

Child Welfare Information Gateway Podcast – Tribal Courts and Child Welfare: Being Family Centered
TRANSCRIPT

Presenters: Female Narrator; Tom Oates, Child Welfare Information Gateway; Judge Carrie Garrow, Saint Regis Mohawk Tribe; Stacie Waters, Taos Pueblo; Judge T. David Eisenberg, Taos Pueblo; Jean Swanson, Sitka Tribe of Alaska

[00:00:00]: [Music Introduction]

FEMALE NARRATOR [00:00:02]: This is the Child Welfare Information Gateway Podcast, a place for those who care about strengthening families and protecting children. You'll hear about the innovations, emerging trends and success stories across child welfare direct from those striving to make a difference. This is your place for new ideas and information to support your work to improve the lives of children, youth, and families.

TOM OATES [00:00:33]: We've shared a few episodes about tribal courts and child welfare that present this connection from several angles. We've talked about strengthening internal relationships with other tribal agencies, building better partnerships with state and federal agencies, how tribal courts are expanding to take on child welfare cases - even down to the details of taking on the daunting task of rewriting a tribal court's children's code.

[00:00:59]: Now, we get to focus more on the families. Hello everyone, Tom Oates from Child Welfare Information Gateway here and welcome in to the Child Welfare Information Gateway podcast. We are wrapping up our series on tribal courts and child welfare with this episode about tribal courts taking on a family-centered approach. Now, while focusing on supporting children and families toward reunification isn't unique to family courts across the United States, tribal courts can also incorporate the tribal culture in serving families, and they have to work within the tribe's child welfare and ICWA departments, and at times with state and county courts that tribal children and families may be involved with.

[00:01:42]: Now, the families involved, clearly they are already facing challenges, and at times that means dealing with various agencies along with the court, like we mentioned social services agencies - maybe they're with the state, maybe they're with the tribe - and dealing with all those different agencies is really no different from any family in any jurisdiction. But again, for tribal families, that can be multiplied. Just think about if they are working with tribal social services and the tribal court, along with a state or county court and even state child welfare agencies - that could be numerous offices, numerous appointments, numerous requirements.

[00:02:19]: So we are hearing from grantees from the Children's Bureau's Tribal Court Improvement Program. Now, part of these tribal courts' goal of being family centered is to help families navigate the services and requirements, while at the same time providing support for eventual reunification.

[00:02:36]: In upstate New York in the St. Regis Mohawk Tribe, the Family Treatment Court has been operating for a while. Its primary focus is on drug treatment and for parents who are involved, they may have had their children removed from the home. So, in these instances, the tribal court works with the tribe's well-established Division of Social Services to work with parents on treatment and rehabilitation. Meanwhile the child welfare cases are still handled outside of the tribe with the County Court of New York's Franklin County. Now, the St. Regis Mohawk tribal court, they are expanding their capacity to take on child welfare cases - you can actually check out one of our other episodes to hear more about how they are adapting and training staff to handle these cases.

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[00:03:21]: But, let's go back to the Family Treatment Court, because the overall connection with the courts and the tribal social services surrounding child welfare is that treatment and rehabilitation for the parents is a key component to a family's reunification. Now, for a family to succeed, the Family Treatment Court must be structured to directly tie into the child welfare case plan and the other agencies who providing services. So, how does this get done and how is it structured for the family to succeed? Judge Carrie Garrow is the chief tribal court judge for St. Regis Mohawk Family Treatment court and she walked us through it.

CARRIE GARROW [00:04:01]: So, typically, the parents come in and our Family Treatment Court has four phases - each phase is 90 days and have similar requirements. But each phase, as you move up - and you have to apply to move up into the different phase - is a little, probably less burdensome, restrictive. First phase, you're calling in and checking in every day with usually the case manager.

[00:04:33]: You're getting drug tested three times a week, randomly. You're coming to court once a week, in addition to going to whatever counseling that's been required according to whatever your substance abuse assessment said. Typically, it's outpatient and they do individual sessions and group, as well.

[00:04:56]: You're also required to go to three alcohol - Alcoholics Anonymous or Narcotics Anonymous meetings - a week. And that, those meetings stay consistent throughout the four phases, you always have to go to three a week. And, you also do ten hours of community service in each phase. So, we keep you pretty busy.

