



INTERNATIONAL INDIGENOUS CHILDREN AND FAMILY SERVICES
EDUCATION AND PROTECTION

Foundational Documents

Focusing on Indigenous Rights and Legal Protections

Indigenous communities across the globe, including within the United States, face unique challenges in accessing legal protection, family services, and representation. Many Indigenous peoples, particularly those in marginalized communities, are often deprived of basic rights and support systems, leading to systemic inequities.

IICFS seeks to address these issues by focusing on the following areas:

1. Advocacy for Indigenous Legal Rights

Indigenous peoples are often excluded from the full benefits of legal representation, which can have devastating effects on their families and communities. IICFS, in partnership with the Louisiana Choctaw Turtle Tribe and other tribal nations, advocates for the protection and enforcement of Indigenous rights. We promote legal reforms and policies that ensure Indigenous peoples have access to fair legal representation, particularly in areas involving child welfare, family reunification, and land rights.

2. Training and Education on Indigenous Laws and Rights

A core part of IICFS's mission is educating Indigenous communities about their legal rights. Through targeted **training programs** for tribal members and families, we aim to increase awareness of the laws that affect Indigenous peoples, including those related to child welfare, land sovereignty, and social services. Empowering our communities with this knowledge helps ensure that future generations are equipped to advocate for themselves and their people.

3. Family Services and Preservation of Indigenous Culture

IICFS is committed to providing culturally sensitive family services that align with Indigenous traditions and values. By focusing on **family preservation**, we work to strengthen families and

prevent unnecessary separations that can lead to the loss of cultural identity. Family services include mental health support, family reunification programs, and counseling, all provided within a framework that honors Indigenous customs and languages.

U.S. Laws and Indigenous Rights in Family Services and Legal Representation

Several key U.S. laws are essential in understanding and protecting the rights of Native Americans and Indigenous peoples, particularly in the areas of family services and legal representation:

Indian Child Welfare Act (ICWA)

The **Indian Child Welfare Act (ICWA)** of 1978 is a landmark U.S. law that seeks to protect the best interests of Native American children by keeping them connected to their tribes and families. The act prioritizes placing Native children in foster or adoptive homes within their tribe, rather than separating them from their cultural heritage. It also gives tribes jurisdiction over child custody cases involving their members, protecting children from being removed from their tribal communities without due process.

ICWA is a crucial tool for preventing the cultural erosion that comes from placing Native children in non-Native environments. IICFS advocates for the full enforcement of ICWA and works to educate Indigenous families about their rights under the law.

Tribal Law and Order Act (TLOA)

The **Tribal Law and Order Act (TLOA)** of 2010 strengthens tribal authority over criminal justice systems on Native lands and expands the ability of tribal courts to prosecute non-Indigenous offenders in certain cases. It also aims to improve tribal access to law enforcement and justice resources. By promoting the autonomy of tribal courts, this act supports Indigenous communities in protecting their members and delivering fair justice, particularly in cases involving family and child welfare.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

While not a U.S. law, the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** is a global framework for addressing the rights of Indigenous peoples. Adopted by the United Nations in 2007, UNDRIP affirms the rights of Indigenous peoples to maintain and strengthen their cultures, languages, and institutions and to participate in decision-making processes that affect them. It also calls for the prevention of forced assimilation and the right of Indigenous peoples to self-determination.

IICFS embraces UNDRIP's principles in its work, advocating for Indigenous peoples' rights both domestically and internationally, ensuring that the rights of children and families are prioritized in policy-making and law enforcement.

Future Goals with IICFS:

- **Expanding Legal Representation:** We will develop programs aimed at providing free or low-cost legal services to Indigenous families, particularly those involved in custody or adoption cases under the Indian Child Welfare Act (ICWA).
- **Building Global Partnerships:** IICFS will work to form global partnerships with other Indigenous organizations and legal advocacy groups, sharing resources and knowledge to uplift Indigenous peoples across borders.
- **Establishing Education Programs:** We will create formal educational programs to train Indigenous families and leaders about their legal rights under ICWA, TLOA, and UNDRIP, ensuring that communities have the tools needed to protect their children and heritage.
- **Cultural and Family Empowerment Initiatives:** IICFS will continue to focus on providing family services that are culturally respectful, ensuring Indigenous children are raised with strong ties to their communities, language, and culture, thus preventing the loss of cultural identity.

