifies the major themes, followed by the number of interviews the theme was discussed in, and representative quotes that capture the essence of each theme. For any theme with representation under 100%, the theme either is one distinct to tribal child welfare services or 100% of interviewed people with lived expertise provided a response for that category and over half of the officials also identified it as a point of concern. Each theme also has a representative quote from both a child welfare official and an interviewee with lived experience, to maintain priority of centering youth experience in this work. It is important to note that the professionals interviewed in this study are not the same professionals who worked with the American Indian/Alaskan Native interviewees with lived expertise who participated in the expert interviews. It is very important that these lenses are not compared to each other as this is not a didactic study, rather it is important to understand how these professionals are seeing their respective roles in the children and youth engagement process, and to understand the lived expertise of how youths have felt the system has received them during the case planning and court hearings processes.

Table 3: Thematic Results

Theme	Description Summary	# of interviews (N=11)	% of total	Representative Quote
Best interests of the child/youth	Any action that an adult promotes for the child's overall well-being.	11	100%	<p>(YA) "They would argue, but then I feel like when I tried to say something, they wouldn't listen...I was 15 and trying to... I guess you can't until you're 16 or something like that. Okay, I had a voice, but didn't have a voice. I had an opinion but couldn't really be in charge of my own plan."</p>

(CP) "And then, for example, I make sure they have the date for the next hearing that would be coming up..."

"Okay, so the next hearing is going to be a permanency hearing and we're going to be talking about what are the goals going to be for permanency and what do you agree for a permanency goal going forward. And then just explain a little bit better my role to the youth which might be a little bit different than what they agree with. So as guardian ad litem, my role is to talk about

what's best for them, not what they want and explaining that a little bit more to them and then have the discussion again with them about whether they want another attorney to represent them or if they're fine with me continuing to represent their best interest."

Expressed wishes of child/youth	Any action that takes into account what the child wants to happen	11	100%	(CP) "But there was never a time where like I would say, "My client wants to do this, but I think it's in his best interest to not do that." ... So I always made sure I understood what my client's wishes were. And I understand self-determination, especially for teenagers, you can't just say, "Hey, we're ordering you to do this." If they're not invested in it, then they're not going to do it. So I think trying to get their buy-in and their direction and their self-determination in that whole process. So there was never a time where I departed from their express interest." (YA) "I knew I wanted to stay with my mom, but I didn't think my mom was ready to
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have all of us (full sib set) back full time."

Theme	Description Summary	# of interviews (N=11)	% of total	Representative Quote
Child/youth engagement in court (or lack thereof)	Any description of how a child/youth is involved in court proceedings in their own cases – or not.	11	100%	<p>(CP) "So a lot of times, a judge will announce that they're there, thank them for participating. And the judge usually will go around and ask the legal parties for their stance on whatever is going on in each proceeding and ask for an update. And usually, the GAL and the social worker will be the ones giving an update and then the judge will ask the youth if there's anything they have to add or if there's any concerns or questions they have."</p>
				<p>(YA) [on why he didn't attend court] <i>Probably because my voice wasn't being heard or it was because I was working. "There's no point," that's what I'd be like. "There's no point in going all that way if I'm just going to sit in the chair..."</i></p>

Theme	Description Summary	# of interviews	% of total (N=11)	Representative Quote
Service (In)sufficiency (including tribal services)	Description of services (not) provided	11	100%	<p>(TCWW) "So I'll start off with the teens, so 13 and older. I really follow their leads. And I ask them like, "What do you want to see happen? What do you want to see change? What are you hoping that I help out with?" Because more often than not in the past, it's just been reported by multiple teens that their social worker would only really listen to their legal guardians, rather than them."</p> <p>(YA) "Yeah, for the most part. I had to go through a social worker to get my voice out there, but it's hard because now that I know what they go through, I see why she was just... She didn't have time to do home visits and stuff. But shouldn't be no excuse. If you get into work, you get in to really help. I don't think you should get into social work if you're not willing to deal with what it comes with."</p>

Theme	Description Summary	# of interviews (N=11)	% of total	Representative Quote
Recommended practices for engagement	Ways to improve children and youths being involved in their own cases.	11	100%	<p>(TA) "So it needs to be written and needs to be solidified, as this is a part of your plan... One of those is to engage the child."</p> <p>(YA) "I think it would be really cool... to have like a Youth Oversight board... (but) I know I didn't feel safe or comfortable enough talking about a lot of this while still in the system. So I worry about that fear of retaliation... to see decision-making take place on multiple levels as an accountability measure would be really cool."</p>

Theme	Description Summary	# of interviews (N=11)	% of total	Representative Quote
Developmentally appropriate engagement	Any recognition of age and reason as important to consider in child/youth engagement	10	91%	<p>(CP) "And I think a lot of that was because folks wanted to shelter younger children from what's being said in the court hearings, but really, the kids have lived through this process already. They've lived through the trauma of their life basically. And so it's really up to the youth whether they want to participate in the hearings and hear what's going on and what their parents are doing to reunify with them. So it's always worth it to ask whether children understand what is going on and whether they want to participate in the court hearings. But I think, sometimes, depending on what the age of the children are, they're not going to understand what is court and what is a court hearing. It just really depends on the age and the maturity of children."</p> <p>(YA) "You can actually start taking charge of your own when you're 16. That was the</p>

barrier I was trying to overcome, and I was trying to tell them that I'm a mature... This is my life, not you guys and no one in the room liked anything I had to say, because it's like, "You're not living in here. You get to go home to your perfect family. Like, what the hell?" Right? Not wrong for saying any of that. It was just the truth."

Permanency	Establishment of an enduring relationship between a child/youth and a carer, through whatever means	9	82%	(TCWW) That the youth has a sense of belonging and stability, and that can look like a lot of different ways. For example, I have this kid who's been in the system for again, a majority of his life, and he's 16. And he's been with this current caregiver for a couple years now, and they want us to go into a guardianship because the tribe doesn't do termination of parental rights. We don't believe in that relationship (birth parents and children) being severed, the way a termination trial does that with removing them (birth parents) off the birth certificate and stuff. (YA) ""Because it all worked out (finding his own permanency situation) and I'm
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very happy where I'm at. And then, I really don't regret anything I did. I'm glad I didn't really push (redacted) harder to look for a family that... Because they were looking. They were. But surely, she was. She was looking really hard, and I was like, "No, no." It just happened that happened like that. It's a really unique story because shit like that don't happen very often. She was like, "Yes." It was no, "I've got to go talk to my family." It was just like, "Yes." The next dinner we had, I met with the rest of the family. And everyone loved me too. It was just easy. I was like, "Damn, okay, then it's permanent."

Cultural Connection or Competence	Anything implying importance of children and youth being connected to their culture	9	82%	(TCWW) "My sister was adopted and she just she struggled her whole life wanting to be connected to her tribe and so I just I feel like their identity is so important to their wellbeing to who they are, and that that should happen, I think, through wherever it ends up being whether it's adoption whatever permanency means for that youth, hopefully, it still
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				means that there's a connection to their tribe, to support their identity.... (YA) "They (private agency) would give us gift cards for like fabric and stuff to make new regalia - at that point, none of our regalia fit us."
Listening to/respecting youth	Conversations or interactions with children and youth that indicate children and youth felt heard or respected (or not)	8	73%	(TCWW) "... these are your options. What do you want? I'm not going to talk to you about what your parents want or what the court thinks is best. I'm going to sit here and listen to what you want to do and how you hope this all goes, I think is something that they could do to best inform how the system works and how kids are engaged." (YA) (when asked why he didn't want to attend court): "Probably because my voice wasn't being heard... there's no point, that's what I'd be like..."
Benefits of engagement	Positive effects perceived or observed as a result of children and youths being involved in their cases.	8	73%	(CP) "I think (engagement) looks... it's really great. So youth are more confident about the department working with their family... They don't feel like they're in the dark about when they're going to go home or if they're going to

reunify. They're less anxious about those types of things" (YA) "You know how there's like Al-Anon for kids of AA? Something like that to let them express their frustrations and to be validated in that. Because I think a lot of the times, I've said this quite a bit, I'm guilty of saying this as well, that my parents tried the best that they could. They did the best with what they had. But also, no one told me I had the right to be frustrated, that I had the right to be upset with my parents because of what they put me through."

State vs tribal differences	Identified differences in how state and tribal courts function	7	73%	(TA) On the value (of child) that input and they both (tribal court judges) would make sure that child had a chance to speak, and if that child wasn't there they wanted to know why that child's not there. Even if there was little we have little kids running around the corner, you know, maybe they had no idea that was happening just running wild but that's why we're there; we're there for that child, the child should be there...
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(YA) But again, the only process I know that they go through is immediate family. They try to, because we're a matrilineal society, the priority is to place with the mother's family. But if the mother's not available, then it's the father's side. And if nothing is available through there, then they go through the clan. I have a friend, two of their clan children were in this situation. And so, their clan had a meeting, and they were talking about these kids belonged to us. Is anyone available to take them? We can all offer support. You know, some said, "I can take them." Others said, "You know, I'm unable to take them, but I can help you, if it's like financial needs," things like that...

TCWW=Tribal child welfare front line worker, TA=tribal administrator or supervisor,

CP=Court Professional

THEME 1 AND 2: BEST INTERESTS AND EXPRESSED WISHES

Best interests and expressed wishes were coded together, identifying a known unease and tension between these concepts – one that was clearly spelled out by a guardian-ad-litem.

- "I don't know, I'd like to think in my mind that it wouldn't have changed because I felt like I tried to do... And I was aware at the time too, because I was part of the (redacted) Guardian ad Litem office, like I knew the controversy around those two (best interests and expressed wishes). And so, I think my representation was kind of a hybrid representation to begin with. And so I would always get family input, I would always talk to parents..."

Another guardian-ad-litem commented that much of their interaction around youth is explaining the difference between having a guardian ad-litem and their own private attorney.

