




Schedule for the day

Activity
Welcome & Introductions
Importance of ICWA
Tribal Sovereignty
Reason to Know
Active Efforts
Wrap-Up and Closing



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Learning Objectives

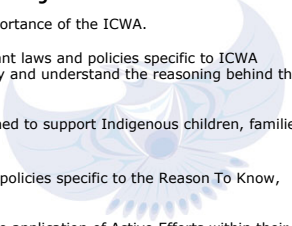
VO1: Describe the reason for, role and importance of the ICWA.

KO1: Increase their knowledge of all relevant laws and policies specific to ICWA especially as it applies to Tribal Sovereignty and understand the reasoning behind the changes.

KO2: Identify and locate procedures designed to support Indigenous children, families, and tribes.

KO3: Increase their knowledge of relevant policies specific to the Reason To Know, when ICWA and Active Efforts apply.

SO1: Identify at least 2 ways to support the application of Active Efforts within their program area.



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New ICW Policies roll out July 1, 2024

As part of DCYF's ongoing commitment to honoring Tribal Sovereignty and strengthening the collaborative relationship between Tribes and DCYF, Indian Child Welfare (ICW) Policies and Procedures Manual, DCYF ICW forms, and ICW trainings have been revised. These revisions are intended to strengthen practice in alignment with the federal and state Indian Child Welfare Acts.

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Tribal Relations

- Introduction
- Indian Child Welfare
 - Tribal/State Memoranda of Agreement
 - Resources
- Juvenile Rehabilitation
 - John McCoy (Iulias) Since Time Immemorial Early Learning Curriculum
 - Indian Policy Early Learning Committee
 - Training

Indian Child Welfare

Services are provided to Indian children, consistent with the federal Indian Child Welfare Act (ICWA) and Washington State Indian Child Welfare Act, in the areas of child protective services, foster care, dependency guardianship, termination of parental rights, and adoption proceedings.

In addition to direct services provided by the administration, additional services are funded through contracts with federally recognized Indian Tribes and other Indian organizations in the state enabling providers to serve their own Tribal members and off-reservation Indians.

DCYF monitors and provides technical assistance to its own staff and contracted Tribes and agencies on compliance with federal and state requirements related to the care of Indian children.

ICW Policy Revision

DCYF is committed to honoring the government-to-government relationship with federally recognized tribes. As part of our ongoing commitment, DCYF is revising the Indian Child Welfare (ICW) Policies and Procedures Manual, DCYF ICW forms, and ICW trainings to strengthen

Contact

- Robert Smith, Program Manager
- Native American Inquiry
- ICW Legal
- Heidi Walker, Program Manager
- L.J. Adkinson, ICW Consultant, Region 1
- Billie Patterson, ICW Consultant, Region 2
- Betsy Tulee, ICW Consultant, Region 3
- Gabriela Saenz, ICW Consultant, Region 4
- Kelly Linscott, ICW Consultant, Region 5
- Antonia Bancroft, ICW Consultant, Region 6

Training

contracted Tribes and agencies on compliance with federal and state requirements related to the care of Indian children.

ICW Policy Revision

DCYF is committed to honoring the government-to-government relationship with federally recognized tribes. As part of our ongoing commitment, DCYF is revising the Indian Child Welfare (ICW) Policies and Procedures Manual, DCYF ICW forms, and ICW trainings to strengthen practice in alignment with the federal and state Indian Child Welfare Acts.

Important Documents:

- Draft ICW Policies (download zip file) - Effective July 1, 2024
- Active Efforts for ICWA Infographic

Contact

Department of Children, Youth, and Families

RESOURCES

- Indian Child Welfare Policies and Procedures
- DSHS Secretary's List of Crimes and Negative Actions for Use by Children's Administration
- Federal Indian Child Welfare Act
- Washington State Indian Child Welfare Act

What's NEW and What's CHANGED?



....and how does it affect me?

