

Advocacy through Engagement: A Resource for State Case Managers Serving Native Children and Families in State Child Welfare Proceedings



NICWA
National Indian Child Welfare Association
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Purpose:

The National Indian Child Welfare Association (NICWA) created this resource as a tip sheet for state case managers serving Native children and families involved in state child welfare systems. This tip sheet provides guidance on how to advocate for Native children and families through early, active, and meaningful engagement of the child's parents/guardians, Tribe (or Tribes), extended family members, and service providers. By engaging all parties, decisions can best reflect the holistic needs of Native children and families, ensuring that services support positive outcomes grounded in family, community, and cultural contexts.

Description:

State case managers may be assigned cases involving Native children and families in child custody proceedings that require specialized knowledge and culturally informed skills. This resource is not meant to be exhaustive but offers brief guidance on early inquiry and engagement of families and the child's Tribe where there is reason to know a child may be an "Indian child" as defined in the Indian Child Welfare Act (25 U.S.C. § 1901 et seq.). Intentional and consistent engagement with the child's family and Tribe helps ensure Native families receive the support and services necessary to keep children safely at home, achieve reunification when removal occurs, and preserve the child's connections to extended family, Tribal community, and culture. Below are several considerations and tips when a Native child and their family becomes involved with a state child welfare agency.

Navigating ICWA Inquiry and Notice:

1. Actively inquire with every child, parent, guardian, and relative about Native heritage, residence, domicile, and prior court involvement during starting at intake and whenever new information about Native heritage emerges.
 - a. When asking about Native heritage, use different language to capture the different ways that Native families may identify their affiliation (Native American, Alaska Native, Indian, Tribal, Indigenous, specific Tribal Nation).
 - b. Utilize genograms or family trees to engage both sides of the child's extended family—visually organizing the family's history and identifying individuals for follow up or further assessment.
 - c. Speak with absent or non-custodial parents and relatives about the family's Native heritage or Tribal enrollment status.
2. When a child, parent, guardian, or extended family member identifies only a Tribal ancestral group (e.g., Apache, Cherokee, Inupiaq, Sioux) or geographic area, pursue inquiry with each of the Tribes in that ancestral group or geographic area.

- a. If a child is affiliated with more than one Tribe, all Tribes must be contacted and informed of upcoming actions or decisions regarding the child, and their affiliations clearly communicated in the case file and to the court.
 - b. Engage early with the family to gather and share relevant information with identified Tribal Nations to support the Tribe's efforts to verify the child's enrollment status and determine their level of intervention in the case.
3. Where the Tribe is known, promptly contact the [ICWA designated agent](#) to brief them on the case, verify the child's enrollment status, inquire about ability or desire to transfer the case to Tribal jurisdiction and in the event this isn't possible, begin collaborating on case planning (i.e., active efforts and placement).
 - a. Establish who will serve as the primary point of contact with the Tribe.
 - b. Treat the child's Tribe as a sovereign nation—not just a service provider—with their own legal rights and critical knowledge of the child's cultural and relational world.
4. Document all evidence of Native heritage (how the inquiry was made, who was contacted, and what they said) in the case file and present it to the court, including where this information comes up later in a case.
5. Don't wait for verification, send notice. As required under [25 U.S.C. § 1912](#), send legal notice promptly, ensure notice is sent within designated timeframe, and treat the child as an "Indian child" until the Tribe confirms otherwise to ensure early application of ICWA's protections—preventing harmful delays and disruptions.
 - a. If the Tribe does not respond, verify that the correct Tribe was contacted, continue to send notice for all future child custody proceedings, and thoroughly document all efforts in the case file.

Preserving Connections Through Active Efforts:

Under [25 U.S.C. § 1912\(d\)](#), active efforts are defined as affirmative, active, thorough, and timely actions tailored to the specific circumstances of each case, consistent with the social and cultural standards of the child's Tribe, and focused on early and ongoing engagement with the child's family and Tribe. Active efforts are required before a foster care placement or termination of parental rights can be approved by the State court. Active efforts are intended to exceed the more widely used federal standard of reasonable efforts that applies to non-Native children. Active efforts are intended to help prevent the breakup of Native families and reunify children with their families when removal is necessary. The ICWA regulations provide [11 examples](#) to guide state case managers in effectively implementing active efforts. Below are tips to support case managers in providing active efforts that preserve Native children's connections to their families, communities, and cultures.



“Active efforts are intended to help prevent the breakup of Native families and reunify children with their families”

1. Begin providing active efforts as soon as an investigation is initiated and before removal, including during voluntary family services, to prevent family separation and continue active efforts after the child has been removed to support reunification. Active efforts are also required while a petition to terminate parental rights is pending before the state court.

a. Utilize culturally responsive risk assessment and family engagement tools (e.g., appreciative inquiry interviewing).