- "And then, for example, I make sure they have the date for the next hearing that would be coming up which would be the permanency hearing and talk about like, "Okay, so the next hearing is going to be a permanency hearing and we're going to be talking about what are the goals going to be for permanency and what do you agree for a permanency goal going forward." And then just explain a little bit better my role to the youth which might be a little bit different than what they agree with. So as a guardian ad litem, my role is to talk about what's best for them, not what they want and explaining that a little bit more to them and then have the discussion again with them about whether they want an attorney to represent them or if they're fine with me continuing to represent their best interest."

For people with lived expertise, best interests were nearly always paired with expressed wishes and with the sense of not being heard or feeling disrespected.

- "For the most part, yeah (treated as part of the team... but then I feel like when I tried to say something, they wouldn't listen. They would try to assume. I guess it was the age thing at the difference too. I was 15 and trying to... I guess you can't until you're 16 or something like that. Okay. I had a voice but didn't have a voice. I had an opinion but couldn't really be in charge of my own plan.)"

- "They weren't really listening to me. They're just like, "Oh, that's what he prefers, but this is what we're going to do." I'm like, "Damn, okay. Nice to know that this is not what we're going to do... not necessarily do exactly what the kid wants, but at least make an attempt to finding strategy around it or with it. They weren't even trying to do that."

In addition, the people with lived expertise mentioned being frustrated with the choice by the decision-making adults in their lives to prefer having children in school rather than in court.

- "I would much rather have been there (in court), to have a say in my own life and understand what was happening, than be in school."

At the same time, youths were concerned about being taken out of class for other meetings, and the effects it could have on how they were perceived.

- "And even just how they approach kids at school. I recall being called to office. There's a discreet way to talk to kids that doesn't make them feel super ostracized or embarrassed about it."

One of the tribal CW front line workers mentioned in passing that the school issue was taken into account in scheduling court cases so that children and youth could be present to express their wishes; however, no other child welfare professional discussed that accommodation. One GAL did, however, suggest that accommodations for children to be in court should be made generally.

- "It was usually like the social worker, their social worker, the child's social worker was the one that was to transport them. And so I'd usually work with like the department director, and it took a lot of like coordination. It did take a lot of intentional, like, "Hey court is on Tuesday, we'll push this hearing back as far as we can, so the transportation can make sense, but like I need my client out here for this big important hearing that we're doing on Tuesday. But it was usually coordinated through the social service agency, like with me saying, "Hey, I need my client here.""

So while there are general agreements about best interests and being taken out of school, a growing acknowledgement that this may not be a universal practice point seems to be growing.

Also, some people with lived expertise themselves recognize the tension between their best interests and their expressed wishes.

- “I knew I wanted to stay with my mom but I didn't think my mom was ready to have all (of us kids-the full sibling set) back full time.”

The developmental capacity of children and children and youths' best interest to align with their expressed wishes has historically been a reason to emphasize best interests, frequently to the exclusion of expressed wishes (Buss, 2016). However, as this interviewee with lived expertise indicates, sometimes the children and youth themselves can recognize that their expressed wishes may not be in their best interests. Assessment of developmental capacity for children and youth in care may be called for to increase their participation in court and in their cases generally.

Finally, in some instances, people with lived expertise commented that expressing their wishes could put them in danger, in need of protection.

- “I don't even know. I remember expressing myself once and it wasn't held in confidence. It was related to my mother and, even now thinking about it, I would've been very nervous or scared of the retaliation had I voiced that I didn't want to be with my mother. So, that was another obstacle. So I don't even know how that would've changed how I was heard, but I do wish I had some kind of proof that says this is what I wanted, some notes somewhere. And I think that's why I petitioned. I asked, I didn't petition. I asked for my records and I didn't receive them, so I wasn't sure.”

A tribal CW administrator also commented that sometimes children and youth are expressing concerns about safety in their expressed wishes.

- “That's a good way to tip you off, that you don't want to see your mom or dad, that something's going on.”

Sometimes, not wanting to do something is an indicator that a children and youth's personal radar and assessment of safety is working well, and the worker or official should take that seriously enough to investigate the circumstances.

In addition, differences in tribal worldviews may play a greater role in tensions between best interests and expressed wishes than non-Native child welfare professionals are capable of anticipating. Some tribal child welfare professionals, based on their cultural values, believe that children and youth are capable of more than they are assumed to be capable of in a state court. Speaking in relationship to children and youth being present to speak their minds in tribal court, one tribal CW administrator commented that:

- "...you know that Native people believe that children are inherently intelligent and able to understand more than Western society gives him credit for... I talk to kids just like I would talk to an adult...and I think being genuine with them and being honest with them and not playing, no sugarcoating... just talk to them."

Two of the child welfare professionals commented that best interests and expressed interests were also frequently at odds with culture in situations where tribal child welfare professionals were involved with state proceedings. One of the GAL's commented that:

- "... there's so much bias that's in foster care as you know. And so like, can you only imagine if I was a non-native (redacted) white dude that comes into the tribal court saying, "Oh yeah, I know what's best for these Indians." You know? And so I think the biased aspect of express interest... And that happens with best interest too, by the way... Like you're representing their interest against their parents' kind of dynamic, or representing their interest against their culture or against their community, you know? And not that I ever saw that happen, but it could happen. It could happen. I hear it all the time that it does happen actually."

- "And naturally, that's how things happen in their community to begin with, so there wasn't like a legal, like I'm representing this child's interest against their parents, that would be crazy. And grandparents you don't have standing here, like that's completely culturally opposite of like what the community values were."

Because the best interest/expressed wishes debate is frequently one of developmental readiness (Buss, 2016), understanding that tribal members may have different concepts of developmental readiness is important when considering tribal court practices or cases in state courts involving ICWA families.

Best interests were articulated by one of the CW tribal administrators as clearly including connection to the community and to the child's extended family, centering more on tribal definitions of family and legal standing than on the state's definitions. However, one of the tribal CW front line workers highlighted a situation, in the case of a 2SLGBTQ+ youth, where they had to take sides for a child's expressed wishes over a parent's.

- "And there's times where parents are like, "Well, I'm the parent, I say." And I'm like, "Well they have their own identity still. You have your identity, they have theirs as their own individual. I understand you're their parent, they're your child, but at the end of the day, they're trying to form who they are and I want to empower that." And I'll shut down when parents start to fight against them. Like, "This is your child's wish. Again, I'm here for your child at the end of the day, not for you. And I'm going to follow your child and be on your child's team." And parents respect that because I'm being honest and upfront with them. And there's been one instance where my reaction like that, advocating that I'm going to be on your child's side, helped them better understand and respect their child's pronouns."

Attention to expressed wishes was frequently identified by youth as being important to authentic engagement with them. One GAL openly stated that, when a child was a teenager, they paid attention to best interests exclusively.

- "But there was never a time where like I would say, "My client wants to do this, but I think it's in his best interest to do not that." You know? So I always made sure I understood what my client's wishes were. And I understand self-determination, especially for teenagers, you can't just say, "Hey, we're ordering you to do this." If they're not invested in it, then they're not going to do it. So I think trying to get their buy-in and their direction and their self-determination in that whole process. So there was never a time where I departed from their express interest..."

At the same time, both GALs and the two CW tribal administrators indicated that the tension between best interests and expressed wishes indicated a way forward, recognizing that tension, to better draw people, including children and youth, into case involvement.

- "I feel like best interest of the child could be a rallying point, and I think that's intended, why they have it in code is that we can rally around that. And so like, if you have somebody that's skilled in facilitating, you have somebody that's representing a child and they can... And that's what I tried to do in theory, I guess, is that I would try to get like all the people that love this child... And so all the people that love this child, like who loves this child the most? If we can get them around a table, we can come up with some really good ideas about what's in the best interest of this child."
- "So it touches on making sure that you talk to the youth and encourage them to engage in the court hearings and that you're getting in touch with youth before important hearings such as the disposition and the permanency hearings, so that you have a good sense of what your stance is going to be for best interests."
- "I mean if you let them kind of lead that way and you know they kind of figured out themselves well, maybe that won't work, you know, maybe down the road or for now let's talk about living with my Aunt so and so or...and then we can guide them that way, but they need to feel like they're kind of not in charge, but they're at least walking beside you..."

- "I think kind of some things that we were talking about before, being a part of the meetings and making recommendations about what they think is going to be in their best interest and make them successful because what we think may not all necessarily be what they think and we want them to make those decisions so they feel committed to them, and they're successful in their endeavors. So I think that's the biggest one for me, when they can identify that they need support and what that looks like for them."

Rather than treating best interests and expressed wishes as an esoteric point of philosophy or doctrine of law, utilizing this tension as a mechanism of mediation between children and youth, child welfare professionals, and the court may be an opportunity for improving engagement as cases progress, building understanding between all officials and, when consensus is not possible, finding ways to agree to disagree that do not leave children and youth feeling unheard.

THEME 3: CHILD ENGAGEMENT IN COURT (OR LACK THEREOF)

Opinions on children and youth being in court were quite mixed, not only with the workforce but also with the participants with lived expertise themselves. Frequently the tribal CW front line staff described concerns around children and youths being traumatized in court. One of the Guardians-ad-Litem stated:

- You know what, I never had a child at an evidentiary hearing. Never did, and I think those hearings are the ones that have real potential of being really harmful and damaging and trauma-inducing. And so, those are really tough hearings for kids to be involved with.

At the same time, another GAL commented that since the children and youth have already lived through the situation; consideration should be given on an individual basis.

- And I think a lot of that was because folks wanted to shelter younger children from what's being said in the court hearings, but really, the kids

have lived through this process already. They've lived through the trauma of their life basically. And so it's really up to the youth whether they want to participate in the hearings

In general, the tribal CW front-line workers were strongly opposed to children and youth being at hearings where they would be exposed to traumatic events – anything involving termination of evidentiary proceedings. In opposition to this assumption, Weisz et al. (2011) report that children and youth's attendance in court hearings was not emotionally harmful to them and that children and youth who attended these hearings (compared to children who did not) reported more positive feelings about the process.