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The Nialla/Sullivan Family



Parent: Mary Nialla DOB: 5/6/1995
Parent: Frank Sullivan DOB: 8/9/1993
Child: Billy Sullivan DOB: 6/5/2014

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DCYF ICW Policy Roll Out – Sovereignty

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Policy: Introduction

Department of Children, Youth, and Families (DCYF) is dedicated to protecting the best interests of Indian children, their families, and tribes. To accomplish this, child welfare and Licensing Division (LD) employees, volunteers, interns, and work study students must attempt to verify a child's membership status as soon as possible, beginning at intake and throughout the life of a case unless it's determined by the court that the child is not an Indian child and ICWA/WICWA do not apply.

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2.60 Definitions

A copy is available on each table. Take 5 minutes to review the definitions.



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Best Interest of Indian Children

Sovereignty Lens:

- Acknowledge the right of Indian tribes to maintain their existence and integrity which will promote the stability and security of their children and families.
- Recognize the value to the Indian child of establishing, developing, or maintaining a political, cultural, social, and spiritual relationship with the Indian child's tribe and tribal community.

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Indian Children

RCW 13.38.040(7)
(12)

25 USC Ch. 21: § 1903
(4)

eCFR :: 25 CFR 23.2

means any unmarried and unemancipated persons who are under age eighteen and are, as determined by the Indian child's tribe, one of the following:

- Members of an Indian tribe.
- Eligible for membership in an Indian tribe.

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Tribal Sovereignty

...means that a tribal government has the power to make and enforce laws, and to establish courts and other forums for resolution of disputes. The sovereignty that American Indian Tribes possess is inherent and existed before the founding of the United States.

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Government-to-Government Relationship

Chapter 43.376 RCW

...means the recognition of, and respect for, the sovereign status of Washington state and the inherent sovereign status of federally recognized Indian tribes. This relationship enhances and improves communications between the two governments and facilitates the resolution of issues.

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Tribal-State Memoranda of Agreement (MOA)



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Tribal Relations

Tribal/State Memoranda of Agreement

The MOU/MOAs clarify roles and responsibilities to enhance coordination and cooperation between the Tribal governments of Washington State federally recognized Tribes and DCYF in providing child welfare services to Indian children. MOU/MOAs that have been reviewed (and updated) since 2010 are posted below. If you do not see an MOU/MOA posted for a Tribe please check with your regional ICW Program Consultant or contact the Headquarters ICW program.

Contact

- Robert Smith, Program Manager
- Native American Inquiry
- ICW Legal
- Heidi Walker, Program Manager
- L.J. Adkinson, ICW Consultant, Region 1
- Billie Patterson, ICW Consultant, Region 2
- Betsy Tulea, ICW Consultant, Region 3
- Gabriela Seentz, ICW Consultant, Region 4
- Judy Linscott, ICW Consultant, Region 5
- Antonia Bancroft, ICW Consultant, Region 6

- Cowlitz Indian Tribe Agreement
- Jamestown S'Klallam Tribe Agreement
- Kalispel Tribe of Indians Agreement
- Lummi Nation Agreement
- Makah Tribe Agreement
- Nisqually Tribe Agreement
- Port Gamble S'Klallam Tribe Agreement
- Quinault Indian Nation Agreement
- Samish Indian Nation Agreement
- Shoalwater Bay Tribe Agreement
- Snoqualmie Indian Tribe Agreement
- Silligamish Tribe of Indians Agreement
- Suquamish Indian Tribe Agreement
- Tulalip Tribes of Washington Agreement

Reason to Know



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Reason to Know Children Are or May Be Indian applies when children

- Are or may:
 - Be a citizen or a member of a federally recognized tribe as identified by that tribe.
 - Be eligible for citizenship or membership in a federally recognized tribe.
 - **Have tribal heritage or Indian ancestry in a federally recognized tribe or there is an indication of it.**

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Tribal Heritage or Indian Ancestry:

means an individual has American Indian or Alaska Native affiliation, heritage, ancestry, descendency, or lineage; or identifies their race or ethnicity as being American Indian or Alaska Native.



This is different from being a member or citizen of a Tribe.

