INDIAN CHILD WELFARE POLICIES AND PROCEDURES

14. Tribal Inquiry

Original Date: September 12, 2016
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Approved by: Frank Ordway, Chief of Staff

Purpose

The purpose of this policy is to provide guidance on the tribal inquiry process when there is reason to know children are or may be Indian children. The Department of Children, Youth, and Families (DCYF) uses this 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)

Scope

This policy applies to Division of Children, Youth, and Family Services (DCYF) employees.

Laws

Chapter 13.38 RCW	Indian Child Welfare Act
25 USC § 1901-1923	Indian Child Welfare

Policy

When there is reason to know children are or may be Indian children, caseworkers must make efforts to verify children's Indian status using the inquiry process during a:

a. CPS Investigation
b. CPS FAR
c. FVS
d. FRS

Procedures

1. When there is reason to know children are or may be Indian children:
    a. Caseworkers must:
        i. Complete the following to verify whether children are recognized as Indian children with the tribes. When there is:
            A. Immediate court involvement, follow the ICWA Notice to Tribes policy. Following this policy is not necessary.
            B. No court involvement, send a completed Inquiry Referral DCYF 09-135 form to the Native American Inquiry Request (NAIR) Unit within 10 calendar days of learning that there is reason to know that children are or may be Indian, along with:

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I. A copy of the Indian Identity Request DCYF 09-761.
II. A Family Ancestry Chart DCYF 04-220 form completed in FamLink.
III. Verification documents of the Indian children's tribal status and the tribes' level of involvement in the case, when applicable.

ii. Document an Inquiry Referral DCYF 09-135 was submitted, using the appropriate case note category by selecting "Administrative" for the type and "Referral to Native American Inquiry Unit" as the activity in FamLink.

iii. Email the NAIR Unit with any new information learned about the family within four calendar days of receiving the information for cases in process with NAIR. Information may include, tribal affiliations, established paternity, changes in family constellation, etc.

iv. Send a new Inquiry Referral DCYF 09-135 form to the NAIR Unit within 10 calendar days if cases are reopened and the tribes previously responded that the children are not members or eligible for membership.

b. The NAIR supervisor, when receiving Inquiry Referral DCYF 09-135 forms, must:

i. Document in FamLink when cases are closed prior to inquiry referrals being processed.

ii. Review them for completeness. If:

A. Complete:

I. Notify caseworkers via email confirmation their Inquiry Referral DCYF 09-135 form has been accepted and document in the inquiry log.

II. Assigns the inquiry referral to a NAIR specialist.

B. Not complete, request more information from the referring caseworkers.

c. NAIR specialists must:

i. Within five calendar days of assignment:

A. Review the Family Ancestry Chart DCY 04-220 form entered in FamLink for each child, conduct familial searches, and add any learned familial or tribal information to the Family Ancestry Chart (FAC) in FamLink.

B. Email the names of additional federally recognized tribes identified from the search to referring caseworkers and document in FamLink, when applicable.

C. Send the Inquiry to Indian Tribe DCYF 09-539 and Family Ancestry Chart DCYF 04-220 forms to the ICWA designated agent identified in the most recent Federal Register.

D. Send the Inquiry to Indian Tribe DCYF 09-539 and Family Ancestry Chart DCYF 04-220 forms to the Portland Bureau of Indian Affairs (BIA) regional office when the identity of the child's tribe is unknown.

E. Document each inquiry response under the ICW tab in FamLink.

F. Upload all tribal inquiry correspondence into FamLink as "ICW Specific"

ii. Update FACs in FamLink when additional information is received from the assigned caseworker.

iii. Email the caseworkers when a tribe has responded to the tribal inquiry that the child is a member or eligible for membership in the tribe and document in a FamLink case note using the appropriate case note category by selecting "NAIR" for the type and "Contact-Caseworker" as the activity.

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2. Office of Tribal Relations must notify the NAIR Unit, when tribes report changes in tribal membership criteria.
3. Supervisors during monthly clinical supervisor meetings must until the task is completed:
    a. Verify caseworkers completed the following for each child:
        i. Indian Identity Request DCYF 09-761 form uploaded into FamLink.
        ii. Family Ancestry Chart DCYF 04-220 in FamLink.
        iii. A FamLink case note documenting an Inquiry Referral DCYF 09-135 was submitted to NAIR if there was reason to know the child was an Indian child before a petition was filed in the case.
    b. Document discussions and verifications in monthly clinical supervision notes.

Forms

Family Ancestry Chart DCYF 04-220
Inquiry to Indian Tribe DCYF 09-539
Indian Identity Request DCYF 09-761
Inquiry Referral DCYF 09-135

Resources

25 CFR Part 23 – Indian Child Welfare Act
Intake policy
Child Protective Services (CPS) and Family Assessment Response (FAR) policy
Voluntary Placement Agreements policy
Dependency Hearings policy
Guardianships policy
Reason to Know policy
FamLink File Upload Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)
FamLink ICW Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)
Federal Register - Names and addresses of ICWA designated agents
Relative Search link (locate on the Intake/CPS Find People page of the DCYF CA Intranet)
Washington State Tribal Indian Child Welfare Social Services Directors and Staff Contact Information
Washington State Intake Referral and After-Hours Tribal Staff Contact Information

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