

BUTLER COUNTY CHILDREN SERVICES

POLICY NO.: 1.17	SUBJECT: INDIAN CHILD WELFARE ACT
OAC: 5101:2-42-52 through 5101:2-42-58	EFFECTIVE DATE: 8/1/07
	REVISION DATE:
	REVIEW DATE:

PURPOSE:

To ensure early identification of Native American children, or children who may be eligible for tribal membership, during the agency's first contact with the family.

The U.S. Congress passed the Indian Child Welfare Act (ICWA) in 1978 to preserve cultural and family ties among Native American children and their families. ICWA requires BCCS to identify Indian children, notify the child's parents and tribe of their rights in custody proceedings and requires certain procedures regarding the use of tribal courts, tribal intervention standards and placement preferences.

ICWA applies to Native American children who are unmarried and under the age of 18. The child must be either:

- A member of a federally recognized Indian tribe, or
- Eligible for membership in a federally recognized Indian tribe and the biological child of a member of an Indian Tribe.

POLICY:

Intake/Investigations

ICWA requires "active efforts" to prevent the need for placement. Identifying Native American children, or children who may be eligible for tribal membership, during the intake investigation is critical to implementing the active efforts requirements of ICWA. To ensure early identification, the following steps must be taken in all new intake investigations:

1. Provide all families with the brochure "The Indian Child Welfare Act, A Family's Guide" at the first visit. The brochure contains information regarding ICWA.
2. Ask parents and caregivers about possible tribal membership when collecting demographic information about the family.
3. If the family identifies themselves or the child as eligible or known tribal members, the caseworker must complete the steps outlined in the next section **regardless of custody**.

Verification

If the family identifies themselves or the child as tribal members, or believes they or the child is eligible for tribal membership, the worker must seek written verification of tribal membership by following these steps:

1. Review ODJFS Procedure Letter No. 85 and OAC rules 5101:2-42-48 through 5101:2-42-58 with your supervisor and administrator.
2. Request verification of tribal membership from both agencies listed below. Secure a Release of Information from the parents/caregivers and send full identifying information on the parents and children, including the specific tribe, if known, to:
 - Bureau of Indian Affairs-Eastern Regional Office
Franklin Keel, Regional Director
711 Stewarts Ferry Pike
Nashville, Tennessee 37214
Phone (918) 5646500
 - Bureau of Indian Affairs-Central Office
Aurene Martin, Acting Director
1849 C Street, N.W.
Mail Stop 6218, MIB
Washington, D.C. 20240
Phone (202) 208-3711
3. For potential placement cases, consult the assistant prosecutor's office and follow the placement preferences outlined in ICWA and the OAC.

“Active Efforts”

ICWA requires “active efforts” to prevent the need for custody and placement of Native American children. Active efforts should begin when the case is first opened and include diligent efforts to:

- Determine the child's tribe
- Contact the child's tribe
- Provide remedial services to prevent breakup of the family
- Coordinate with the child's tribe or other Indian organizations to assist the parent or caregiver with services
- Coordinate with the child's tribe if placement becomes necessary to identify a placement that meets the placement priorities of ICWA
- Ensure visitation with extended family or other tribal members to support the child's cultural connections
- Coordinate with the tribe and family to identify significant cultural and familial events and arrange for the child's attendance.

Approval Date: 8/1/07



Michael A. Fox, Executive Director