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Reason to Know Children Are or May Be Indian applies when children

- Tribal affiliation, heritage, ancestry, descendency, or lineage. The name of the tribe is not necessary.
- Been a ward of a tribal court.
- Previously accessed services at a tribal clinic or Indian Health Board/Service clinic or Indian boarding school.
- Is domiciled or a resident on a reservation or Alaska Native village.
- Is affiliated with an Alaska Native Corporation

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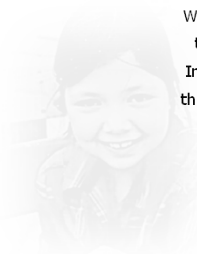
Reason to Know

Caseworkers must:
 Determine if there is reason to know the child is or may be either:

- A. A citizen or a member of a federally recognized tribe as identified by that tribe.
- B. Eligible for citizenship or membership in a federally recognized tribe.
- C. Has or there is an indication they have tribal heritage or Indian ancestry in a federally recognized tribe or there is an indication of it.

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Reason to Know




When there is reason to know then ICWA applies to the case and caseworkers must treat children as Indian children unless/until the court indicates that they do not meet the definition of an Indian child as determined by the tribe(s).

THIS IS TRUE EVEN WHEN, IN A PREVIOUS DEPENDENCY, A COURT HAS RULED THAT THE CHILD IS NOT AN INDIAN CHILD!

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Chapter 13. Reason to Know (New)



Purpose: To provide guidance on how to identify when there is reason to know children are or may be Indian children.

<p>Highlights</p> <ul style="list-style-type: none"> • Provides guidance on when there is reason to know a child is an Indian child • Requires the child be treated as an Indian child when there is reason to know the child is or may be an Indian child • Describes the process for completing IIR form and gathering other relevant information about child by questioning the family about a child's tribal heritage • Indicates important times to ask or re-ask questions about a child's potential tribal heritage (SPM, Case Transfer Staffing, Prior to hearings) • Clarifies when inquiry and notice are required • Creates documentation requirements 	<p>TSW & Leadership Discussion</p> <ul style="list-style-type: none"> • Enrolling a child in their tribe prior to adoption • Verifying a child has their membership paperwork prior to adoptions
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Washington State Department of CHILDREN, YOUTH & FAMILIES



Reason to Know: Nialla/Sullivan Family

DCYF Receives an intake from school staff alleging physical abuse based on disclosure by Billy Sullivan.

Intake worker asked about Native American Ancestry. School staff respond with "I think they are, but I don't know what tribe, and I don't think they live on the reservation.

Now what?

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Updates/Changes

Reason To Know

Known Tribe

means when there is reason to know children have tribal heritage or Indian ancestry from either a:

- Specific tribe or tribes, e.g., Swinomish Indian Tribal Community, Pueblo of Acoma, Blue Lake Rancheria, Choctaw Nation, Native Village of Scammon Bay
- Tribal or cultural group, e.g., Lakota, Tlingit, Paiute, Yupik, Aleutian, Athabaskan

Unknown Tribe

means when there is reason to know a child has native ancestry or tribal heritage, but no specific tribe or tribes, have been identified after follow-up questioning.

This includes references to state or geographic regions.

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Indian Child's Tribe

(a) Indian tribes in which an Indian child is a member OR eligible for membership

OR

(b) in the case of an Indian child who is a member of, or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

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When there is reason to know a child is an Indian child, workers must comply with:

- The Federal and Washington State Indian Child Welfare Act (ICWA).
- [DCYF Indian Child Welfare policies and procedures.](#)
- Memoranda of Agreement (MOAs) between DCYF and federally recognized tribes,
- unless it's determined the child is not an Indian child and ICWA does not apply*

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Known Tribe/Unknown Tribe: Nialla/Sullivan Family

CPS worker met with Billy at school and later met with mother, Mary at the family home. When asked about Native Ancestry, Mary stated she didn't think she was, but her mom said they were. She also shared that that Frank is native, though she is not sure what tribe or whether he is a member. Mr. Sullivan was not present to confirm.

Now what?

The Alliance



Known Tribe: Nialla/Sullivan Family

Parent names, DOBs


His grandmother was Chickasaw from Oklahoma. Moved to Washington in the 1950's as a teenager.