[00:05:16]: And so, so, the parents come to us - typically, when we get these families, the children have been removed and so they're working towards reunification, which will only happen if they can demonstrate, you know, that they're in recovery and meet whatever other requirements that either the county court or tribal DSS has set out for them in their case plan.

[00:05:41]: And so, our focus is really on being in recovery. We anticipate, or expect, or are not surprised early in the first days when people test positive because that's just the nature of addiction, you know, and so if it's early in phase one and you test positive, you'll receive a sanction, but it won't be a severe one - but down the road, we expect more.

[00:06:07]: And so, you know, you test positive early on, one of our favorite sanctions is to do, have the participants do an essay - which people don't like to do - but it forces them to think about, okay, why did you use, what were the triggers, what were you thinking, what were you feeling, what did you learn. And then we make them read it in court and they don't really like to do that, either.

[00:06:31]: But, I think it's a good process, and we'll give some feedback to them about the thoughts that they've shared and, so that's, yeah, that's the first phase and then, like I said, you know, each phase is 90 days, and so, you know, as you get close to the 90 days in the phase, you can apply by answering a couple questions and then they have to read those aloud in court, as well and the team discusses it and will move up and then after phase four you can apply for graduation.

TOM OATES [00:07:01]: You've got this year long process, four phases, and you've mentioned a number of different aspects and groups that must come together, and you have previously said, we've had previous conversations about DSS with the tribe is pretty deep, pretty skilled and has a lot to offer. And

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so, talk to me about who's at the table for each of these families either providing these either guidelines, or supports, or, you know, elements that they've gotta follow along.

CARRIE GARROW [00:07:33]: Right. So, each parent will have a DSS caseworker. They don't, caseworkers don't usually come to our team meetings, but they have in the past if we've requested, like if the parent's struggling and we say, hey, you know, why don't you, we want to hear what you have to say. Typically, our case, we have a case manager and our coordinator, they will check in with the DSS caseworker so there's communication, so we know what - and they'll email back and forth, text, you know, if there are concerns or, you know, if someone tests positive. So there's that communication.

[00:08:06]: Then we have our team meetings, our case manager will report out everything she's learned from the DSS caseworker. We do have a DSS person who sits on the team, she's a quality assurance person, I think, she does a lot of their evaluations, but she's a very experienced social worker and so, so she provides a lot of good input about the different families or thoughts on how we should handle things. She's also very familiar with a lot of these families.

[00:08:39]: Then at the table for the team meetings we also have the director of our mental health services for the tribe - because a lot of our parents, you know, have co-occurring mental health disorders. And then, we also have people from our alcohol and substance abuse program - and we have an outpatient program, we also have an inpatient program - and so, you know, they can, they provide us a lot of really good information.

[00:09:06]: We have tribal law enforcement on the team. We do have someone - because, we have the international border that runs through our community, because we're right on top of the state - so, we do have people from our tribal services on the northern part of our territory, because of the separate government in the portion that's in Canada. So, we have someone from their justice programs who sits on our team.

[00:09:33]: A lot of our team members, or participants, if they're getting in trouble, you know, on the state side of the territory chances are they're usually getting in trouble on the Canadian side, so, so it's great. We have an international team, we also have - this is, obviously more important for our adult criminal cases - but we have the assistant U.S. attorney because the federal government has jurisdiction, as well. He participates on the team as often as he can. And, so yeah, we have an excellent team.

TOM OATES [00:10:07]: And a pretty big table, clearly.

CARRIE GARROW [00:10:09]: Yes, when everyone's here, yes absolutely.

TOM OATES [00:10:12]: So, how are all these agencies - and as much as the family and helping the family is the ultimate goal - everybody's bringing a different approach, or a different service and a different need for them to provide services. How are all these agencies able to function well together?

CARRIE GARROW [00:10:32]: You know, that's a really good question - because I've been fortunate to go on site and visit and do, kind of, evaluations with other healing to wellness courts with other tribes - and, I, you know, I've seen some teams struggle because I think that's just the nature of teamwork. And, I think our team functions really well, I think that says a lot about our coordinator, she makes sure that we go to trainings together, we try to do a retreat every year, it doesn't always work out. And even

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when we do go to trainings together, we usually at least try to do one meal together and something fun, you know, a lot of are, like to go shopping, so we might go shopping, you know, after the day's conference is over.

