

Customary Adoption Fact Sheet

For Tribal ICWA Social Workers

When does AB 1325 Apply?

A: When a tribe has decided to intervene on an ICWA dependency case and determined that customary adoption is in the best interest of the child.

What is the timeline?

A: In a dependency case if the Indian child cannot be reunified with the birth parents, the tribe can identify Customary Adoption as the preferred permanent plan. The court then continues the case for 120 days, giving the tribe time to complete the tribal adoption and the Tribal Customary Adoption Order (TCAO), which establishes the rights and responsibilities of the parties.

How do I prepare for a Customary Adoption?

A: Ensure proper inquiry and noticing, document all your active efforts, and stay informed. If you have an active case with an Indian child, be aware that the child's tribe may choose to customary adoption as a plan for permanency, but that this may not terminate the parental rights to the child.

How can I ensure the tribe(s) I work with is informed about Customary Adoption?

A: Make sure your tribal council members, especially those who have an active interest in ICWA and youth services, have the latest information about Customary Adoption. Make an effort to inform them of on-going conferences and training opportunities that address customary adoption.

How do I implement a Customary Adoption?

A: Be sure to document all your efforts throughout the process and maintain clear communication with the appropriate ICWA designated agent, the ICWA worker, tribal representative, and tribe. Additionally, be certain that your supervisor and manager are aware of any changes and advances in your case.

What forms must I have prepared for a Customary Adoption?

A: All the standard forms associated with a dependency case with an adoption hearing. These forms have been revised to reflect Customary Adoption as an option. The TCAO (Tribal Customary Adoption Order) will be completed by the tribe or its designee.

What parties are involved?

A: The Tribe of the Child, or the Tribal Courts; The Dependency Court;

What role(s) does the tribe(s) have in Customary Adoption?

A: The Tribes have the authority to intervene on the case. The Tribes typically work through their ICWA (Indian Child Welfare Act) designated agent.

Where and when can I receive more training about Customary Adoption?

A: There are a number of upcoming conferences and training opportunities.