Mr. Sullivan reported that his grandfather was native. He couldn't remember what tribe(s).

Thought there were a couple Washington state tribes, because his grandfather was able to fish and hunt at different times due to being a tribal citizen.

Now what?

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Known Tribe: Nialla/Sullivan Family

We have indications of Native American ancestry with:

Father: Frank Sullivan Jr.-
Maternal Grandmother was Chickasaw
Paternal Grandfather was Wa. State Tribe(s).

Mother: Mary Nialla-
Heritage indicated, unknown Tribe(s).

Now what?

The Alliance


Tribal Inquiry

Indian Child Welfare Act (ICWA) Notice



The Alliance

Chapter 14. Tribal Inquiry



Lisa Smith

Purpose: To provide guidance on the Tribal Inquiry process to verify whether children are recognized as Indian children and they and their families are involved in:

- Child Protective Services (CPS) Investigation
- CPS-Family Assessment Response (FAR)
- Family Voluntary Services (FVS)
- Family Reconciliation Services (FRS)


Highlights
 For cases with no court involvement, send a completed **Inquiry Referral DCYF 09-135 form** to the NAIR Unit within **10** calendar days of learning that there is reason to know that children are or may be Indian.

If additional information is learned about the family – email the NAIR unit within 4 calendar days. Information may include additional tribal affiliations, established paternity, changes in family constellation, etc. Do not add new information to the FAC directly. NAIR will update the FAC for you.

NAIR will conduct a familial search, finalize the FAC and send out **one** Tribal Inquiry to each identified federally recognized tribe. Caseworkers must continue efforts to collaborate with all Known Tribes.

Tribal partners rely on receiving the Tribal Inquiry as an indicator DCYF has an open referral involving a possible tribal child, in the event they are not contacted directly by the caseworker.

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Updates/Changes

Tribal Inquiry

Washington State Department of
CHILDREN, YOUTH & FAMILIES

Inquiry Referral

Referral Date:	Case Worker:
Case Name:	Case Number:

Required for completion of referral:

- ★ Indian Identity Request (DCYF 09-761) uploaded
- ★ Family Ancestry Chart (FAC) launched in FamLink for each child. Tribe(s) must be clearly entered on the FAC for each family member with identified Tribal heritage or Indian ancestry.

Child Name:	Date of Birth:
Mother:	Father: <input type="checkbox"/> Alleged
Child Name:	Date of Birth:
Mother:	Father: <input type="checkbox"/> Alleged
Child Name:	Date of Birth:
Mother:	Father: <input type="checkbox"/> Alleged
Child Name:	Date of Birth:
Mother:	Father: <input type="checkbox"/> Alleged
Child Name:	Date of Birth:
Mother:	Father: <input type="checkbox"/> Alleged

Tribal Affiliation

- ★ Identity of the Tribe unknown
- ★ No Tribal heritage or Indian ancestry


Father:	Date of Birth:
Tribal Affiliation:	<input type="checkbox"/> No Tribal heritage or Indian ancestry
Alleged Father:	Date of Birth:

Chapter 15. Indian Child Welfare Act (ICWA) Notice

ICWA Notice flowchart

Caseworker	ICW Legal Unit	AAG	Tribal Partner
Launch and prepare the following in FamLink: <ul style="list-style-type: none"> • Family Ancestry Chart DCYF 04-220 Send an ICWA Notice Referral DCYF 09-109 to the ICW Legal Unit to within: <ul style="list-style-type: none"> • Initial shelter care hearings. • Learning there is a new reason to know the child is or may be Indian children. Send an ICWA Notice Referral DCYF 09-109 to the ICW Legal Unit to within: <ul style="list-style-type: none"> • 14 calendar days of the filing of a petition for either: <ul style="list-style-type: none"> • Guardianship • Termination of parental rights 	Conduct familial searches, add any learned familial or tribal information to the FAC in FamLink. Launch and prepare the following in FamLink: <ul style="list-style-type: none"> • Tribal Response to ICWA Notice DCYF 09-538 for each federally recognized tribe, (specific to • Dependency, Guardianship, Termination) • Federally Recognized Tribes - ICW Legal coversheet DCYF 09-138 Email the following to the AAGs (cc caseworkers) to send out with ICWA Notice (BIAN) JU 03.0900. <ul style="list-style-type: none"> • Tribal Response to ICWA Notice DCYF 09-538 • Family Ancestry Chart DCYF 04-220 • Federally Recognized Tribes - ICW Legal coversheet DCYF 09-138 As applicable, launch and prepare in FamLink: Tribal Response to ICWA Notice DCYF 09-538 <ul style="list-style-type: none"> • 60-days after the hearings indicated in the ICWA Notice (BIAN) JU 03.0900 • 120-days after the hearings indicated in the ICWA Notice (BIAN) JU 03.0900 	Prepares and sends via certified mail: <ul style="list-style-type: none"> • ICWA Notice (BIAN) JU 03.0900 • Tribal Response to ICWA Notice DCYF 09-538 • Family Ancestry Chart DCYF 04-220 • Federally Recognized Tribes - ICW Legal coversheet DCYF 09-138 	Has opportunity to submit Tribal Response to ICWA Notice DCYF 09-538 online or sends copy to ICWR/ICWLegal@dcyf.wa.gov

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Updates/Changes

ICWA Notice

Washington State Department of CHILDREN, YOUTH & FAMILIES

ICWA Notice Referral Form

Referral Date:	
Case Worker:	Office:
Case Name:	Case Number:

Required for completion of referral:
 * Indian Identity Request (DCYF 09-781) uploaded.
 * Family Ancestry Chart (FAC) launched on Families for each child. Tribe(s) must be clearly entered on the FAC for each family member with identified ancestry.

Child Name:	Date of Birth:
Name of AAG:	County:
Legal Cause Number:	

Referral Type:

- Dependency
- Guardianship
- Termination

Mother:		Date of Birth:
<input type="checkbox"/> Tribal Affiliation		
<input type="checkbox"/> Unknown Tribe		
<input type="checkbox"/> No Tribal Ancestry Reported		
Father:		Date of Birth:
<input type="checkbox"/> Tribal Affiliation		
<input type="checkbox"/> Unknown Tribe		
<input type="checkbox"/> No Tribal Ancestry Reported		

Tribal Inquiry

Indian Child Welfare Act (ICWA) Notice to Tribes

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Verifying Native Ancestry:

Due Diligence

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Active and persistent efforts to fulfill the requirements of the Tribal Inquiry and ICWA Notice to Tribes policies, as applicable for:

Known Tribes

AND/OR

Unknown Tribes

Verifying Native Ancestry:
Due Diligence

- For Known Tribes:
- Identify and work with all the tribes of which there is reason to know the child may be a member or eligible for membership.
 - Verify whether the child is in fact a member or eligible for membership.
- For Unknown Tribes:
- Contact the Bureau of Indian Affairs office

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But nobody is responding!



This can, and does, happen sometimes...

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Revisiting the Nialla/Sullivan Family:



Chickasaw Tribe has responded to NAIR- Mr. Sullivan is eligible for membership as the Chickasaw Tribe criteria for membership is based on lineal descentance. The Tribe has verified Mr. Sullivan’s family relations.

Worker has also received information with the names of the Washington State Tribes that were previously unidentified, Colville Confederated Tribes and Samish.

Now what?

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Local Indian Child Welfare Advisory Committees (LICWAC)

Provides guidance on establishing, participating in, and collaborating with the Local Indian Child Welfare Advisory Committees (LICWACs).

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Impasse Procedures

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Intake (*updated)

Intake workers must contact known Tribes PRIOR to making screening decisions.

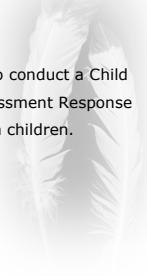
This includes federally recognized Tribes

- In state
- Out-of-state with MOA in place

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CPS: Investigations and FAR (*updated)

The purpose of this policy is to provide guidance on how to conduct a Child Protective Services (CPS) investigation or CPS Family Assessment Response (FAR) response when children are or may be Indian children.