[00:11:21]: So, I think that's, you know, we enjoy each other and so, even if we might have different perspectives, I also think there's a lot of respect on our team for each other. So, even if we might, maybe have a different opinion, we have a lot of respect from the people in the other agency and their perspective. I mean, I've been here, been a little over two and a half years now, and I can't remember one time where we've had a serious disagreement on the team. I just, it's just phenomenal how these team members work together well.

TOM OATES [00:11:57]: Well, we talk about, you know, this is a court that's now adapting and growing to be able to handle family cases, so clearly there's an engagement with DSS that happens, and they've been well established, as you've mentioned. So, when your team, when the court comes into this, clearly, you know, we talk about the court adapting to this already functioning system - what did you need from DSS to help you guys be successful?

CARRIE GARROW [00:12:23]: Right. I think it really comes down to communication, you know, our coordinator and case manager work really hard to communicate with the, their caseworkers so we know, you know, what's going on from their perspective and then to communicate, you know, if something is happening on our end, if a person tests positive or we have mental health concerns, just to make sure that information is communicated.

[00:12:51]: So, I think that's mostly what we need, you know, and have asked for is, you know, communication, and then to know, you know, if something's not going well with the kids or the, you know, the mom's, you know, showed up, you know for her time with the child, but you know, something happened that we should know about, so. It's that communication.

TOM OATES [00:13:10]: You'll gather there's this theme of how to leverage the tribal court, and that special relationship they have with tribal social services as a combined collaborative support for families in each of these examples we're sharing here on this episode.

[00:13:26]: So, I wanna talk about the Taos Pueblo Tribe of New Mexico. Now, a few years ago, they recognized that there was actually a lack of reports being escalated with them that weren't being filed. Tribal court wasn't seeing any of the family service providers such as police or the substance abuse service providers send any child welfare cases their way. And, much of this dealt with a confusing Children's Code – which has since been revised – but also from an overall apprehension among service providers and among families of being involved with the court in the first place.

[00:14:01]: Now, one note about how the tribe revised their Children's Code. Part of that revision process included conducting a survey of families and service providers who interface with the court, so you'll hear us reference that. Now, that revised Children's Code instituted a process for families to, again, be, really avoid being brought in front of the court all together, but that process still addresses the issue that caused either the police or the other service provider to get involved.

[00:14:30]: Stacie Waters, she's the Taos Pueblo's Social Services and ICWA Manager, and Judge T. David Eisenberg, they joined us to talk about the steps and stages of this process - what they call the tribe's

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pre-adjudicative process. This is where the motivation is both family preservation and not having to step foot in front of a judge. Now, as you listen to Stacie, I think you'll find many of the similarities within this pre-adjudicative process mirror a tailored case plan.

STACIE WATERS [00:14:59]: Well, what's nice about this is the family has a say before the lack of reporting and the reluctance to come in - there was a stigma of just, you know, the removal of kids or the stigma of the unknowns of the courts and the unknowns of going to Social Services. So, what was really nice about this part is that it's actually providing a family support and family strengths to this process. So, there is an understanding because when they come through Social Services, you know, we're not the probation office, we're not the police department, we're not CYFD, we're responding to reports and we're responding to allegations, but we are, we are hearing their story, we are hearing their voice in the home.

[00:15:52]: And a lot of the times there's barriers that are connected to that or there's misunderstanding or communication - there's a whole myriad of reasons. But while we meet with the families, they are welcomed into our office, there's coffee, there's toys, there's coloring books and when they bring their children in, we're able to meet them where they're at. And that provides a sense of security, that provides a sense of trust. So, now we're able to get what the real story is.

[00:16:19]: And, when that happens, we are able to work out these barriers, work out these knots, you know, if therapeutic services are needed, then we resource that. If employment, if housing, if education, parenting plans, you know, safety plans. So, basically, it helps us to walk the families through this process without them wandering around and revolving and never having an end to it.