While it was never directly stated by youths who were interviewed, one tribal front-line worker implied that re-traumatization, along with finding court intimidating, may have been a reason for avoiding court.

- I find that more young teenagers prefer not to be in the court hearings. Just I was saying, it is really intimidating. Yeah. I had a 16-year-old who had an attorney, but she never wanted to come to the court hearings. And the only time she came to a court hearing is when we were dismissing the case because she had been returned to mom, and she wanted to be a part of that hearing.

Intimidation may be caused by confusion about the court process. As one GAL indicated,

- I'm trying to think. I know I touched on assigning youth an attorney a little bit, but I think sometimes youth get a little bit confused when they have an attorney versus a GAL. I don't ever get offended when they ask for an attorney because it's their right to ask for one. And the role of an attorney versus the role of a GAL is a little bit different. We're both advocates for them, but the role of an attorney is to ask for what they want and the role of a GAL is to ask for what's in their best interest and what's in their best interest might be different than what they want. And if the GAL is asking for what's in their best interest and that's different

than what the youth wants, that's when they can ask for an attorney. Or if the youth just says, "I want an attorney," they can ask for one and that's their right. So I just wanted to throw that out there. I know youth sometimes are a little bit confused about if they can ask for one or why. They can absolutely do that. Sometimes, it depends on what the youth understands about what an attorney is and their maturity, but typically, it's 12, but it can be 10 in some circumstances, but usually we go with 12 and up. So I don't want to say 10 and be wrong, but in certain circumstances, it could be a little bit under 12.

Wanting an attorney may not necessarily indicate wanting more personal involvement. Perhaps it should be explored whether wanting an attorney is a means of avoiding court altogether.

At the same time, being at court allow for the opportunity for judges and children and youths to be better acquainted, thinking that knowledge of the children and youth may result in more children and youth-centered decisions. One of the GALs stated,

- "But if they were always there, I'd always request time with the judge, even if it's just like to say, "Hey, try to say something positive." Like it's in chambers away from everybody else and out of... So just say something positive about like, "Hey, this is (redacted) and he's doing really well in school right now." And like, I don't know, just something good going on in their lives. And then they could talk about whatever they wanted to directly to the judge, you know? And so I'd just try to always get that time, even if it wasn't like really substantiate to the case, it was just kind of like, "Hey, this is my client, this is judge. How how's it going?" So I'd always try to do that."

One of the tribal CW administrators commented,

- And now, when there's a problem again that's when children are talked about that's when maybe the judge wants a child to come and have talked with them, you know if they're getting kicked out of group homes

and placements but hardly ever or they brought to for like an encouraging meeting with the judge or court staff in general.

The general consensus from the people with lived expertise themselves, however, was that being in court was alienating and not necessarily useful.

- ...not explaining my options, not knowing that I could have moved to be emancipated, or especially with my case, I think at that time, with what I was dealing with at home, I could have had a good case to be emancipated, but I didn't learn about that until I was like 20, 21. And I was really upset, or moving to have my mom's rights severed for me, at least. So, there's just a lot of things that weren't explained. And I understand, again, lack of resources is a big thing. You don't have people dedicated to explaining that.

Another participants with lived expertise commented on why he didn't attend court

- "Probably because my voice wasn't being heard or it was because I was working. "There's no point," that's what I'd be like, "There's no point in going all that way if I'm just going to sit in the chair...""

Some judges, however, do make a point of connecting with children and youth while they are there, even if not in a decision-making capacity. One of the GALs commented,

- "So a lot of times, a judge will announce that they're there, thank them for participating. And the judge usually will go around and ask the legal parties for their stance on whatever is going on in each proceeding and ask for an update. And usually, the GAL and the social worker will be the ones giving an update and then the judge will ask the youth if there's anything they have to add or if there's any concerns or questions they have."

The general consensus from the interviews is that, as long as children and youth want to attend and being in attendance is not harming, it may if done correctly, be a better way of involving children and youth in their cases – as

long as the involvement is meaningful to the children and youth. That, however, appears to be in the hands of the judge, in general perspective.

THEME 4: SERVICE (IN)SUFFICIENCY (INCLUDING TRIBAL SERVICES)

While lack of training came up many times in different ways in the interviews, training will be brought up when appropriate in relation to other themes. Here, service (in)sufficiency is related to child welfare professionals and resources themselves. For the most part, this form of (in)sufficiency was reflected in the thoughts of the participants with lived expertise themselves, though one tribal front-line worker indicated that children and youth may have found workers insufficient in part because of whom workers chose to listen to – namely guardians.

- "So I'll start off with the teens, so 13 and older. I really follow their leads. And I ask them like, "What do you want to see happen? What do you want to see change? What are you hoping that I help out with?" Because more often than not in the past, it's just been reported by multiple teens that their social worker would only really listen to their legal guardians, rather than them."

For the people with lived expertise themselves, their feelings about the ability of the child welfare staff to work their cases were one of appreciation while simultaneously recognizing where workers fell short.

- "Oh, with my social worker (redacted). She did an amazing job. She just kept me updated. Whenever I called her, she picked up and had the same answer sometimes. I would always bug her about, "You finding anyone yet?" And she was looking hard. That's what kept me going."
- "I had to go through a social worker to get my voice out there, but it's hard because now that I know what they go through, I see why she was just... She didn't have time to do home visits and stuff. But shouldn't be no excuse. If you get into work, you get in to really help. I don't think you should get into social work if you're not willing to deal with what it comes with."

At the same time, child welfare staff, in this case at a private agency, did have the ability to make things happen that may have seemed insurmountable. One of the participants with lived expertise explained,

- "I remember specifically talking about wanting to go to a summer camp that I had gone to before entering care, and that was the first summer I got to go again. Like the deadline was literally the next day they made it happen."

But in general, people with lived expertise felt that they ended up on the short end of resources and workers' time, even if they did express an understanding of how tight and stressful workers' jobs were. This did not stop one participant from expressing clearly his motivation for future advocacy and activism.

- I'm going to do it because, to be honest, I live towards being an advocate for kids in foster care, because I had a horrible journey in foster care. (redacted) is a horrible place. I feel like they just need a whole new staff and everything. The governor keeps cutting funding and it's like, "Why are you cutting funding?" Makes no sense. It's like you're trying to flood the streets with people.

Workforce challenges are recognized by people with lived expertise, yet at the same time, they refused to blame direct service workers for the responsibility for these shortcomings, instead directing blame to the system itself. What these participants with lived expertise were referencing is the phenomenon of "street-level bureaucrats", which is defined by Lipsky (2010) as social workers and legal-aid lawyers, those whose responsibility it is to interact directly with the public and so represent the frontlines of government policy. In *Street-Level Bureaucracy*, Lipsky argues that these relatively low-level public service employees labor under huge caseloads, ambiguous agency goals, and inadequate resources. When combined with substantial discretionary authority and the requirement to interpret policy on a case-by-case basis, the difference between government policy in theory and policy in practice can be substantial and troubling. The core dilemma of street-level bureaucrats is that they are supposed to help people or make

decisions about them on the basis of individual cases, yet the structure of their jobs makes this impossible. Instead, they are forced to adopt practices such as rationing resources, screening applicants for qualities their organizations favor, "rubberstamping" applications, and routinizing client interactions by imposing the uniformities of mass processing on situations requiring human responsiveness. Occasionally, such strategies work out in favor of the client. But the cumulative effect of street-level decisions made on the basis of routines and simplifications about clients can reroute the intended direction of policy, undermining these young people's expectations of evenhanded treatment

THEME 5: RECOMMENDED PRACTICES FOR ENGAGEMENT

Both tribal CW professional and people with lived expertise had opinions on how to better promote engagement. While participants with lived expertise focused more on relationships and mandating involvement in the process, tribal CW professionals focused more on moving priority beyond the initiative and belief in its importance by individual workers.

Despite feeling ambiguity about their involvement in court processes, people with lived expertise felt it was important to be a part of the process.

- “Mandating court attendance would be one way... I want to find a way to normalize youth voice or impacted youth... my worry if it’s open-ended (in regards to age) that they’ll use it as an excuse not to partake in it. I think it could be younger than my teenage years because I understood what was going on by age 10.”
- “But more than that, they (private agency) brought together a good chunk of us who were all in the system, at the same time, and gave us that community to talk about what we were going through. And I think I got just as much out of those few weeks in the summer than I did a lot of the time because I had people like who understood.”
- “I think it would be really cool... to have like a Youth Oversight board... (but) I know I didn’t feel safe or comfortable enough talking about a lot of this while still in the system. So I worry about that fear of retaliation... to

see decision-making take place on multiple levels as an accountability measure would be really cool."

While one of the expert interviewees was speaking from her positionality as both someone with lived expertise and as a direct practice tribal social worker, her comments on what children and youth need for engagement consists of simply asking in the first place, from a position of genuine and caring curiosity.

- "I think one big thing is definitely some kind of counseling session to gauge whether that's needed. There's quite a bit of kids who are able to process this, but when you come from traumatic events and a household that's not the healthiest, I think that's one thing that should be integrated into that, is some kind of counseling or therapy option to help the child adjust and get to where they need to be. That way they're not like 20 and unpacking all of this that just happened to them. And sitting, and listening, these are your options. What do you want? I'm not going to talk to you about what your parents want or what the court thinks is best. I'm going to sit here and listen to what you want to do and how you hope this all goes, I think is something that they could do to best inform how the system works and how kids are engaged.

Many tribal CW workers and tribal CW administrators as a part of their interviews identified themselves as individuals who deliberately sought out engagement with children and youth, and all in some form were concerned that, should they leave the workforce, the worker to come after them would not be as engaging. A tribal administrator went as far as to argue for children and youth engagement to be implemented as a matter of policy.

- "So it needs to be it needs to be written and needs to be solidified, as this is a part of you know here's your plan A, B, C, D. One of those is engage that child. One of those is to make sure their voice is heard."

