



Active Efforts

- Active Efforts are intended to prevent removal of the child or children from their family. This is the remedial aspect of ICWA.
- Active Efforts are required to build trust and overcome generations of mistrust in government agencies.
- Active Efforts begin with first contact with the Agency, and continue throughout the life of the case.
- Active Efforts are not provided only to the parents or Indian custodian, but also to the Child.
- It is the responsibility of the Agency to provide Active Efforts to the families, and they must be done in collaboration with the child, the family/Indian custodian and the Tribe.

Placement

- Place with family/extended family; extended family is defined by tribal law or custom.
- Work with Tribal ICWA worker to identify placement options.
- If a preferred placement is not available, place with a caregiver who is 1) willing to promote family, cultural and tribal connections and 2) to which the tribe does not object.
- Qualified Expert Witness (QEW) testimony is meant to diminish bias in decision-making.
- QEW testimony must show a causal relationship between the conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical harm to the child.

Inquiry

- State, rather than ask, "If you are Native American or Alaska Native, or if you believe you may be affiliated with a Tribe, additional services may be available to you."
- Treat all children as an "Indian Child" unless and until the Court finds otherwise on the record.
- Be sure to exhaust all lines of inquiry– meaning, even if one parent identifies as Native American, make sure to inquire of the other parent's heritage as well.
- Make sure to complete all ICWA forms, including the ICWA 030 form. The information in the form is used to provide notice to Tribes and other parties. Incomplete forms make it difficult to provide notice and make it difficult for Tribes to make membership/citizenship determinations.

