



STATE OF WASHINGTON
DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES
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POLICY MEMO

February 14, 2024

TO: DCYF Child Welfare Employees

FROM: Tleena Ives, Office of Tribal Relations Director
Natalie Green, Assistant Secretary for Child Welfare

SUBJECT: Requesting a Court Finding About a Child's Indian Status in
Guardianship and Termination Cases

EFFECTIVE DATE: February 14, 2024

REVIEW DATE: February 28, 2025

Purpose

This memo is to provide guidance on coordinating with the assistant attorney general (AAG) when requesting the court to make a finding of whether a child is an Indian child in guardianship and termination of parental rights (TPR) cases.

This memo will be incorporated into the revised Indian Child Welfare (ICW) Policy manual. These new and revised policies will also be piloted in three ICW sites in the spring of 2024, with full implementation later in 2024.

Policy

Caseworkers must coordinate with their AAGs to request court findings in guardianship and TPR cases when there is reason to know children are or may be Indian children and after due diligence efforts were performed when tribes:

- Have indicated the child is not an Indian child.
- Have not responded.
- Remain unknown.

Caseworkers must also provide information about performing due diligence to the AAG when requesting court findings. Due diligence means active and persistent efforts to obtain outstanding tribal responses to the Indian Child Welfare Act (ICWA) Notice. This includes, but is not limited to, performing regular telephonic, email, mail, or fax outreach to tribes.

When the court makes a finding about whether a child is an Indian child, caseworkers must send the court order or a statement of the court's finding to the [ICW Legal Unit](#) for record keeping.

Resources

[25 U.S.C. § 1901-1923 Indian Child Welfare Act](#)

[25 CFR Part 23 Code of Federal Regulations, Indian Child Welfare Act](#)

[Chapter 13.38 RCW Washington State Indian Child Welfare Act](#)

[Office of Tribal Relations Website](#)

If you have any questions, contact the Office of Tribal Relations at dcyf.tribalrelations@dcyf.wa.gov with any questions or concerns.

cc: Brenda Villarreal

cc: [DCYF Policy Team](#)