He did acknowledge, however, that such an addition would add to the paperwork that workers already have to follow; however, he suggested that asking about children and youth engagement could become a regular part of

supervision between managers and direct workers and thus could work its way into case files by supervisory priority.

Other tribal CW professionals would like to see a concentrated focus on making the courts and proceedings themselves more accessible to children and youth overall, including de-formalizing courtrooms, taking more time with proceedings, and demystifying language and jargon. One of the GALs went so far as to insinuate that the adversarial system of law was not the best place to handle child welfare cases in the first place.

- "Shoot, I don't think well enough. Like it's not... Yeah, they need and like a... It's so interesting, especially the children's court like if you go to some of these courts that are very explicitly supposed to be juvenile courts or children's courts, they [are] not architecturally designed for kids. And so I think maybe even the way that buildings are constructed, the way it looks, maybe you don't have a raised dais for the judge to sit on and look down upon all of us. Like maybe lawyers and judges aren't necessarily right... The training they get aren't the right type of training even. And so I think being trauma-informed, being more facilitators, having some of those principles around motivational interviewing are really helpful. So I think that'd be beneficial to everyone, but especially to children involved in proceedings. And so I think the whole design of the adversarial system is a mismatch for child welfare."

One of the tribal CW supervisors commented that she would like to see a lack of acronyms,

- "Oh my God it drives me crazy when workers are using acronyms with children, they don't know what it means. And I know that sounds simple, but I really think like it's confusing to kids to hear words like adjudication or service plan or, and so there has to be, but you can also make the word like simplified so much to where it really doesn't apply to what the word means and so like."

Another GAL stated,

- "I think they just need to continue to make sure that they are acknowledging youth. Like we were talking about earlier how they're just used to going so fast and looking over people is something that is typical for court hearings, especially specific ones. They just need to learn to slow it down and acknowledge that youth are there and they have a right to be. So I think they just need to slow it down a little bit and understand that youth are there and they have a right to be and the process might need to be slowed down so that they can participate. Because really, the hearings are about the youth and we need to bring it back to being about the youth and what's going to happen with their lives because they should be the center focus."

Being able to achieve these goals would require a reduction of caseloads for everyone, including GALs, as well as reducing the size of judges' dockets, either by reducing the number of cases or increasing the number of judges (and subsequently the number of attorneys):

- "So initially I had a real high caseload, super high caseload, actually over a hundred clients, 120 clients. But as it reduced, I was able to I think provide more quality representation. And I think a lot of attorneys want to represent children and have more time, but I think sometimes those high caseloads really prevent quality representation from happening for kids, for all those reasons, like you don't get enough time."

This lack of time to give attention to children and youth at the courthouse led to another suggestion to make up for the lack of time GALs have to spend with the children and youth on their caseloads in the courthouse: crisis therapists in courthouses.

- "I think there should be therapists on-site because I think sometimes after the hearing, like it's a very charging thing for them. And like, "Oh, I have another hearing that I have to go to. So like, we'll see you later, I have to go back in." And so I don't think sometimes those were addressed very well. Their social worker, I know they talk to them, but it

would be good to have a trained therapist there just to kind of help process some of that directly after some of those hearings. And some of the hearings are not, I don't think as trauma-inducing, but definitely there's a potential for them to be really trauma-inducing."

While the previous suggestion was for the children and youth's child welfare staff to debrief with them after hard sessions, many have not received that kind of training. The tribal professionals themselves realized their own training shortfalls – if they received training at all.

One of the tribal CW front-line workers highlighted that they did not know how to engage with children and youth in a developmentally appropriate way except through on-the-job experience.

- "...no professional development after being hired... I would say most of my training when it came to working with the different age groups came from my child psychology and child development background in my undergrad degree is where I think I got the most of it. And plus too, I had a work experience in Detroit with a child advocacy center that did forensic interviewing and we were trained on how to work and engage with different age groups. But I don't think I got anything specific other than that from my grad program or post hire."

A second tribal front-line worker (not quoted here for confidentiality reasons) also indicated that they received very little actual developmentally-based training and felt it was a hole in their preparation for their job.

Two of the tribal CW workers indicated that they received no training in how to have helpful, therapeutic conversations with clients, youth or otherwise. The kind of training described here, particularly about active listening, open-ended questions, and paraphrasing is the kind of communication training provided in generalist social work practice at the bachelor's degree level.

- "I was never actually formally trained when I started my job. It was really trial by error, practice, practice, practice in every single case I was assigned. I just think though, as far as active listening, open-ended questions, and the practice of repeating back what you heard to make

sure you understood the person, I think those are the three things that are missing that need to be implemented. Because one of the things I personally struggled with at first, when I started the job when it came to interviewing and the social interaction, is I was already thinking about my next question and just writing down what I was hearing rather than listening to what I was hearing and then building up on that. And it was really just like, "I want to get through these questions because I'm anxious about missing something."

Further, another tribal front-line worker highlighted how such training may help to feel less frustrated on the job.

- "Yeah, I think that's kind of tied up in a lot of the things we already talked about in regards to resources and training and having a good training system so that the case workers feel confident and comfortable in their roles and that they have the adequate resources to meet the kids' needs because it's really frustrating when you don't. It's very defeating, and it's very draining when you know you have what the identified needs are, but you don't have the appropriate resources to meet those needs and just want to give up. So I can see why a lot of people do."

It appears that one training focus, as recommended by the workers themselves, is to improve their communication skills generally, in addition to developmentally targeted skills.

THEME 6: DEVELOPMENTALLY APPROPRIATE ENGAGEMENT

As mentioned earlier, developmentally appropriate engagement is directly implicated in negotiating the tensions between expressed wishes and best interests. However, developmentally appropriate engagement was also directly mentioned as a key element of best practice and will subsequently be considered a key part of listening to, and respecting, children and youth when they speak.

Talking with children and youth becomes not only a way of building rapport but also of accessing cognitive ability. The stories children and youth tell about their time in care, about their histories, and about the possible selves

they envision in their futures in relation to their current realities are a critical way of assessing their ability to reason and their orientation to the present, as well as to demonstrate to the children and youth's worker capacity for listening without judgment and displaying empathy. One of the tribal front-line workers stated,

- "I would say, especially for tribes, it's important to let the child, or whatever individual you're interviewing or working with, tell their story to you. That's going to be key to getting further engagement to building that rapport and that trust, is to allow them to tell you their story. Because not only does that give you an insight on how they've lived and viewed their experience, but it also helps you engage their cognitive ability, understanding, it's showing them too that you're creating this space for them to tell their story. As well as also, again, going through their rights. They have a right to not answer questions, their right to confidentiality, what your expectations professionally are, and just being really transparent and open with them."

Another tribal front-line worker provided the following opinion,

- "I feel like it depends on the child's capacity for understanding maturity in preteens. I try to assess by getting to know them more if I'm going to get more into case planning and talking about a little bit of the heavier stuff. So that just really depends in that middle age. But when I feel they do have the capacity to understand and engage, I like to ask them questions about what they want, what they see, what their perfect world would look like, and obviously not making any promises because we just can't do that in child welfare, but trying to understand where their mind is at and what they think is possible, involving them in meetings that are around their case so they feel involved in the decisions that are being made, and there's not just a bunch of adults sitting and meeting and talking about them and around them."

This concern of pre-judging children and youth's capability weighs on the minds of people with expertise. Some, as presented here, feel they have to fight to be seen as mature.

- "You can actually start taking charge of your own when you're 16. That was the barrier I was trying to overcome, and I was trying to tell them that I'm a mature... This is my life, not you guys and no one in the room liked anything I had to say, because it's like, "You're not living in here. You get to go home to your perfect family. Like, what the hell?" Right? Not wrong for saying any of that. It was just the truth."

It is precisely the recognition of these abilities that lead one tribal CW administrator to be straightforward.

- "And being honest with them and not playing no sugarcoating I mean just talk to them, I think, and you know that being honest and engaging in authentic is important, I think being upfront with them as important, I think, letting them believe they have a playing a role in this is important, regardless of age, because you can always take that into context."

While this particular tribal administrator has suggested that any children and youth's expressed wishes should be heard (including the young child who wants to go live with a superhero), the general consensus was that children and youth should be included in meetings, should they meet developmental capacity, during the preteen and teen years.

- "There's so many people that are involved. You have the GAL, the CASA you have court appointed, you have case manager. Then you can have a licensing worker and maybe even a school liaison. You have all these people involved for this one child in this bubble. I think the best scenario is to have that one child also be represented themselves too. Not everybody, let's have a staff meeting, we're going to staff this child and make that decision. But if the child is at that age where they can kind of at least do a questionnaire or survey, or what do they want and sit at the table where all these people, where we say all these people care about you, all these people are here to support you. They know that. They can be at that round table with everybody else."

Respecting children and youth and engaging in developmentally appropriate ways, however, requires having the time and ability to gauge individual readiness of each child in ways that reflect a tribe's value of its young

people. As has been mentioned before, both time and training limit the amount of developmentally appropriate engagement some workers feel they can complete.

THEME 7: PERMANENCY

The definition and meaning around the concept of permanency among tribal communities presented unique challenges. Even between tribal communities, the role of adoption and of terminating parental rights differs. This in turn affects the kinds of permanency that children and youth can experience – or even choose.

In state courts, there is still a sense of "knowing what is best."

- [what courts say] "we know what's the best interest for them. We've done this for a lot of years. We know what's best for them. We've seen that they've been traumatized and they were in an unsafe situation so we can find them a home that they can live in and be safe," but maybe they don't want to do that."

However, with children from tribes, different forces are at play based upon tribal policies, including tribal constitutions and bylaws.