Through the work of **International Indigenous Child and Family Services (IICFS)**, we are making strides to protect and elevate Indigenous voices that have long been silenced. By promoting access to legal representation, enforcing critical laws like ICWA, and educating tribal members on their rights, we stand committed to securing a future where Indigenous children and families are not only protected but empowered to thrive with dignity and pride in their heritage. Together, with the Louisiana Choctaw Turtle Tribe and other Indigenous communities, we are shaping a world where Indigenous rights are honored and upheld both within and outside the borders of the United States.

Making IICFS (International Indigenous Child and Family Services) Work:

A Strategic Plan

To ensure the success and effectiveness of IICFS, it is critical to establish a strong foundation, clear goals, and sustainable strategies. This includes building partnerships, securing funding, educating communities, and creating robust service programs that align with Indigenous values and address the legal and cultural needs of Indigenous children and families. Below is a step-by-step plan to make IICFS work.

1. Establish a Strong Leadership Structure

- **Board of Directors:** We have formed a diverse board with Indigenous leaders, legal experts, social workers, and advocates who are passionate about Indigenous rights and family welfare. This board oversees the strategic direction of IICFS and ensure it aligns with the needs of the communities it serves.
- **Executive Team:** Including a dedicated executive team with experience in social services, Indigenous rights, family law, and nonprofit management. The executive team handles day-to-day operations, fundraising, and partnerships.

3. Develop Key Programs

IICFS is implementing a range of programs that address the legal, educational, and social service needs of Indigenous children and families:

- **Legal Support Programs:**
 - Provide **legal representation** for Indigenous families involved in custody battles, adoption processes, and family separations, ensuring enforcement of **ICWA** and other protective laws.
 - Offer **pro bono legal services** for Indigenous families facing discrimination or human rights violations, especially in child custody and family court matters.
 - Develop **training programs for lawyers** and social workers that focus on Indigenous rights and family law.
- **Culturally Sensitive Family Services:**
 - Create programs focused on **family preservation**, including culturally informed counseling, parental guidance, and support for families in crisis.
 - Establish **child welfare services** to ensure that children in Indigenous communities are placed in homes that reflect their cultural heritage, in accordance with ICWA and tribal traditions.
 - Provide **mental health services** that incorporate Indigenous healing practices, helping families and children deal with trauma, loss, and identity issues.
- **Education and Training for Communities:**
 - Launch an **Indigenous Rights and Law Education Program** that teaches tribal members, families, and leaders about their legal rights under U.S. laws like **ICWA** and **TLOA**, as well as international protections under **UNDRIP**.
 - Partner with schools and community organizations to provide **cultural education programs** for Indigenous children, ensuring they remain connected to their language, customs, and heritage.
 - Develop **leadership training** for youth, preparing the next generation of Indigenous leaders to advocate for their rights, protect their communities, and maintain cultural continuity.

4. Build Strong Partnerships

- **Collaborate with Indigenous Tribes and Organizations:**
 - Partner with Indigenous nations and tribal governments, both within the U.S. and internationally, to ensure services are culturally relevant and aligned with local traditions.
 - Collaborate with organizations like the **National Indian Child Welfare Association (NICWA)**, the **United Nations Permanent Forum on Indigenous Issues (UNPFII)**, and other Indigenous rights groups to strengthen advocacy efforts.
- **Engage Local Communities:**
 - Establish **local advisory councils** made up of community elders, youth, and advocates. These councils will provide feedback on IICFS programs and help ensure that services meet the specific needs of their communities.
 - Partner with schools, health care providers, and social services agencies to extend services and ensure that Indigenous families have access to resources that address the full spectrum of their needs.