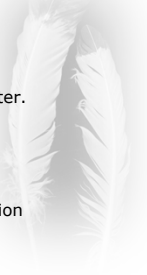


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CPS Investigations and CPS FAR

If involving a child...

- residing on Tribal land, request permission to enter.
- residing off reservation/Tribal lands, or on Tribal land and the Tribe is participating in the investigation, follow the MOA policy.
- placed in protective custody or dependency petition filed, contact the known Tribe and collaborate.



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Voluntary Placement Agreements (*new)

This new policy contains more guidance on the VPA requirements when there is reason to know children are, or may be, Indian children.



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Providing Confidential Records to Tribes



Updates/Changes


The Alliance

Active Efforts



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What are Active Efforts?



In order to comply with ICWA and WICWA, the Department has the burden to provide "active efforts" **that are—at a minimum—thorough, timely, consistent, and culturally appropriate.**

25 U.S.C. § 1912(d); 25 C.F.R. § 23.2; RCW 13.38.040(1)(a).
(emphasis added)

-State Supreme Court of Washington-
In re: Dependency of G.J.A., A.R.A., S.S.A., J.J.A., and V.A.

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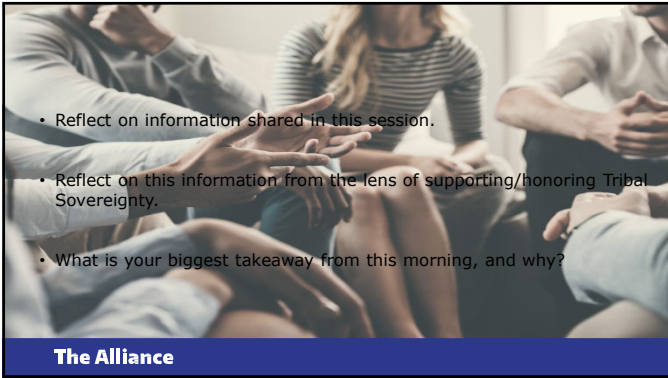
Active Efforts from a Tribal Sovereignty Perspective:

Small Group activity:

- Read Policy Section
- What "might" be considered Active Efforts?
- Report back

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- Reflect on information shared in this session.
- Reflect on this information from the lens of supporting/honoring Tribal Sovereignty.
- What is your biggest takeaway from this morning, and why?

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dcyf.tribalrelations@dcyf.wa.gov

<p>Region 1</p> <p>L.J. Adkinson ICW Program Consultant/Tribal Liaison 6880 N Nevada St Spokane, WA 99208 (509) 638-6417 Linda.adkinson@dcyf.wa.gov</p>	<p>Region 2</p> <p>Billie Patterson ICW Program Consultant/Tribal Liaison PO Box 185 Goldendale, WA 98620 (509) 829-1002 Billie.patterson@dcyf.wa.gov</p>
<p>Presentation last saved: Just now</p> <p>Betsy Tulee ICW Program Consultant/Tribal Liaison 3906 17th St. NE Arlington, WA 98223 (360) 631-9735 Betsy.tulee@dcyf.wa.gov</p>	<p>Region 4</p> <p>Gabriela Saenz ICW Program Consultant/Tribal Liaison 4045 Delridge Way SW, Suite 201 Seattle, WA 98106 (206) 514-5265 Gabriela.Saenz@dcyf.wa.gov</p>
<p>Region 5</p> <p>Kelly Linscott ICW Program Consultant/Tribal Liaison 4210 Wheaton Way Bremerton, WA 98310 (360) 271-0469 kelly.linscott@dcyf.wa.gov</p>	<p>Region 6</p> <p>Antonia Bancroft ICW Program Consultant/Tribal Liaison 711 Vine, Ste 2 Kelso, WA 98626 (360) 819-0008 Antonia.bancroft@dcyf.wa.gov</p>

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New Policies

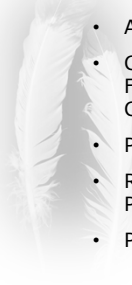
- Dependency Cases
- Guardianships (Title 13)
- Termination of Parental Rights
- Voluntary Relinquishment
- Active Efforts and Tribal Collaboration
- Transferring Cases to Tribal Court



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Updated Policies

- Adoptions
- Case Management Services for Children and Families of Non-Federally Recognized Tribes and Canadian First Nations
- Placement Preferences
- Requests and Payments for Interstate Compact on Placement of Children for Indian Children
- Payment for Services for Children In Tribal Custody




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"All of us, who have been taken away from our homes as children, still as adults, we don't feel like we have a place where we belong..."