- "In the Native tribal communities, I have not seen them be able to make that decision (re: permanency). Like I said, it really is based on what the case manager feels best fit for them. And that could be where they're living, where they're going to school, if they want to be adopted or not? I mean, it's not their decision. It's all based on them [the SWers] and the judge. So permanent decisions, it's not their decision for kids. And the same thing with their case planning. A couple weeks ago I interacted with a teenager that was 15 and he's been in foster care since he was elementary. And he says to me, I just want to have a forever family. And he says, but my tribe doesn't let me get adopted. So from what I've seen from my experience, being able to work and engage with some of these youth, they're not able to make that decision."

This sets up an uncomfortable tension for some. Tribes, as domestic dependent nations having sovereignty over their citizens, see children and youth as belonging primarily to the community first and foremost. However, for some children and youth, the kind of family-centered permanency achievable (which is not stated in this case) may feel elusive or unattainable. It is unclear in this case, however, how connected this youth is with his tribe culturally and relationally.

At the same time, some tribal CW professionals describe guardianship, rather than adoption, as permanency because of tribal policies that refuse to terminate parents' rights.

- "That the youth has a sense of belonging and stability, and that can look like a lot of different ways. For example, I have this kid who's been in the system for again, a majority of his life, and he's 16. And he's been with this current caregiver for a couple years now, and they want us to go into a guardianship because the tribe doesn't do termination of parental rights. We don't believe in that being a relationship that could be severed, the way a termination trial does that with removing them off the birth certificate and stuff."

This is not in any way to cast aspersions on tribal communities and the decisions they make regarding their child welfare bylaws – rather, it asks tribal child welfare professionals and other divisions within tribal governance to consider the ways in which tribes engage with their children and youth in care to help them experience cultural and tribal permanency with their home nations. Another interviewee with intersecting personal and professional system experiences addressed the goal of tribal permanency beautifully.

- "We don't believe in termination of parental rights as a majority, so if we could always think about it from the input perspective in the tribal lens of the tribal belonging and being connected to their culture, their family and their sovereign nation. Permanency to me, means that the youth has a connection to who they are, as a citizen of the nation that they come from and that it's supported through the state and tribe in the family. Everybody that's involved in that child's life to help them, because I think

it's so important to really be thoughtful of fostering their well-being through their identity... I think that was something that was missing is, what are we doing to really support our youth identity, whether it is - their gender or their race and whatever it is all of those different kind of structural and bias kind of things that exist that interfere with their connection to their identity, I think that we need to focus around that connection, so I don't know I think about it, maybe wait, that was a lot of words, and probably way bigger than answering permanency but, for me, I hope that it's a connection to their home. *Their home is their tribe.* (emphasis added)."

This does not mean, however, that children and youth in tribal communities are eliminated from decision-making about their future permanency. A person with lived expertise simply asked his court advocate to adopt him. She agreed.

- "Because it all worked out (finding his own permanency situation) and I'm very happy where I'm at. And then, I really don't regret anything I did. I'm glad I didn't really push (redacted) harder to look for a family that... Because they were looking. They were. But surely she was. She was looking really hard and I was like, "No, no." It just happened that happened like that. It's a really unique story because shit like that don't happen very often. She was like, "Yes." It was no, "I've got to go talk to my family." It was just like, "Yes." The next dinner we had, I met with the rest of the family. And everyone loved me too. It was just easy. I was like, "Damn, okay, then it's permanent.""

This was, even by his own admission, an unusual circumstance. But even within tribal communities that don't terminate rights, some child welfare professionals give children and youth room to engage with them about their own permanency desires. One of the tribal CW front line workers remarked,

- "So for permanency discussions, really during our health and safeties, once I've built a relationship with them and understand the case and stuff, talking to them about what permanency looks like to them, not saying permanency because sometimes I think that's a big word for some

kids to kind understand or wrap their head around what that means, but long-term, where do you see yourself, who do you see yourself with? Yeah, so just asking them and letting them have the feeling that you're listening to them, and you're not just making decisions about them or around them."

Overall, legal permanency was not addressed as much as relational permanency or tribal/ community permanency. This may be due to the unique political space that tribes and their child welfare wards occupy, as well as the fundamental belief that being attached to their tribal communities is overall better for the health of system-involved children and youth.

THEME 8: CULTURAL CONNECTION OR COMPETENCE

Unfortunately, in many cases, training around cultural connection or competence is also lacking. It was not clear from the interviewees whether the lack of training was within the workforce or with non-native families who may be caring for American Indian/Alaska Native children and youth.

However, there are clearly knowledge and connection gaps.

- "I don't know what's missing, but when I do feel that there is, like I found out that there was cultural engagement missing, I plugged it into what we're doing. Cultural awareness trainings are missed across the board. I'm training staff all the time, foster parents all the time, because what they were taught was all Native Americans and cowboys and Indians. And I'm like, no, this is not good. Kind of hone in a little bit more. What do you need to know about the eagle feather? Why is it important and symbolic to Native American people? Why do we say you can't cut the hair? Let's talk about that a little more and why it's 'acred. It's past, present, future. You need to understand those things. For me, I feel like those are missed, but I can't say I don't know who's missing them cause I don't know what they're teaching, but when I find out it's missing on my end, then I'm out there teaching it."

Similarly, some connections are made by pure circumstance.

- "It was just by pure dumb luck that we ran into each other, and her daughter wanted a picture with me. And that's how that started. And that's where I've encountered a lot of children that are (redacted), or enrolled, and they either don't have connections to their res. And so, they reach out to me if there's books, or things I can send. And thankfully all the parents that we've worked with, the non-native parents, whether they're foster or adopted are very open to keeping the kids connected to their culture. And so, that's one other thing. I get calls about cultural relevancy. Is it okay to cut my daughter's hair? Things like that. And so, having to explain that, keeping them connected in one way, even if it's just through that. Don't cut their hair, small things like that. So, I know for sure on (redacted), it's just keeping them with family or people they're familiar with at least, but there are a few foster folks, but there aren't enough because I've been approached to be a foster parent before."

Cultural connectedness and engagement with ceremonies and traditions help to solidify and build cultural permanency between children and youth in care and their tribal communities.

- "Every year I put on a cultural event. This past year in April, the pandemic was still at a high. However, we knew that it's been a year that these kids have been separated, have had virtual visits with their parents. They needed a safe place to attend and be a part of culture. So we had rented, leased, an equine therapy center. Horses are very spiritual animals for Native people. And so we went to this therapeutic ranch and kids. We had drummers, we had Native American singers, Native royalty there. We even had a class for non-Native families, an educational component for them. Throughout the event, it was kids riding horses. They got to go to the drum, they got to dance, they got to see the regalia. The parents that participated had wrote evaluations on how much they needed this, and how it made an impact. And you could see the kids dancing and happy. You saw the smiles. Yes, that's fine. I'm sorry. My son is here. Dancing and smiling. And these ranch that we are at, it is a therapeutic space for animals. These horses were galloping and dancing

to the drums, the music. It was such a spiritual opportunity for all of us. For singers and dancers in the Native community that have not experienced it, they're asking, "When are we doing this again? We need to do this again." So I've seen the true impact of how culture is needed for our kids."

Most importantly, as this episode indicates, the connection is circular; it is not only the children and youth connecting with the community, but the circle of connection is completed through the community connecting with the children and youth.

Sometimes, agencies themselves help with this connection. One person with lived expertise described how the agency serving her and her family gave them money to sew new regalia, as their old regalia no longer fit. Whether with or without regalia, the important aspect is *authentic cultural connection*.

- "But what I will tell you is what an authentic engagement to cultural experience opportunities makes an impact for a child. So when I have put on cultural events for them, they feel a sense of stability, strength, love, and support just by being able to participate in an authentic engagement."

In contrast, one interviewee with lived expertise spoke of the downstream consequences of non-connection. Non-connection results in challenges; health and balance is to be found in connection.

- "My sister was adopted and she just she struggled her whole life wanting to be connected to her tribe and so I just I feel like their identity is so important to their well-being to who they are, and that that should happen, I think, through wherever it ends up being whether it's adoption whatever permanency means for that youth, hopefully, it still means that there's a connection to their tribe, to support their identity...."

However, according to one GAL, cultural connection should go even deeper, to incorporate tribal values into the practice of child welfare itself.

- "Our ceremonies actually revolve around... They're initiated by children. They're the catalyst behind them. And so I think getting in that space and

having our legal system, especially tribal legal systems, more proximate to those values are better for everybody. So, when we center children's voice you get better outcomes, of course."

Ultimately, a culturally connected child welfare system for tribes, in this description, is one centered around children and youth themselves.

THEME 9: LISTENING TO/RESPECTING YOUTH (OR NOT)

In many instances, authentic engagement was also related to the themes of best interests and expressed wishes. For the most part, responses were dependent on the kind of experience the interviewee had with the system. People who had lived expertise as a service recipient generally felt that the process was disingenuous – if they were engaged about their wishes at all.

- "I don't think, at that time when I was in the system, that they really saw the need for people to talk about this or to not really normalize it, but to just make it okay to talk about. It's still quite a challenge."
- [when asked why he didn't want to attend court]: "Probably because my voice wasn't being heard... there's no point, that's what I'd be like..."

In one case, the disingenuousness of involvement was described by one of the lived expertise interviewees as *damaging*.

- [on being asked if listened to and respected] "No, definitely a hard no. Yeah. I don't even think I was given the opportunity to voice what I wanted, even as far as visitations with parents and supervisors, all those things like that. It was never an option to opt out either. So I don't think they understood how damaging that was, having to visit someone that you don't want to see, that you don't feel safe with. So it was a lot to process, I think, afterwards."

Upheavals and the necessity of re-connecting to new child welfare staff did not make feeling listened to or respected come any easier. One participant with lived expertise described,

- "There were some social workers who I think were genuinely concerned, but we shifted social workers quite a bit. And so there wasn't really any personal sit-downs, I guess, or personal connections. It was just more come, ask the questions, do the home visit, leave, give their assessment, and then it was on to the next case. Limited resources, I think, is the biggest challenge that we have. So I don't blame the social workers, but it's just very limited resources for a small, isolated reservation. And it's just something people don't like to talk about, as well."