5. Advocate for Legal and Policy Changes

- **Raise Awareness and Influence Policy:**
 - Engage in **advocacy campaigns** that raise awareness about Indigenous rights, particularly those related to child welfare, legal representation, and the enforcement of ICWA.
 - Work with lawmakers, policymakers, and legal institutions to **strengthen existing laws** and pass new legislation that protects Indigenous families and children. Advocate for stricter enforcement of ICWA and push for reforms that empower tribal courts to take greater control of family matters.
- **International Advocacy:**
 - Utilize **UNDRIP** and other international human rights instruments to advocate for Indigenous children and families on a global scale. Develop partnerships with other Indigenous organizations across borders to present a unified front on Indigenous rights at the international level.
 - Attend international conferences and participate in forums such as the **UN Permanent Forum on Indigenous Issues** to promote IICFS's work and ensure that Indigenous families globally are supported and protected.

6. Measure Impact and Improve Continuously

- **Data Collection and Research:**
 - Collect data on the effectiveness of IICFS programs to measure their impact on the communities served. Use this data to adjust programs, ensuring they are meeting the needs of Indigenous children and families.

- Collaborate with academic institutions to conduct **research on Indigenous family services** and the outcomes of legal interventions, using findings to inform future strategies.

Feedback Loops with Tribal Communities:

- Implement a system for receiving **continuous feedback from tribal members** and communities to ensure services remain relevant, effective, and culturally appropriate.
- Create **community review boards** that evaluate programs and provide guidance for improvement based on the needs of Indigenous families.

7. Expand Public Awareness and Communication

- **Public Education Campaigns:**
 - Launch campaigns to educate the public about the importance of Indigenous rights and the services provided by IICFS. These campaigns should highlight success stories, the need for strong legal protections, and the role of culture in preserving Indigenous identities.
- **Media and Storytelling:**
 - Use social media, documentaries, and other platforms to share the stories of Indigenous families and children. This creates awareness about the challenges they face and the importance of IICFS's work.
 - Publish reports and advocacy papers to influence public opinion and policy on Indigenous family rights.

Making IICFS work requires a comprehensive, community-driven approach that combines legal advocacy, education, family services, and strong partnerships. By securing funding, building programs grounded in Indigenous values, advocating for policy changes, and empowering communities with knowledge, IICFS can become a leading organization in the protection and empowerment of Indigenous children and families. Success will be defined by the ability to uplift Indigenous voices, protect their rights, and ensure that future generations thrive with a strong sense of cultural identity and legal protection.

Governance and Enforcement of the International Indigenous Child and Family Services (IICFS)

The **International Indigenous Child and Family Services (IICFS)** is governed and enforced through a comprehensive system that integrates **international law, tribal sovereignty, and national legal frameworks**. The creation of the **International Indigenous Tribunal (IIT)** is

central to this process, as it serves as the legal body that upholds and enforces the rights and welfare of Indigenous children, families, and communities. Below is an overview of how IICFS enforces and governs its mission, along with the role of IIT.

1. Founding of the International Indigenous Tribunal (IIT)

- The **IIT** was established as an independent judicial body to address violations of Indigenous rights. Recognized both within the United States and globally, the IIT was founded to adjudicate cases specifically related to Indigenous peoples, including disputes involving child welfare, family rights, and cultural preservation.
- The **IIT** operates under the principles of international law, drawing heavily from key frameworks such as the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** and the **American Declaration on the Rights of Indigenous Peoples (ANDRIP)**, which both affirm the rights of Indigenous communities to self-governance, legal protection, and cultural survival.

2. IICFS Mission: Protection of Indigenous Child and Family Rights

The **mission** of IICFS is to advocate for and ensure the protection of Indigenous children and families, both within and beyond the borders of the United States. This includes:

- **Providing legal representation and advocacy** for Indigenous children and families in matters related to family welfare, child custody, adoption, and cultural preservation.
- **Enforcing rights under existing laws**, such as the **Indian Child Welfare Act (ICWA)**, while integrating international human rights standards.
- **Offering education and training** to Indigenous families and communities about their rights under domestic and international law.