[00:16:50]: So, when we do this, it's all strengths-based and it's all support, it's saying, we believe you in this process, let's work these out. And then we set a timeline, like what Judge said, we set a timeframe on such and such a date, this, this and this. And basically, it's volunteer, you know, it's responding to what needs to be done, but it's not court ordered yet, and it's not punitive. This is saying this is how you can get back on track, this is how you can start getting structure in your life, in the family's life. This is how we can ensure safety for whatever the report came from, whether it's children, or it's spouse, whatever, but, this is our part in really being involved with the family.

[00:17:36]: And then, when we walk through this process, you know, we build this rapport with them and they're able to trust our services, because right now, beforehand, it was just reported to us, we were investigating and then it was at the court. It was just, it was just, we were missing a huge integral piece of connecting with our community and allowing the community to trust our services so that they can, we can start eliminating the stigmas and the previous reputations and just like judge said, sometimes decisions are made because there was not an understanding of how the process was.

[00:18:17]: And then, if you have differed representations - say, staff of Social Services staff, if they, you know, have different managers involved, or different judges involved or different, you know, police office involved - and everybody's just kind of passing this Children's Code that's been outdated and old and say, here it is, here it is, without actually looking at it and like what Judge Eisenberg did, he actually looked at it, like wait a second, what is this going on?

[00:18:47]: And so, it was nice to have this process that he brought about for all of us to make our services relevant, make it current, make it understandable, user friendly. So, with this process, it allows

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us to engage the family and try to keep the respect and integrity intact with the family. A lot of them go through some really confusing and hard times and if they are involved in a confusing system, then it becomes a revolving system. We're trying to squash that, nip that, and say this is what making case plans that is understandable for them, making a time frame that they can see an end date - it's not ongoing and just, you know, reoccurring. So, with this process, it allows a more thorough and comprehensive wraparound plan for the families.

TOM OATES [00:19:41]: And there's almost a sense of, well there's mandated, or there's a goal that I'm gonna graduate from and, and talk to me about this partnership that then you establish with the families. Because, it sounds like, as opposed to - and you tell me, I'm not sure if the survey was key to, kind of, open up your eyes to anything - but, what have you noticed either in a before or after either engagement or involvement or partnership with the families, what has been key to that, because it sounds like the services and, and the case plans would be something that would still happen if somebody was involved in the court or not. So, what is it that's shifted that mindset, though, from not only your staff, but the family, as well?

STACIE WATERS [00:20:34]: What has shifted is that we're hearing their voice. They have a voice in this plan. They have a voice in this case. They have a voice in - because they are the only one that knows what's going on in their homes, you know, we don't live with them 24/7, we don't have a 24/7 service. But, if we're able to help them with what are the triggers? You know, it's not the outcome, it's what's going on inside. So, we're able to say, why is this happening? You know, what are the pressures? What are some of the barriers that keeps you, you know, keeps you from being the best parent that you can be, keeps you from being the best guardian, you know, that keeps the children safe, what are they?

[00:21:19]: And when they're able to really tell their story, it's pretty amazing. A lot of it is just, you know, trauma infused, a lot of it is stemming from generational, a lot of it is stemming from not having that education, not having that information, not accessing the resources because whether it's intimidation or whether they have the wrong idea of what our services are based on past experiences, and it's really hard for them to tap into, but when you walk them through it, you know, you're able to show them and you're able to just be present with the families.

[00:22:00]: You know, it's not just this cold, documented services where they're a number instead of a family. We treat them as families. You know, we understand that, you know, it is hard where they're at now, but there's a goal for healing, there is a goal for restoring, there is a goal for empowering our families. And now, that's the shift, because before the services were enabling because they were just doing the services just to get out of where they were at, and then they would repeat. This now, is empowering the families to make better decisions, but knowing that our door is always open.

[00:22:42]: So, there's more transparency in services now than there was before. And there's more honesty, because we're able to tell them exactly what's expected, there's nothing hidden, you know, it's not the carrot before the horse, but this is just saying it's unique services pertaining to the families.

TOM OATES [00:23:02]: So, I wanna get into that, that array of services, because like you mentioned this is kind of a wraparound, it's a holistic approach to serve that family. Can you give me a sense with the pre-adjudicative process what the agencies and who the organizations are and the service providers, you know, who comes to the table and what do they bring to kind of work with the family - who's kind of in this, this arsenal, this team that you've got?