Approaching adulthood did not make the engagement any better or more authentic. Rather than engaging, casework was completed from a point of long-term exhaustion.

- "It was more just the social worker said later on in my later years, "You're going to be aging out soon. I don't see any reason to question whether you're safe here, whether you're okay. Let's just extend this until you're 18. And then you don't have to deal with this anymore," was the conversation that I had. And I think I was so tired of courts and having to update paperwork, having to beg for my mom to sign paperwork. So, I just was like, "This is the easiest option. Let's just do it. I'm tired, and I'm going to age out soon. It's fine." So, I think it was just pure exhaustion, just accepting whatever it was that was the easiest option."

Across all interviewees with lived expertise in foster care, the lack of feeling heard, as displayed by lack of worker response to concerns (including reports of abuse while in care) or non-response to expressed desires in court hearings, reinforced disengagement. While some children and youth were sympathetic to child welfare staff in retrospect, that did not dampen the blow of lack of engagement at the time.

In addition, the lack of authentic engagement resulted in many people with lived expertise feeling like they had to take firm stands with their assigned child welfare staff.

- "There was an instance where they listened once, but it was probably because I yelled at them. We were removed from the home and were

being taken to my stepfather's family. And I, because he's not biologically my father, I knew that wasn't right."

Lack of engagement could have led to improper practice – were it not for the personal advocacy of the children and youth themselves. And some of the people with lived expertise were direct about their advocacy intentions.

- "Sometimes it sucks. But when you guys are doing me dirty, I'm going to speak up about it."

One tribal child welfare administrator, however, recognized that, even when a child's expressed wishes may not correspond with their best interests, there were still ways to engage with them authentically.

- "If you were to live on your own and you were to be okay let's say you can do that, how are you how are you going to do that. And if you've walked him through that eventually they'll say well you know what ... I can't do that, right now, maybe let's think about three years from now, then I get my high school diploma, or I can get a job. Okay, but in the meantime, then, what do you want? ... With our kids if you tell them no or without a reason why then they're going to fight they're going to want that more so. I think you need to walk them through that, even though it takes additional time to do it. They need to see for themselves why that's not really a reasonable plan... they don't how are you going to pay rent, how are you going to pay your bills, how are you going to eat, you know, do you know how to cook... do you know how to do laundry... so let's say you're you are living on your own. You need to know how to do all that you can go back to somebody and have them do that for you that's fine you know and, eventually, they will ... if you let them kind of lead that way and you know they kind of figured out themselves well, maybe that won't work, you know, maybe down the road or for now let's talk about living with my aunt so and so or you know I mean, and then we can guide them that way, but they need to feel like they're kind of not in charge, but they're at least walking beside you..."

Having conversations that lead children and youth towards taking a position more in line with their best interests are a form of authentic engagement

that leads to less disconnect between court processes and what they say to workers.

Guardians-ad-litem and direct practice workers, who are the people most likely to experience this tension, also commented that engaging authentically meant walking the balance between best interest and expressed wishes. One GAL stated,

- “And so I could see how if a youth were to participate in that, they would be like, “What just happened?” And so I know that one where I typically have to explain to a youth, ‘Look I know this hearing is going to go really fast. You’re probably not going to have a lot of time to speak, but I’m going to explain to you beforehand, ‘This is what is going to be said.’ And if you have any questions, I can explain to you afterwards...”

Similarly, one of the tribal CW front line workers articulated the following:

- “Yeah. I always let kids know... In the pre-teens, they necessarily don't have an attorney, but they do understand the situation that they're in. I always let them know when court hearings are happening and that if at any point they ever want to join, that the judge loves to hear from our kids. And I know that can be intimidating for a lot of kids, but I just like to let them know that's an option if they feel it.”

However, in general, addressing these conflicts openly and with genuine engagement, as mentioned before, may provide the opportunity to build rapport where it currently does not exist.

THEME 10: BENEFITS OF CHILDREN AND YOUTH ENGAGEMENT

Most of the interviewees did not have many contributing comments about the benefits of children and youth engagement – much of their commentary was on the negative feelings and experiences they had as a result of *not* being engaged authentically, However, one of the GALs did comment:

- “I think (engagement) looks ... It's really great. So youth are more confident about the department working with their family. They know

they're more confident and that they know what's going on with their family in working with OCS. They don't feel like they're in the dark about when they're going to go home or if they're going to reunify. They're less anxious about those types of things. And if they have a timeline for reunification or even if it's a different type of permanency goal, they understand what the process is and how they have become a part of that. So they know that they have a team that [is] supporting them and a team that's helping them reach a goal for permanency."

Better engagement may result, as this participant with lived service experience indicates, in overall better mental health, which is already a challenge with system-involved children and youth.

Engagement may also counteract a shame dynamic by promoting their human dignity. Lack of authentic engagement about their current situation may reinforce shame embarrassment about their current circumstances. Another GAL stated,

- "And so if you could give them the human dignity of coming to that realization, that space to facilitate that conversation, I think it promotes more wellness. There's not shame in that dynamic, I think we could eliminate the shame dynamic... And so those are some of the, I think, trainings that need to happen to shift the system to more humanity. And then all the other things that I've brought up, like brain science, and child development and identity, and that's identity all the way across the board."

A person with lived expertise expressed the following recommendation on how to improve engagement:

- "For sure, honesty. If there's some kind of mentorship program, I honestly don't know how that would look. I've questioned that myself. Like what could we do to engage them better, to let them know that it's okay. Like it's nothing to really be embarrassed about or it's happened to others, you know what I mean? Not to normalize it because the hope is that we would all have like healthy functioning families. But just to let

them know they're not alone. And to have some kind of support group. You know how there's like Al-Anon for kids of AA? Something like that to let them express their frustrations and to be validated in that. Because I think a lot of the times, I've said this quite a bit, I'm guilty of saying this as well, that my parents tried the best that they could. They did the best of what they had. But also, no one told me I had the right to be frustrated, that I had the right to be upset with my parents because of what they put me through."

The need to be open and honest about their feelings, including the anger and hurt they may feel about their own parents' shortcomings, is critical. As much as children and youth are socialized to respect and love their parents, there is a sense in which they need to be given the right to feel let down when their parents fell short, even if they tried the best they could. Building relationships that allow for that shame to be identified and explored, whether with peers or with a child welfare professional, could be a benefit of improved engagement.

Finally, one of the GALs offered that authentic children and youth engagement may prevent eloping or absconding from placement. Given what we know about the relationship between running away from placement, human trafficking, and missing/murdered Indigenous women, girls, and two-spirit people, being able to have authentic yet hard conversations with children and youth may prevent tragedies down the line.

- "I think permanency hearings like, yeah they were absolutely engaged in that. That was something that, especially when I talk about self-determination, if my child client doesn't want to be placed with their grandma or be reunified with their parent, that was a very significant thing that we kept eye on because I know they're going to run away as soon as I place them, so what's the point of forcing them if folks are going to run away and put themselves in more danger."

So children and youth engagement may not only be just a good idea for improving practice but it may also be a prevention strategy - preventing the

trafficking and death of young vulnerable American Indian/Alaska Native children and youth.

THEME 11: STATE/TRIBAL DIFFERENCES

While some differences between state and tribal systems have already arisen, some others are presented here. This theme focuses primarily on differences between state and tribal courts and case management practices.

One of the first differences is that some tribes clearly seem to be more child-centered than states are. As one tribal CW administrator remarked,

- “On the value that [child have] input and they both would make sure that child had a chance to speak, and if that child wasn't there they wanted to know why that child's not there.”
- “Even if there was little we have little kids running around the corner, you know, maybe they had no idea what was happening just running wild but that's why we're there were there for that child the child should be there.”

The idea of children and youth running freely in halls in a county courthouse is not an image a state child welfare professional can readily envision. However, the tribal court of this particular tribe is clearly far more child-centered and friendly than others. **The tribal administrator also described some unique practices such as** holding court with chairs positioned in a circle and not having a courtroom designed with a raised dais behind which the judge sat. The administrator also described judges making a point of wanting to know, if the child/youth was *not* present, whether there was a good reason for the child/youth's absence, and for being willing to hear a child/youth's expressed wishes down to the very youngest of ages.

Being willing to listen to children and youth, even children younger than ten years, seems to be much more a part of tribal practice than state practice. One of the tribal front-line workers described the environment of the tribal CW agency she works in:

- "The courts with the tribe that I work for, they will listen to just about any child. They will take their word into heavy consideration as long as the child is obviously able to convey their feelings and their thoughts... Even younger than 13, the tribe I work for will listen to the kiddo. But at the end of the day, when it comes to court hearings, most of the time the court is asking what does my agency think in regards to the youth. And prior to that, we do our due diligence to find out from the youth themselves. Like, "What do you want to see happen?" Because essentially we're advocating for what they want and what their voice is. The youth also, with the tribes I work for, they can have their own attorney present too..."

But this relaxed way of holding court and listening to children and youth varies between tribal jurisdictions. One of the tribal GALs described two very contrasting tribal courtroom experiences that he participated in.

- "Actually the (tribal#1) courtroom, they were at eye level. So that wasn't on a raised dais, they actually were on the same level as everybody. But the (tribal #2) courtroom, it was a raised dais, and the judge stayed up there the whole time. We would ask for chamber time, and so we would ask for some time to go back into the judge's chambers. And during that moment, I don't know, I wish the judge could be a little bit more human in those moments, but he wasn't. He would keep his robe on and it'd still be really buttoned up, but maybe that's just me."

Jurisdictional differences between tribes can be explained in part by the level of assimilation practices that are adopted by each tribal system. Some systems prefer to maintain more traditional practices as passed down from the elders. Others believe that tribal members are better off when they adopt more mainstream ideas of doing business. Much of the way practices are implemented are dependent on the preferred worldview of leadership within the tribal community responsible for implementing the programs they oversee.