3. How IICFS Enforces and Governs

a. Legal Framework and Recognition of IIT Rulings

The **IICFS** works in close coordination with the **IIT**, which serves as the final legal authority to resolve disputes involving Indigenous children and families. IIT rulings are based on:

- **Tribal Sovereignty:** Recognized by U.S. law, tribal courts exercise jurisdiction over matters involving Indigenous peoples. In cases where tribal courts are unable to provide sufficient protection, or where cross-border legal issues arise, IICFS refers cases to the IIT.
- **U.S. Federal Law:** Laws such as the **Indian Child Welfare Act (ICWA)** provide federal protections to Native American children and families, ensuring that child custody decisions respect tribal sovereignty and cultural identity. The IIT works to enforce these laws when violations occur.
- **International Law:** Through frameworks such as **UNDRIP**, **ANDRIP**, and **ILO Convention 169**, IICFS advocates for Indigenous child and family rights at the

international level, providing a platform for addressing violations that occur outside of national borders.

b. Training and Education

To ensure long-term effectiveness, IICFS is committed to educating Indigenous communities about their rights and legal protections. This includes:

- **Legal Education for Indigenous Families:** IICFS offers training programs that educate Indigenous families about their rights under **ICWA** and international frameworks like **UNDRIP**. Families are empowered to defend their rights within the legal system.
- **Training for Legal Professionals:** IICFS collaborates with lawyers, judges, and social workers to provide specialized training on Indigenous rights and how to apply the rulings of the IIT in family and child welfare cases.

c. Collaboration with Tribal and National Courts

IICFS enforces its mission by working alongside:

- **Tribal Courts:** Tribal legal systems maintain jurisdiction over family and child welfare cases. IICFS provides support and legal expertise to tribal courts, ensuring that Indigenous law and cultural practices are respected.
- **National Courts:** When national or state courts handle cases involving Indigenous families, IICFS ensures that federal protections, such as **ICWA**, are upheld, and IIT rulings are recognized as binding.

d. Use of the IIT for Dispute Resolution

IICFS refers cases involving violations of Indigenous family rights to the **IIT**, which provides an independent forum for legal redress. IIT's decisions are enforced through:

- **Tribal Law:** Tribal nations, as sovereign entities, are empowered to enforce IIT rulings within their territories.
- **International Human Rights Mechanisms:** When national governments fail to enforce IIT decisions, IICFS and IIT work with international human rights bodies, such as the **United Nations Human Rights Council**, to apply pressure for compliance.

e. Global Reach of IICFS and IIT

IICFS also operates across borders, advocating for the rights of Indigenous communities in countries where legal protections may be insufficient. This is made possible through:

- **International Partnerships:** IICFS collaborates with human rights organizations, NGOs, and Indigenous advocacy groups globally to support Indigenous children and families.

- **Use of International Law:** IICFS leverages international human rights law to hold countries accountable to the standards set by **UNDRIP**, **ANDRIP**, and other legal frameworks.

4. Laws and Policies Governing IICFS

Several laws and policies shape the enforcement mechanisms of IICFS and its partnership with IIT:

a. Indian Child Welfare Act (ICWA)

- **ICWA (1978)** ensures that Native American children are placed in homes that respect their tribal affiliation and cultural heritage in foster care, adoption, and custody cases. It grants tribes exclusive jurisdiction in such matters, which is enforced through both tribal and federal courts.
- IICFS, through IIT, helps to address violations of ICWA and ensures that Native American families and tribes are respected in legal processes.

b. UNDRIP and ANDRIP

- **UNDRIP (2007)** and **ANDRIP (2016)** provide international recognition of Indigenous peoples' rights, including the rights of Indigenous families and children. IICFS uses these frameworks to advocate for Indigenous families on a global scale.
- **Article 22 of UNDRIP** specifically calls for special measures to protect Indigenous women and children, which is central to the mission of IICFS.

c. ILO Convention 169

- **ILO Convention 169** is a legally binding international treaty that mandates the protection of Indigenous peoples' rights, including family and cultural rights. Countries that are signatories to this treaty are legally required to protect Indigenous children and families in line with these standards.