Denise Altvater (Passamaquoddy)

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What are Active Efforts?

- Affirmative
- Active
- Thorough
- Complete
- Timely


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Active Efforts

Identify the family's barriers from within the framework of colonization.

Ensure that case plans are created in partnership with families and tribes and have a clear nexus to the harm.

Assist the family in achieving the necessary steps to successfully complete the case plan.




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Active Efforts and Tribal Collaboration



Small group procedure
review and discussion

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Active Efforts and Tribal Collaboration

Documentation: Document active efforts to prevent removal and promote reunification in detail in the court report, petitions filed, and in an "Active Efforts" case note in FamLink under the Activities tab.

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Knowledge Check - Active Efforts

Who is responsible for Active Efforts?

When do Active Efforts begin?

How do Active Efforts respect and uphold the idea of Tribal Sovereignty?


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Life of a Dependency Case (One possible track)

- ✓ Intake/Referral
- ✓ Screening Decision
- ✓ CPS Investigations OR CPS FAR
- ✓ Shelter Care Hearing
- ✓ Fact Finding Hearing (Dependency Established)
- ✓ Disposition Hearing
- ✓ Dependency Review Hearing
- ✓ Permanency Planning Hearing
- ✓ Dependency Review Hearing
- (Possibly...)**
 - ✓ Guardianship Hearing
 - ✓ Termination of Parental Rights Hearing
 - ✓ Adoption Hearing

Voluntary Placement Agreement


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Revisiting the Nialla/Sullivan Family:

What has already been done by the CPS worker, specific to this being an ICW case?

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The Nialla/Sullivan Family

What if this became a dependency through the courts-
What must happen?

What if the worker verified membership eligibility with at least 1 of the Washington State Tribes?

What if Mary Nialla obtains new information about the tribe that her mother was a member of?

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Policy: Dependency Cases

What needs to be done for the court?

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Dependency Cases

Prior to Shelter Care Hearing



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Policy: Qualified Expert Witness

Updates/Changes



Qualified Expert Witnesses

Tribally Designated	Qualified individuals designated by the tribe to testify in ICW cases.
Contracted	Qualified individuals with a Department of Enterprise Services statewide, or DCYF contract to testify.

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Qualified Expert Witnesses

What are they testifying about?

This individual must be able to provide testimony regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Ideally this person will also be able to testify as to the prevailing social and cultural standards of the Indian child's tribe.

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Dependency Cases

When filing Dependency petition



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Dependency Cases

Prior to Dependency Fact-Finding & Disposition Hearing



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Dependency Cases




Prior to Dependency Review & Permanency Planning Hearings

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Placement Preferences

Chapter 19. Placement Preferences (Revised)



Purpose: To provide guidance when there is reason to know children are or may be Indian children and they:

- Are or may be placed in out-of-home care
- Are experiencing or may experience a placement move

Highlights

- Describes where to place a child in an emergent placement, out-of-home placement, and adoption
- Clarifies that caseworkers must continue to seek compliant placements throughout the life of a case, inform caregivers of this fact, and keep the court and all parties up to date on these efforts
- Creates a process to request good cause to deviate from the placement preferences
- Discusses the appropriate process to move a child between placements
- Clarifies what must be documented

TSW & Leadership Discussions

- The need to honor tribal placement preferences and a tribe's preferred placement
- Included this language throughout
- The need to contact a tribe about placement preferences, not just a child's eligibility for membership

Washington State Department of CHILDREN, YOUTH & FAMILIES

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Court

The Alliance

Case Management Services for Children and Families of Non-Federally Recognized Tribes and Canadian First Nations

Contact and partner with non-federally recognized tribes and Canadian First Nations when working with children who are or may be a member.