Finally, tribal systems can also take advantage of pre-existing clan systems for additional support. The meeting described below has much in common

with the original Māori societal structures centered on *hapu* and *whanau* that formed the basis of family group conferencing in its original form.

- "So, I can't speak to now... because we haven't seen a social worker in years, even for my sister, even though she's still involved, it's just getting a call from them. But again, the only process I know that they go through is immediate family. They try to, because we're a matrilineal society, the priority is to place with the mother's family. But if the mother's not available, then it's the father's side. And if nothing is available through there, then they go through the clan. I have a friend, two of their clan children were in this situation. And so, their clan had a meeting and they were talking about these kids belonged to us. Is anyone available to take them? We can all offer support. You know, some said, "I can take them." Others said, "You know, I'm unable to take them, but I can help you, if it's like financial needs," things like that. So, that's the second, third option. But I think I have personally never seen a child from here that was born and raised on the reservation, go off reservation, or be placed off reservation."

DISCUSSION

Tribal leaders are looked at by their communities to set the precedent in how community programs should be implemented and managed. This includes children and youth engagement programming. Tribal leaders show their communities the importance of children and youth engagement by making it a priority and supporting children and youth engagement in programs and tribal governance decisions. For the purposes of this report, we define tribal leaders as tribal child welfare administrators, supervisors, court professionals (including judges and LGALs) and youth themselves.

Consistent with the literature, the tribal child welfare workforce professionals (administrators, supervisors and front-line workers) felt that engaging children and youth in permanency planning improved their permanency and transition-related outcomes while enhancing both child and agency wellbeing by allowing youth to gain a sense of control in their own decision-making process (Salazar, Spier, & Pfister, 2020; Walker, Seibel, & Jackson, 2017; Augsberger, 2014). Reflecting findings by Havlicek and colleagues (2018), participants felt that training and coaching on how to establish relationships with children and youth, engage them in decision making, and empower them to use their voice was the most important intervention to promote engagement. Additionally, it was found, in alignment with prior research, that children and youth involved with the child welfare system feel more empowered and less confused when they are given authentic ways to engage in the decisions being made, ultimately, about *their* lives (Kriz & Roundtree-Swain, 2017).

In the systematic review by Wollen and colleagues (2022), the selected literature mentioned the following competencies with the highest frequency:

1. Partnering with youth
2. Communication and listening skills
3. Building trusting relationships
4. Strength-based approach
5. Prepare and inform youth
6. Advocate for youth

In the interviews conducted with tribal child welfare workforce professionals, they mentioned the following competencies with the highest frequency.

Green highlights indicate the competency was more salient in the interviews than it was in the literature, and red highlights indicate the competency was less salient in the interviews compared to the literature:

1. Building trusting relationships, including participating in community building activities that facilitate safety, belonging and connection with an emphasis that when youth contribute to community, it not only strengthens children and youth connection, but it strengthens the community as a whole.
2. Communication and listening skills, allowing children and youth time and space to contribute.
3. Prepare and inform children and youth, including opportunities for skill development and capacity building
4. Advocate for children and youth all along the permanency planning continuum, including advocacy for building relational and cultural permanency in addition to legal permanency.
5. Partnering with children and youth, including providing opportunities for leadership

6. Strength-based approach, tribal communities often have a traditional structure of children and youth engagement/involvement. Cultural values and traditions should be sought out to provide guidance on how to involve youth within tribal governance and community decision-making.

Partnering with children and youth was frequently cited as the most important practice for youth engagement workers to build, yet the interviews with workforce professionals indicated this was not a competency that was frequently being considered or applied in everyday practice. All of the 11 interviews discussed the concept of partnering with children and youth and sharing power and decision-making authority. Similarly, engaging with children and youth in a strengths-based manner was less common in practice compared to its prominence in the literature, with few of the participants mentioning utilizing a strengths-based approach with children and youth in practice. This is not surprising given that the culture of most child welfare agencies does not value children and youth voice or partnership (Saunders & Mace, 2006). This breakdown of communication and power-sharing can have deleterious effects (Strolin-Goltzman et. al, 2010). They found that workforce turnover is a key factor in this breakdown of communication and trust. One participant even thought that there were mandated rules that disallowed a positive relationship between social worker and youth to occur. Thus, to achieve the listed goals below, we must also focus more research on the needs of front-line staff and ways to support them as to avoid such frequent turnovers.

Building trusting relationships, communication and listening skills, preparing and informing children and youth about what is happening, and advocating for children and youth all appeared to be competencies that tribal CW professionals actively valued and often utilized in practice. While the most important identified worker competency was building trusting relationships, the top reported barrier to engagement was the lack of time to build trusting relationships with children and youth due to oversized caseloads and worker turnover. Given this, hiring new child welfare staff (and LGALs) promptly and training them in children and youth engagement principles was the top recommendation to promote children and youth engagement in practice. It

will be crucial for any training model to be able to be quickly adopted by new child welfare staff in both child welfare agencies and the courts. Such training must include an active coaching and supervision component so that child welfare professionals are adequately supported by their agency as they implement children and youth engagement principles in practice.

REFERENCES

- Annie E. Casey Foundation. (2014, May 29). *Realizing the Power of Youth and Young Adult Voice Through Youth Leadership Boards*. The Annie E. Casey Foundation. <https://www.aecf.org/resources/realizing-the-power-of-youth-and-young-adult-voice>
- Augsberger, A. (2014). Strategies for engaging foster care youth in permanency planning family team conferences. *Children & Youth Services Review*, 43. 51-57. <https://doi.org/10.1016/j.childyouth.2014.04.015>
- Buss, E. (2016). Developmental jurisprudence. *Temple Law Review*, 88, 741-768.
- Goldsmith, L. J. (2021). Using framework analysis in applied qualitative research. *The Qualitative Report*, 26(6), 2061-2076. <https://doi.org/10.46743/2160-3715/2021.5011>
- Havlicek, J., Curry, A., & Villalpando, F. (2018). Youth participation in foster youth advisory boards: Perspectives of facilitators. *Children and Youth Services Review*, 84, 255-270. <https://doi.org/10.1016/j.childyouth.2017.12.016>
- Hochman G, Hochman A, Miller J. Foster care: Voices from the inside. Pew Commission on Children in Foster care.
- Križ, K., & Roundtree-Swain, D. (2017). "We are merchandise on a conveyer belt": How young adults in the public child protection system perceive their participation in decisions about their care. *Children and Youth Services Review*, 78, 32-40. <https://doi.org/10.1016/j.childyouth.2017.05.001>
- Lipsky, M. (2010). Street level bureaucracy: Dilemmas of the individual in public service. *American Political Science Association*, 76 (1). 1-275. DOI: [10.2307/1960475](https://doi.org/10.2307/1960475)

Salazar, A.M., Jones, K.R., Amemiya, J., Cherry, A., Brown, E.C., Catalano, R.F., & Monahan, K.C. (2018). Defining and achieving permanency among older youth in foster care. *Children & Youth Services Review*, 87. 9-16.
<https://doi.org/10.1016/j.childyouth.2018.02.006>

Salazar, A.M., Spier, S.S., & Pfister, F.R. (2021). Authentically engaging youth with foster care experience: definitions and recommended strategies from youth and staff. *Journal of Youth Studies*, 24 (8). 1015-1032.
<https://doi.org/10.1080/13676261.2020.1792863>

Saunders, R., & Mace, S. (2006). Agency policy and the participation of children and young people in the child protection process. *Children Abuse Review*, 15 (2). 89-109. <https://doi.org/10.1002/car.927>

Strolin-Goltzman, J., Kollar, S., & Trinkle, J. (2010). Listening to the Voices of Children in Foster Care: Youths Speak Out about Child Welfare Workforce Turnover and Selection. *Social Work*, 55(1), 47-53.
<https://doi.org/10.1093/sw/55.1.47>

Thomas, N. & Percy-Smith, B. (2012). 'It's about changing services and building relationships': evaluating the development of children in care councils. *Child & Family Social Work*, 17 (4). 487-496. <https://doi.org/10.1111/j.1365-2206.2011.00806.x>

U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau (2020). The AFCARS Report. Preliminary FY 2019 estimates as of June 23, 2020- No. 27.
<https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>

Walker, J.S., Seibel, C.L., & Jackson, S. (2017). Increasing youths' participation in team-based treatment planning: The Achieve My Plan enhancement for Wraparound. *Journal of Child and Family Studies*, 26. 2090-2100.
<https://doi.org/10.1007/s10826-017-0738-0>

Wollen, S., Feltner, A., Vanderwill, L., Day, A., Phan, V., & Perlmutter, D. (2022). Workforce systematic literature review. Quality Improvement Center: Engaging Youth in Finding Permanency (QIC-EY).

APPENDIX A. INTERVIEW PROTOCOL: CHILD WELFARE WORKFORCE PROFESSIONALS

For Child Welfare Workers

Demographics:

Date of interview:

Interviewer:

Name of Agency:

Is Agency a public, private, or tribal child welfare agency?

City/State where you work:

Job title:

How long have you been in this job:

- 1) Does the engagement of children and youth in your child welfare system vary based on the child's age? Please explain, providing any detail on age that makes a difference on how a child/youth is engaged.

- 2) How are children and youth engaged in the following activities within your child welfare system? What does engagement look like for each?
 - Permanency discussions (ask about legal, relational, and cultural permanency)

- Case planning
 - Court hearings
 - Decisions related to visitation
 - Other
- 3) Based on your opinion, when children and youth are authentically engaged in their own child welfare case, what does that look like?
- What are the hallmarks of authentic engagement?
 - What is the “best case scenario” for engagement in child welfare? What is the ideal?
- 4) *What systemic challenges (staffing, training, worker turnover, other priorities) stand in the way of authentic youth engagement?*
- 5) How do you think these challenges could be alleviated and/or removed?
- 6) *How would you describe your comfort level in working with older youth on your caseload?*
- a) What do you enjoy about working with older youth?
 - b) What do you find most challenging in working with older youth?
- 7) What do you think is needed in order to build relationships and authentically engage youth on your caseload (i.e. specific skill-based training, more time, more leeway in how you manage visits etc.)
- 8) Have you engaged children and youth in case plan development (yes/no)?
- a) If yes, how have you engaged children and youth in case plan development? (What worked, what didn’t work well?)
- 9) Are there any skills you wish you had that could help you authentically engage with children and youth on your caseload?
- 10) Do you think LGBTQ youths’ needs related to engagement are different from youth from other backgrounds? (if yes- how so?)
- 11) Do you feel like the child welfare system supports and encourages authentic youth engagement?
- a) If yes, please explain how.

