



The CQI Quick Sheet series is meant to assist Court Improvement Programs plan for evaluating an area of focus. It includes some specific questions to ask, as well as some useful tips on methodologies to help achieve goals to improve in this area.

- *Why is this issue important in your state or tribe?*
- *Do you have any reason to believe that ICWA compliance needs improvement?*
- *Are you able to track ICWA cases?*
- *Do you know how often courts are making required findings?*
- *What do you already know about ICWA compliance in your state?*
- *Do you have any data on ICWA compliance?*
- *Are there state statutes related to the handling of ICWA cases?*
- *Do you have standards of practice related to ICWA compliance?*

1. Set goals. *Think about what you want to know and change. Would you like to:*

You want to explore the relationship between hearing quality and outcomes of interest. This often requires more intensive data collection and may include baseline and follow-up or additional outcome data.

3. Identify data sources. *What types of data do you already have? What type of data do you need to achieve your goals? What kind of data collection methodology will be most helpful?*

How Do You Define ICWA Compliance?

The requirements of ICWA (25 U.S.C. § 1902) can be found here: <http://tinyurl.com/j7zwn5d>. You can define ICWA compliance based on all or a subset of the law's requirements. For example, you may want to examine specific indicators, such as:

- **Active efforts** - *when and how often are they made?*
- **Qualified expert witness** - *what are the requirements and are they used in every case?*
- **Findings** - *what findings are on the record and when (e.g., imminent physical damage or harm)?*
- **Placement of the child** - *does it follow placement preferences?*
- **Notice** - *how and when is the tribe provided notice regarding the petition and each hearing?*
- **Involvement** - *how is the tribe involved in the case?*

Where Can You Get Data?

Data for ICWA compliance can come from multiple sources. It depends largely on the goals of your project, what you wish to focus on, and what resources you have available to collect data. Potential data sources include:

- Court observation
- Stakeholder interviews
- Focus groups with tribes or systems stakeholders
- Case file reviews
- Court data from case management system
- Agency data
- Other sources unique to your state

Tip: Consider alternative sources that might provide supplemental data. For example, annual *Disproportionality Reports* identify the disproportionality rates for American Indian children in foster care in each state.

Choosing the Best Methodology to Assess ICWA Compliance

There is not one correct way to assess compliance with ICWA. Some things to consider that may help narrow your focus:

- *What do you already know about whether this is an issue in your state? What data do you already collect?*
- *What do you want to know? What do you need to know to dig deeper?*
- *What are your expected goals (outcomes) of this work? What is your theory of change?*

Tip: If you are implementing an intervention, you want to target your data collection to the intervention's goals (use the theory of change to drive your work). If you are exploring the problem more in depth, you might want to collect a broader range of data.

Additional guidance on methodologies can be found in the ICWA Compliance Assessment Toolkit (<http://tinyurl.com/ICWAComp>)

Court Observation

Court observation provides a snapshot of current practice. Example data includes whether tribal representatives are present and engaged at the hearings, what findings are made (if made verbally), and what is discussed (e.g., placement preferences).

Cons: Resource intensive

Tips: If your state records hearings, you could "observe" remotely, reducing needed resources.

Case File Review

Case file review provides an ideal method for examining required ICWA findings. From case files, you can collect what findings (e.g., active efforts) are made on the record and at which hearings. You may also find notice and placement information.

Pros: Wealth of data

Cons: Restrictions on access. May need court and agency files to get a complete picture.

Focus Groups

Focus groups with stakeholders are ideal to identify what professionals view as current strengths and challenges related to ICWA compliance. Stakeholders can also help you to narrow your focus to a specific practice.

Pros: Resource light

Cons: Perception only, no quantitative data

Tips: Focus groups can be used to dig deeper into perceived causes of non-compliance.

Data Systems

Case management systems from the court or the agency may be helpful in examining ICWA compliance. Case management systems may be able to report on timeliness and outcome data that you want to see as an outcome of improved compliance.

Pros: Includes all cases

Cons: Data systems rarely track ICWA; data integrity is a concern