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STACIE WATERS [00:23:29]: So, we meet on a monthly basis and it's a Child Protective and Adult Protective team meeting and who comes to the table are all the frontline workers in that community. So, we have our health clinical psychologist, we have our youth outreach worker manager, we have our public health nurse, we have representation from the Head Start, from the day school. We have tribal representation, who's ever the tribal sheriff at that time. We also have our Protective Service workers there, we have our family navigator there.

[00:24:04]: So, we have different, our different programs, not just necessarily under the program that I am, but also across the community. So, we have that for our, at our pueblo and what's amazing is it's, they're bringing to the table their expertise, their perspective, their information. With the family, we're looking at it from all perspectives, all different lenses. So, it's really nice, it's not one-sided, it's not just with Social Services, this is dealing with education, this is dealing with health, this is dealing with mental health, this is dealing with, you know, the courts. And so, substance abuse, and so everything that is involved in this family, has a lens from a professional perspective.

[00:24:52]: So, that's with the pueblo and that's what we do. But, we're also tied into what's called a multidisciplinary team and that's through our town. So, I sit on that meeting because some of our members, they live in town, some of the cases have that. And so. That's a whole other slew of professionals - that's dealing with court attorneys, that's dealing with a whole bunch of child advocates, CASA, dealing with our SANE room, our safe house - all of that.

[00:25:20]: So, what we're doing is we're bridging these communications together so that way our resources aren't limited just to the pueblo. So, if there's some things that we're not able to, or we're coming up against a barrier ourselves, we can reach across and say, okay, how can we expand our services to them?

[00:25:39]: And then another part of that is working with the BIA - the Bureau of Indian Affairs - so, they also have a multidisciplinary team meeting and that's dealing with federal cases, so, and children's cases, as well. So, there's another slew of professionals, so what we're doing is we're really bridging the gaps and our communications and our resources and our professions.

T. DAVID EISENBERG [00:26:06]: And let me just, just one more aspect of the pre-adjudicative procedures. That part of the code did not go before council for approval. The Children's Code went before a council for approval, as well as Juvenile Offender Code and that was intentional, because as with any process or procedures, as you work it, you're gonna see things that need to be fixed and we wanted the ability and flexibility to be able to tweak the procedures and not have to go to council for ratification every time that happens, because, again, it's fluid, it's not written in stone, it was never intended to be written in stone.

[00:26:49]: So, as human beings deal with other human beings with a process, you're gonna say, oh well, shoot, you know what we need to fix that part because it's not working. And we can fix it, tweak it and not have to go to council every time we need to fix something. We wanted to, again, have the flexibility to be able to do that not having to go through the time-consuming process of getting the council meeting and then going to council and having day long meetings to discuss small, minor adjustments that need to be made.

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TOM OATES [00:27:21]: Now, we wanted you to hear that last bit from Judge Eisenberg. We really wanted to emphasize the ability to be flexible with the services and steps, especially with so many partners and understanding that each family needs to be met where they are with the circumstances unique to them, which can change over time. Now finally, we'll take a look at how tribal courts and tribal social services are working together to keep children and families who are involved in the child welfare system connected to both each other and to the tribe's culture and history.

[00:27:53]: The Sitka Tribe of Alaska offers a series of services, events and activities – all relatively inexpensive – that support family strengthening by bringing the entire family – and that's extended family, connected friends included - bringing them all together. Now within that shared time, families are also exposed to the Sitka's culture and this is clearly a unique service only the tribe can offer.

[00:28:18]: And so, the State of Alaska, the state's child, Office of Children's Services, they have recognized this and so they now work with the tribe to make sure that tribal children and families who are involved with the state still maintain a strong connection to the tribe. Jean Swanson is a Sitka Tribal Family caseworker, and she described it with a phrase "Our Culture Is Healing", so we asked her to elaborate on that.

JEAN SWANSON [00:28:44]: So, what I've learned in working with Sitka Tribe is those who have not been exposed to the culture seem to be dwindling, just kind of in a world of maybe trying to find themselves, maybe not. And so, when I think about culture as healing, what I've experienced in observing tribal citizens that attend the activities that we offer and also events is that they become connected to their community, to their people, to their culture traditions. And also through the curriculums that we provide, I've been able to see firsthand the healing process when we talk about culture, we, during that we expose them to different activities or offer up different activities and there's a change in a person when they're exposed, they start discovering who they are. There's a lot of not knowing who you are, we use that term a lot of knowing who you are.