- b) If no, please explain
- 12) Have you received training on how to authentically engage children and youth on your caseload?
- If yes, when and what was the training.
- 13) If you were to design a training to help child welfare staff learn how to authentically engage children and youth
- What would you want to know? What would be most useful to you?
 - How would the training be delivered?
- 14) Based upon your experience, what recommendations do you have related to the development of a training to help child welfare staff authentically engage children and youth? What advice do you have for the designers of this training?
- 15) Are you familiar with any youth engagement practices or service models?
- 16) What have we missed? What else should I know about the involvement of children/youth in child welfare?
- 17) What does permanency mean to you?
- 18) What do you think is the best approach to talking with youth about permanency?
- 19) What have we missed? What else should I know about the involvement of children/youth in child welfare?

For Child Welfare Supervisors

Demographics:

Date of interview:

Interviewer:

Name of Agency:

Is your agency a public, private, or tribal child welfare agency?

City/State where you work:

Job title:

How long have you been in this job:

- 1) Does the engagement of children and youth in your child welfare system vary based on the child's age? Please explain, providing any detail on age that makes a difference on how a child/youth is engaged.
- 2) How are children and youth engaged in the following activities within your child welfare system? What does engagement look like for each ?
 - Permanency discussions (please ask about legal, relational and cultural permanency)
 - Case planning
 - Court hearings
 - Decisions related to visitation
 - Other
- 3) Based on your opinion, when children and youth are authentically engaged in their own child welfare case, what does that look like?
 - What are the hallmarks of authentic engagement?
 - What is the “best case scenario” for engagement in child welfare? What is the ideal?
- 4) *What systemic challenges (staffing, training, worker turnover, other priorities) stand in the way of authentic youth engagement?*
- 5) How do you think these challenges could be alleviated and/or removed?

- 6) *Do you support the staff you supervise in ensuring that they authentically engage the children and youth on their caseloads?*
 - a) *If yes how?*
 - b) *If no why not?*
- 7) *As a supervisor, what do you see as challenges direct service level staff are facing in authentically engaging children and youth on their caseloads?*
- 8) What do you think is needed in order for staff on your team to build relationships and authentically engage youth (i.e. specific skill-based training, more time, more leeway in how you manage visits etc.)
- 9) Do you feel like you have the knowledge and skills to train and/or coach the staff on your caseload on how to authentically engage children and youth?
- 10) Have you received training on how to authentically engage children and youth?
 - a) If yes, when and what was the training.
- 11) If you were to design a training/coaching that helped supervisors support their staff in authentically engaging children and youth,
 - a) What would you want to know? What would be most useful to you?
 - b) How would the training be delivered?
- 12) Based upon your experience, what recommendations do you have related to the development of a training to help supervisors coach their staff on how to authentically engage children and youth? What advice do you have for the designers of this training?
- 13) Are you familiar with any youth engagement practices or service models?
- 14) What does permanency mean to you?
- 15) How do you think your staff are doing with speaking to youth about permanency?

- 16) What have we missed? What else should I know about the involvement of children/youth in child welfare?

For Child Welfare Administrators

Demographics:

Date of interview:

Interviewer:

Name of Agency:

Is your agency a public, private, or tribal child welfare agency?

City/State where you work:

Job title:

How long have you been in this job:

- 1) Does the engagement of children and youth in your child welfare system vary based on the child's age? Please explain, providing any detail on age that makes a difference on how a child/youth is engaged.
- 2) How are children and youth engaged in the following activities within your child welfare system? What does engagement look like for each ?
 - Permanency discussions
 - Case planning
 - Court hearings
 - Decisions related to visitation
 - Other
- 3) Based on your opinion, when children and youth are authentically engaged in their own child welfare case, what does that look like?
 - What are the hallmarks of authentic engagement?

- What is the “best case scenario” for engagement in child welfare? What is the ideal?
- 4) *What systemic challenges (staffing, training, worker turnover, other priorities) stand in the way of authentic youth engagement?*
- 5) How do you think these challenges could be alleviated and/or removed?
- 6) *What are some of the implementation supports you think need to be put in place in order for your child welfare system to truly emphasize authentic youth engagement at all levels (i.e. policies, accountability measures, laws etc.)?*
- 7) *Do you support and encourage the staff you supervise to ensure children and youth are authentically engaged?*
a) If yes how?
b) If no why not?
- 8) *As an administrator, what do you see as challenges staff are facing in authentically engaging children and youth on their caseloads?*
- 9) What do you think is needed in order for child welfare staff to build relationships and authentically engage youth (i.e. specific skill-based training, more time, more leeway in how you manage visits etc.)
- 10) Have you received training on how to authentically engage children and youth?
a) If yes, when and what was the training.
- 11) If you were to design a training/coaching that helped supervisors support their staff in authentically engaging children and youth,
c) What would you want them to know?
d) How would the training be delivered?
- 12) Based upon your experience, what recommendations do you have related to the development of a training to help supervisors coach their staff on how to authentically engage children and youth? What advice do you have for the designers of this training?

13) Are you familiar with any youth engagement practices or service models?

14) What does permanency mean to you?

15) How do you believe your staff are doing with speaking with youth about permanency?

16) What have we missed? What else should I know about the involvement of children/youth in child welfare?

APPENDIX B. INTERVIEW PROTOCOL: PEOPLE WITH LIVED EXPERTISE IN THE CHILD WELFARE SYSTEM

For Former Youth in Care

Demographics:

Date of interview:

Interviewer:

Current age:

How would you describe your gender identity?

How would you describe your sexual orientation?

What race(s) or ethnicities do you identify as?

How old were you when you first entered foster care?

At what age did you exit care?

What state(s) did you live in when you were in foster care?

What types of placements did you experience when you were in foster care? (kinship care, nonrelative foster care placement, residential care, other please describe)

What was your legal permanency outcome? (Reunification, adoption, guardianship, aged out)

Survey Questions:

1. Is there at least one adult in your life that you can rely on no matter what?
 1. Describe how you got connected to this adult?
 2. Did anybody in the child welfare system help you connect with adults that could be mentors and/or supports to you?
2. *When you were in foster care, how were you involved in decision-making about your life and future? Did you feel listened to and respected?*
3. What does permanency mean to you?
4. *Who talked to you about your permanency options?*
 - a. *What did they do to help you understand what permanency meant and the options available to you?*
 - b. *What could they have done better to help you understand these options?*
5. *How did child welfare staff consider important aspects of your identity, including your race, culture, sexual identity, and/or your connection to faith/spirituality while planning for your permanency?*
 - a. *What could they have done better?*
6. *How did the child welfare system/staff help you maintain relationships with your siblings, extended family, friends?*
 - a. *Are there other people who were important in your life that you wish you had stayed connected to?*
 - b. *What could child welfare staff have done to keep those connections?*
7. *Did you ever attend a court hearing, permanency roundtable, case review meeting, or other meeting related to your permanency plan?*
 - a. *If yes,*
 - *Which meetings and how were you a part of the discussion?*
 - *Did the adults in the room treat you like you were a part of the team? If so, how?*
 - *What could they have done to ensure your voice was heard and that you were part of the decision-making process?*
 - b. *If no,*

- *Was it your choice not to attend?*
 - *Why did you not attend (were there barriers related to school, transportation, mental or emotional health, etc.)?*
8. *Do you think being at any of these meetings could have or did help you achieve legal, relational, or cultural permanency? How?*
9. *How did child welfare staff (outside of your lawyer, CASA, GAL) work with you on your permanency plan? How much did they include you in making the plan happen?*
a. *What did they do right?*
b. *What did they do wrong?*
c. *What could they have done better?*
10. *How did your legal representative (lawyer, CASA, GAL) work with you on your permanency plan? How much did they include you in making the plan happen?*
a. *What did they do right?*
b. *What did they do wrong?*
c. *What could they have done better?*
11. *Did you get the permanency outcome you wanted (legal or relational)?*
a. *If you had the permanency outcome you wanted, what contributed to that?*
b. *If you did not have the permanency outcome you wanted, what were the barriers?*
12. If you achieved legal permanency, how did child welfare staff prepare you for it?
a. *If you were reunified with your birth parents, how was your family prepared?*
13. Did you ever suggest adults/family members as legal or relational permanency options but were told by child welfare staff that those individuals could not be considered?
a. *What were the reasons provided?*
b. *Was any work done to overcome the barriers?*

14. Did you ever feel pressured to accept a permanency option that you did not want?

a. What made you feel pressured?

15. If you had concerns about legal permanency did anyone support you in exploring these concerns?

*a. What did they do that helped?
b. What could they have done?*

16. “What does it feel like when child welfare staff engage with you authentically? What behaviors make you feel seen/understood?”

17. What could caseworkers and courts do to help children and youth engage in decision-making related to permanency?

18. What systemic changes do you think need to be made in child welfare systems, including courts, in order for children and youth to be authentically engaged?

17. If you were training child welfare staff about how to authentically engage children and youth , especially related to permanency, what would you teach them?

18. What would you like judges and court staff (CASA, GAL, child’s attorney) to be trained on

to improve the way they authentically engage children and youth?

19. What do children and youth need to prepare them to be authentically engaged and involved

in shared decision making (training, mentorship, honesty, etc.)?

20. What have we missed? What else should I know about the engagement of children/youth in decision-making about their life and future?



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