

ICWA at a Glance

ALWAYS

- **CONSULT** with tribe early and throughout the case.
- **FOLLOW THE SPIRIT OF ICWA** if the child is a Native American child but the case is not an ICWA case OR if you are not sure it is an ICWA case,
- **DOCUMENT** everything clearly and objectively. ICWA forms must be completed, even if the answer is “information not available.” Document all of your efforts on the case, especially with regard to inquiry, notice, active efforts and placement.
- **WHEN IN DOUBT, C.Y.A.:** Call your attorney.

INQUIRY AND NOTICE

- Disproportionality cannot be reduced if we do not identify each Indian child in our care.
- It is better to state “If you are American Indian/Alaska Native there may be additional services available to you,” than ask if they are Native American.
- Continue to make inquiry throughout the life of the case.
- Notice all tribes of which the child is a member or eligible to be a member.
- Check your county’s ICWA protocol.

ACTIVE EFFORTS

- Active efforts begin immediately if you have reason to believe the child is an Indian child.
- Active efforts are meant to help families believe in the process rather than become dependent.
- Active efforts are required to build trust and overcome generations of mistrust in government agencies.

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 caregiver who is 1) willing to promote family, cultural and tribal connections and 2) to which the tribe does not object.

CONCURRENT PLANNING

- Early and meaningful consultation is the key to successful partnerships with tribes
- Remember to inform family and tribe of tribal customary adoption as an option early in the case
- TCA may only be chosen by the tribe; the TCA order is issued only by the tribe

QUALIFIED EXPERT WITNESS

- Insist that the qualified expert witness make efforts to speak with the parents and tribal social worker or advocate.
- Document all of your efforts related to inquiry, notice, active efforts and placement.
- Work with the child’s tribe to identify a qualified expert witness.