5. Enforcement of IICFS's Work through IIT

a. Binding Nature of IIT Rulings

The IIT provides legally binding rulings on cases brought to it by IICFS, with enforcement mechanisms that include:

- **Enforcement by Tribal Courts:** Tribal courts, as sovereign entities, have the authority to enforce IIT decisions in accordance with their own legal systems.

- **International Enforcement:** IICFS can appeal to international bodies such as the **UN Human Rights Council** or **International Court of Justice (ICJ)** if countries fail to comply with IIT rulings.

b. Diplomatic Pressure and Advocacy

If governments or corporations refuse to comply with IIT rulings, IICFS and the IIT can work with **human rights organizations** to apply diplomatic pressure. This includes advocacy campaigns, international media attention, and collaboration with NGOs to hold states accountable.

The **International Indigenous Child and Family Services (IICFS)** is governed through a combination of international, national, and tribal laws, with the **International Indigenous Tribunal (IIT)** providing the enforcement mechanism. By working with tribal courts, national courts, and international human rights bodies, IICFS ensures that the rights of Indigenous children and families are protected and enforced. Through education, advocacy, and legal intervention, IICFS supports Indigenous communities in securing justice and preserving their cultural heritage.

Governance and Enforcement of the International Indigenous Tribunal (IIT) in Accordance with International and U.S. Laws, UNDRIP, and ANDRIP

Now that the **International Indigenous Tribunal (IIT)** has been established and is recognized as a valid legal body both within the United States and internationally, its operations will be governed and enforced through a combination of national and international laws. The **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** and the **American Declaration on the Rights of Indigenous Peoples (ANDRIP)** provide foundational frameworks for the tribunal's authority and enforcement mechanisms.

1. Foundational Legal Framework: UNDRIP and ANDRIP

b. ANDRIP (American Declaration on the Rights of Indigenous Peoples)

- **Adopted by the Organization of American States (OAS) in 2016**, ANDRIP provides similar protections for Indigenous peoples in the Americas. It complements UNDRIP and strengthens the IIT's standing in the context of the Western Hemisphere.
- **Key provisions of ANDRIP relevant to the IIT:**
 - **Article XXV (Judicial Protection):** Indigenous peoples have the right to fair and impartial judicial proceedings for the protection of their individual and collective rights.
 - **Article XXIV (Indigenous Jurisdiction):** Indigenous peoples have the right to maintain their own legal systems and institutions, which the state must respect

and recognize. This is key in establishing the IIT as a recognized legal body with its own judicial authority.

These declarations work in tandem to support the IIT's legal foundation and mandate for adjudicating cases related to Indigenous rights globally and across the Americas.

2. U.S. Legal Framework and Recognition of the IIT

a. Indian Child Welfare Act (ICWA)

- The **Indian Child Welfare Act of 1978** provides U.S. federal legal protection for Native American children, ensuring that child welfare and custody cases are handled in accordance with tribal sovereignty and cultural preservation. ICWA empowers tribal courts to handle cases involving Native American children, particularly in adoption and foster care.
- **How it relates to the IIT:** The IIT can operate alongside tribal courts and the provisions of ICWA, providing a higher-level legal forum for cases that involve violations of ICWA or other U.S. laws that protect Indigenous families. In the event of disputes between U.S. state courts and tribal courts, the IIT could serve as a **final appellate body**, ensuring that the rights outlined in ICWA are respected.

