INDIAN CHILD WELFARE POLICIES AND PROCEDURES

5. Child Protective Services Investigation and Family Assessment Response

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Approved by: Tleena Ives, Office of Tribal Relations Director

Purpose

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.

Scope

This policy applies to child welfare employees and after-hours workers.

Laws

Chapter 13.38 RCW	Indian Child Welfare Act
RCW 74.13.031	Duties of department-Child Welfare Services-Children's services advisory committee

Policy

1. Child welfare employees must follow the Reason to Know policy to determine if there is reason to know children are or may be Indian children when conducting a CPS Investigation or CPS FAR intervention.

Procedures

During a CPS investigation or CPS FAR when there is reason to know children are or may be Indian children, caseworkers and after-hours workers must:

1. Complete the Indian Identity Request DCYF 09-761 form at the initial contact with the parents, guardians, or Indian custodians for each screened in intake for each child, including those who have not been identified as a victim per the Reason to Know policy.
2. Complete the following to verify whether children are recognized as Indian children with the tribes. If there is:
    a. No court involvement, follow the Tribal Inquiry policy.
    b. Immediate court involvement, follow the ICWA Notice policy. Following the Tribal Inquiry policy is not necessary.
3. Follow Active Efforts and Tribal Collaboration policy and initiate active efforts to the family as soon as determining there will be ongoing agency involvement.
4. For children who are from:
    a. A Washington State federally recognized tribe or out-of-state tribe with a Memorandum of Agreement (MOA) prior to or in the absence of a dependency:
        i. Follow the MOA, per the Tribal-State Memoranda of Agreement policy.
        ii. Contact tribal social services within 24 hours of being assigned the intake to:
            A. Determine if the tribe would like to participate in the CPS investigation or CPS FAR.

B. Request permission to enter reservation land prior to interviewing the children or family.
C. Gather information relevant to the investigation from the tribe about the family.

iii. If the children are:
A. Residing on the reservation and the tribe asks to assume responsibility for the CPS investigation or CPS FAR:
I. Follow the Providing Confidential Records to Tribes policy and provide information pertaining to the child and the allegations with the tribe within 24 hours.
II. Inform the supervisor as soon as possible that the tribe will assume the CPS investigation or CPS FAR and close the case.
B. Living off the reservation or are living on the reservation and the tribe requested DCYF investigate or respond:
I. Collaborate with the tribe within 24 hours and as outlined in the MOA, if applicable, and verify the tribe has received the intake.
II. Provide the tribe the opportunity to be present or participate in the CPS investigation or CPS FAR.
III. Follow the Providing Confidential Records to Tribes policy and regularly:
a. Provide known tribes all records obtained by DCYF during the course of the investigation and intervention.
b. Request from known tribes any records they obtain during the course of the investigation and intervention that may be shared under their confidentiality policies.
IV. Offer the opportunity to participate virtually in the initial face-face (IFF) contact interview and CPS investigation or CPS FAR, if applicable.
V. Discuss:
a. The role of each individual and how they will collaborate prior to the IFF or other meetings.
b. How the tribal worker's perspective, expertise, and recommendations will be considered in case decisions.
VI. Contact the tribal police to inform them of the allegations if the child resides on the reservation. If there are no tribal police, contact the area Federal Bureau of Investigation and local city or county law enforcement agency.

b. A federally recognized tribe including a Washington State tribe and those with MOAs at the initiation of a dependency:
i. Contact the tribal social service program within 24 hours of law enforcement placing a child in protective custody, or filing a dependency petition when there is a known tribe, to provide the tribe an opportunity to:
A. To attend if the hearing if they wish to be party to the case.
B. File the petition in tribal court.
C. Offer to provide services, including culturally relevant services.
D. Provide a placement resource.
E. Offer information and feedback on placement preferences as outlined in the Placement Preferences policy.
F. Provide information about the family.
G. Participate in a Child Welfare Family Team Decision-Making Meeting.
ii. Coordinate regularly with known tribes about services, case planning, and completed assessment outcomes.

iii. Follow the Local Indian Child Welfare Advisory Committees policy and:
   A. Refer the case to the LICWAC liaison within 72 hours of a shelter care hearing.
   B. Provide to the ICW Legal Unit:
      I. Information about tribal affiliation gathered from a LICWAC review.
      II. New information related to the child's tribal affiliation if the child's tribe is unknown.

5. Follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

Family Ancestry Chart DCYF 04-220
Intake Report DCYF 14-260 (located on the Forms repository of the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act
Assistant Secretary memo: Addendum to CA's role in CPS Investigations off Tribal Reservations
Assistant Secretary memo: DCYF Authority and DCYF staff role in conducting Investigations Off Reservation (in Washington State)
Tribal-State Memoranda of Agreements policy
Dependency Cases policy
Tribal Inquiry policy
Indian Child Welfare Act (ICWA) Notice policy
Active Efforts and Tribal Collaboration policy
Placement Preferences policy
Providing Confidential Records to Tribes policy
Local Indian Child Welfare Advisory Committees (LICWAC) policy
Child Welfare Case Plan policy
Child Welfare Family Team Decision-Making Meeting policy
Child Welfare Child Protective Services (CPS) Investigation policy
Child Welfare Child Protective Services Family Assessment Response policy
Child Welfare Dependency Petition Process policy
Child Welfare Placement Out-of-Home and Conditions for Return Home policy
FamLink Investigative Assessment Quick Help Guide located on the DCYF Knowledge Web
Federal Register for tribal contact information
Guide to Shared Planning Meetings DCYF CWP 0070 publication
Tribal/State Memorandums of Agreement