Seek to keep children connected to their non-federally recognized tribes and Canadian First Nations family, community, and culture.

Children who are members of a Canadian First Nation may also be eligible for Canadian Citizenship. **Staff with AAG for children with Dual Citizenship!**

The Alliance

Requesting Court Findings about Indian Children for Dependency Cases



Requesting Court Findings about Indian Children In Guardianship and Termination of Parental Rights Cases

The Alliance

Chapter 16. Court Findings Whether a Child is an Indian Child in Dependency Cases



Purpose: To provide guidance on how to request court findings during dependency cases to determine whether children are Indian children and which tribe is the Indian child's tribe, when possible

Highlights

When there is reason to know always treat children as Indian children until a court determines the child is not an Indian child. Caseworkers are required to request the court make the following findings:

- The child is an Indian child when
 - One Tribe responds yes
 - Multiple tribes say yes (give tribes a chance to designate the Tribe)
- The child is not an Indian child when Bureau of Indian Affairs provides no information and
 - All known tribes respond no
 - No known tribes, but due diligence made to identify a known Tribe
 - Not all known tribes have responded and
 - Due diligence has been made (inquiry/notice sent and informal outreach)
 - It is 30 days after follow up notice
 - The caseworker has been unable to make contact

Allows the caseworker and AAG to request continuances to allow further outreach, more time to respond, or verify ICWA notice was sent

Tribal State Workgroup (TSW) & Leadership Discussions

- How to best implement the new case law
- Balancing the need to perform due diligence and not over-papering tribal partners



Requesting Court Findings About Indian Children for Dependency

Purpose:

The purpose of this policy is to provide guidance on how to request court findings to determine whether children are Indian children.

Policy:

When there is reason to know children are or may be Indian children, caseworkers must always treat children as Indian children, unless, and until the court has made findings on the child's Indian status as determined by their tribes.

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Requesting Court Findings about Indian Children In Guardianship and Termination of Parental Rights Cases

Purpose:

The purpose of this policy is to provide guidance on how to request court findings during guardianship or termination of parental rights cases to determine whether children are Indian children and which tribe is the Indian child's tribe.

Policy:

When there is reason to know children are or may be Indian children, caseworkers must always treat children as Indian children, unless, and until the court has a finding based on information provided by the tribes that the child is not an Indian child.

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Transferring Cases to Tribal Court



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Transferring Cases to Tribal Court

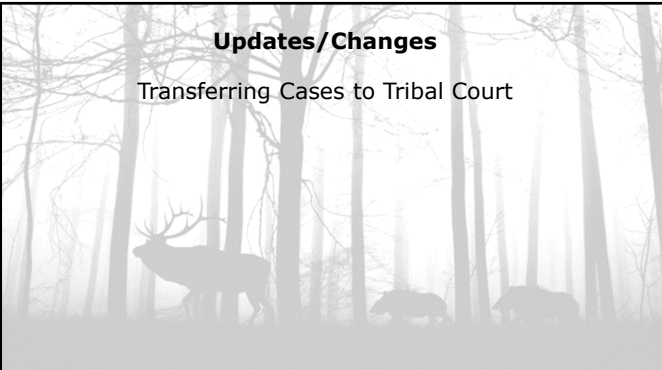
When children are Indian children and there is a request at any point in the case to transfer a dependency, [chapter 13.36 RCW](#) guardianship, or termination of parental rights case, caseworkers must:

- a. Collaborate with the:
 - i. Known tribes, parents, and the Assistant Attorney General (AAG) to facilitate the case transferring to tribal court.
 - ii. Children, when developmentally appropriate.
- b. Document all Indian Child Welfare (ICW) related activities in FamLink.

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Updates/Changes

Transferring Cases to Tribal Court



Termination of Parental Rights

There are some new practices, and the procedures section contains more guidance for when a guardianship has been ruled out and a TPR petition is being considered, discussed, identified, or requested in cases where there is reason to know children are or may be Indian children.

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Check-In

&

Final Thoughts

<https://redcap.link/ICWpolicy2024>

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