TOM OATES [00:29:46]: You mentioned the, now, clearly the Healthy Families Programs and Services - give me a sense of what that entails and how they actually benefit families.

JEAN SWANSON [00:29:55]: Well, we've been able to offer a wide variety of options culturally, as well as family oriented - open swims, open gym times, we rent the local pool, we rent the local gymnasium and leave it open to families to congregate. We definitely promote the family well-being because we do a lot of child welfare and we see a lot of disconnect between parents and their children. And so, we want to promote them coming together, getting to know each other and becoming a family unit, as well as through the cultural activities that we provide we promote that they're family activities.

[00:30:37]: Again, that cultural piece in there, they're learning about something maybe they weren't aware of having to do with their culture. They're exposed to elders, the children are exposed to multi generations - aunts, as you would say, because there's no division of family, whether it's blood related or not. So, the, just the exposure to something maybe that they haven't had the opportunity to do.

[00:31:03]: The majority of the events that we provide are free to our tribal citizens and their families, because financial burden can, how do you say that, it's a financial burden to have to pay for an activity. We see a lot of our families that aren't able to come up with the money for that and it's hard to - in these instances we want a greater impact, a greater community impact and so we open it up to our

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general tribal public. In order to make it cost effective for us but allow as many families to attend as they want.

TOM OATES [00:31:39]: So, there's this connection to culture that we, you know, we're, you guys aren't alone in understanding that the culture itself has an ability to bring families together. What is that importance of that culturally relevant activity when it comes to strengthening a family?

JEAN SWANSON [00:31:56]: The natural conversations that come out of the activities when you are immersed in doing the actual activity. There's natural conversations that come out of that that probably wouldn't come in a curriculum-based setting to answer specific questions. There's just a natural flow of conversation - which could be anything from a healthy relationship, to cultural foods, to the next dance group - and so the connection that's made through natural conversations.

[00:32:35]: The children are being exposed to how to interact appropriately because it's very therapeutic in a lot of ways having elders there, having parents, aunties, uncles, whomever's attending. And that, I feel is the cultural value from what I've learned is the cultural value of learning from your elders, from your aunties, from your uncles, there's different roles that each play for our children and really that's, I guess, what stands out to me the most is there's a natural eloquence that comes out of these cultural events. It's not the event or the beading or the activity specific, it's what happens naturally in that setting and it becomes a really close-knit community through that.

TOM OATES [00:33:28]: Now, Jean mentions a theme that, frankly, all of the tribal court representatives that we talked to for this series on tribal courts and child welfare either directly or indirectly hinted at. And that's the tribal court is part of a deeply entrenched community. Now, being a part of the community with a history and a shared culture unlike anywhere else – because they're specifically unique to each tribe. And that adds another dimension to the court and child welfare staff and their commitment to executing the law, passing decisions, and supporting families.

[00:34:01]: See, the feeling that I gathered from these conversations is that many times we may think of a community as our neighbors - we share experiences, some history, maybe root for the same teams, and we want to be there for each other. But for these tribes, community means more. The connection that the tribal courts have to their community involves family, involves culture and a tradition that extends back more than generations, but centuries.

[00:34:32]: Now, we'll put up some additional resources regarding working with tribal families, ICWA, along with information to support child welfare and family court partnerships all on this episode's web page. And you can find it on the Children's Bureau's web site – that's www.acf.hhs.gov/cb, just search podcasts. While you're there, check out the other episodes featuring the work of Tribal Court Improvement Program grantees – they were gracious with their time and sharing their experiences and feelings with us. So, my thanks to all of them for their participation in putting all of these episodes together with us. And as always, thank you for listening to the Child Welfare Information Gateway podcast. I'm Tom Oates – have a great day!

FEMALE NARRATOR [00:35:19]: Thanks for joining us for this edition of the Child Welfare Information Gateway podcast. Child Welfare Information Gateway is available at www.childwelfare.gov and is a service of the Children's Bureau, U.S. Department of Health and Human Services Administration for

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