b. Recognition of Tribal Sovereignty in U.S. Law

- **Tribal sovereignty** is a core principle in U.S. law, upheld through a series of legal precedents that affirm the autonomy of Native American nations to govern their own people, land, and legal affairs. This is critical for the IIT's recognition as a valid body within the U.S.
- The U.S. Supreme Court, in cases such as **Worcester v. Georgia (1832)**, has ruled that tribes are distinct political entities with sovereign authority, including over legal matters.
- **How it relates to the IIT:** The IIT's rulings on issues involving Indigenous people within the U.S. are consistent with tribal sovereignty principles. Tribal courts may choose to refer complex international or cross-border cases to the IIT, and the IIT's decisions will be respected by U.S. federal and state courts as long as they do not conflict with national sovereignty or federal law.

c. Treaty Obligations and Federal Indian Law

- U.S. federal law is bound by the hundreds of treaties made with Native American tribes, many of which explicitly protect Indigenous land, culture, and autonomy. These treaties remain legally binding under the **Supremacy Clause** of the U.S. Constitution.
- **How it relates to the IIT:** The IIT could be invoked in cases where the U.S. government fails to uphold treaty obligations, providing Indigenous peoples with a mechanism to seek redress for treaty violations in a global forum.

3. Global Recognition and Enforcement Mechanisms

a. International Court of Justice (ICJ) and Human Rights Bodies

- The **International Court of Justice** and various **UN human rights bodies** serve as enforcement mechanisms for rulings made by international tribunals. While the IIT operates independently, it can collaborate with these global legal entities for enforcement, particularly when states refuse to comply with tribunal rulings.
- **UN Human Rights Council:** The IIT can refer cases to the Human Rights Council, particularly when states violate Indigenous rights recognized under international law.
- **How it relates to the IIT:** If a nation (such as the U.S.) fails to enforce IIT rulings, Indigenous nations can appeal to the ICJ or the Human Rights Council for international pressure and legal enforcement.

b. International Law and Binding Agreements

- **UNDRIP and ANDRIP** provide moral and legal legitimacy, but they are non-binding declarations. However, the **International Labour Organization (ILO) Convention 169** on Indigenous and Tribal Peoples is a legally binding international treaty, which provides further backing for the IIT.
- **How it relates to the IIT:** Nations that are signatories to ILO Convention 169 must uphold Indigenous rights, and the IIT can use this treaty as a legal basis for rulings, particularly in countries that recognize the convention.

4. Enforcement of IIT Rulings within the U.S. and Globally

a. Binding Nature of IIT Rulings

- The IIT operates as an **independent tribunal**, but its rulings are recognized both within the U.S. and internationally through the following mechanisms:
 - **Recognition in National Law:** Countries, including the U.S., may recognize the IIT as an international legal body through legislative or treaty-based agreements. This provides a legal framework for enforcing its decisions within national borders.
 - **Collaborative Enforcement:** The IIT works closely with national courts (both state and federal in the U.S.), tribal courts, and international human rights organizations to ensure that its decisions are upheld. Tribal courts can enforce IIT rulings under the principles of sovereignty, and federal courts can respect these rulings through their partnership with tribal legal systems.

b. Use of International Human Rights Law

- The IIT uses **international human rights law** as a tool for enforcement. By referring to globally accepted human rights principles, the tribunal's rulings carry significant weight, making non-compliance difficult for governments that have committed to UN treaties or declarations like UNDRIP and ANDRIP.

c. Public Pressure and Diplomatic Sanctions

- When governments or corporations refuse to comply with IIT rulings, the tribunal can invoke **diplomatic pressure** and work with global human rights organizations to apply sanctions or reputational damage. This includes using media campaigns, international advocacy, and economic measures to encourage compliance.

The **International Indigenous Tribunal (IIT)**, operating within the frameworks of **UNDRIP**, **ANDRIP**, and applicable U.S. laws and international laws for other countries, IIT functions as a recognized legal body for the protection and enforcement of Indigenous rights. Through a combination of tribal sovereignty, international law, and national legal systems, the tribunal's rulings are binding and enforceable, ensuring justice for Indigenous peoples both within the United States and globally. Its role as a guardian of Indigenous rights allows it to adjudicate complex cases of family welfare, land rights, and cultural preservation, while its partnership with international organizations strengthens its capacity for global enforcement.