2. Assist in addressing barriers to Tribal participation in case reviews and hearings, such as helping the child's Tribe access support for legal representation (e.g., allowable under 2024 Title IV-E Final Rule, [RIN 0970-AC89](#)).
3. From initial contact and throughout the duration of a case, engage with the child's Tribe in case planning and placement decisions, including identification of culturally responsive and trauma-informed services that can help maintain or reunify the child with their family.
- a. Intentionally and consistently invite the Tribal representative to participate in case planning, regardless of their present level of intervention in the case.
- b. If the Tribal representative is not present during case planning, all key case plan decisions should be shared with the Tribal representative—allowing them sufficient time and opportunity to provide input or approval before implementation.
4. Conduct family team meetings to ensure that the child's parents, extended family, and Tribe can offer input—an opportunity for review of active efforts, assessment of progress, and collaborative problem-solving to address barriers to successfully achieving the family's case plan goals.
- a. Explore available supports for relatives and other Tribal caregivers, along with strategies to engage and accommodate their involvement in case planning, whether as caregivers or in family support roles.
5. Clearly document the rationale for chosen services, including how they address identified needs, integrate appropriate cultural services, and involve the child's Tribe in decision making, to ensure accountability for delivering active efforts and readiness to testify about these efforts in court.

“Engage both sides of the child's extended family and identify relatives who can offer support through caregiving, cultural connection, or other meaningful roles in the child's life.”

Engaging Family and the Child's Tribe in Placement Decisions:

1. Engage both sides of the child's extended family and identify relatives who can offer support through caregiving, cultural connection, or other meaningful roles in the child's life. Offer support to placements with extended family and Tribal community even if those homes are not yet licensed.

2. If extended family and Tribally licensed homes are unavailable, conduct a search of state/county lists of Native foster parents.
3. Promptly contact the child's Tribe to discuss Tribal placement preferences and collaborate with the Tribal representative to explore placement options, including known family members or trusted community members and Tribally licensed or approved foster homes.
4. Utilize approaches like family team meetings to involve the child's parents, extended family, and Tribe in placement decisions, ensuring inclusion and alignment with ICWA placement provisions. This process also serves as a forum to convene if a change in placement is necessary.



5. Document all efforts, including Tribal engagement, family meetings, outreach to extended family, and other actions taken to follow ICWA's placement preferences. If placement is outside the preferences, the reason should be documented, and the Tribe should be involved in decision making or made aware prior to placement. Develop a plan detailing how the non-placement preference family will receive education and support on how to nurture the child's Tribal, family, and cultural connections.

Developing Culturally Responsive Case Plans:

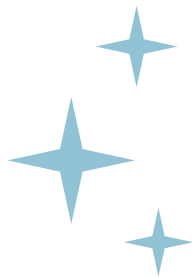
1. Honor each Native family's unique Tribal identity and lived experience by tailoring your engagement to fit their specific cultural and relational contexts.
2. Ask extended family and the Tribal representative about their preference for engagement in case planning and revisit this frequently.
 - a. Maintain timely and consistent communication with the child's Tribe throughout the case to support collaborative case planning and ensure meaningful Tribal engagement in all case decisions.
3. Understand that healing, parenting, and safety may be practiced differently in Tribal communities but are still valid and effective.
4. Guided by the child's parents, extended family, Tribal representatives, elders, spiritual leaders, and trusted Tribal community members, incorporate traditional practices, extended family networks, and Tribal resources into case plans, even if they fall outside of mainstream services.
 - a. Explore meaningful ways for a child to stay connected with their Tribe — regardless of whether they live on or off Tribal lands — such as participation in community events, attending language or cultural classes, following community updates through social media or a Tribal newsletter/newspaper, planning a visit to the Tribe, or engaging in a youth mentorship program.

"Understand that healing, parenting, and safety may be practiced differently in Tribal communities but are still valid and effective."

Partnering with the Child's Tribe:



1. Be open to creative, culturally responsive ways of communicating that build trust and support engagement with the child's Tribe. Early on, state your desire to partner with the Tribe in all facets of case planning and decision-making.
2. To ensure Tribal input in all aspects of case planning and recommendations to the state court, ask the Tribal representative about their preferred method of communication and collaboration (separate from legal notice) and ensure the Tribal representative receives all necessary documents and fully understands the process and upcoming decisions to be made.
3. Facilitate regular family team meetings to monitor progress, address challenges, discuss next steps, and clarify roles of all parties in supporting the family's case plan goals, including the child's Tribe.
4. Maintain detailed documentation of all actions and communications with Tribal representatives involved in the case to promote transparency in decision making and to ensure preparedness when testifying in court and writing reports.



Acknowledgement

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Quick Links to Other Educational Materials:

[National Indian Child Welfare Association. \(2025\). ICWA Quick Resource Guide.](#)

[National Indian Child Welfare Association. \(2025, May\). Tips for Engaging and Supporting Native Families Caring for Children.](#)

[Lummi Child Welfare. \(2021, March\). Comprehensive Guide to Active Efforts.](#)



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About the National Indian Child Welfare Association

The National Indian Child Welfare Association (NICWA) protects the safety, health, and cultural identity of Native children and families today and for future generations. NICWA strengthens tribal capacity to prevent child abuse and neglect, advances policies that uphold tribal sovereignty, and promotes Native-led, culturally grounded approaches to child welfare.

Through advocacy, coalition-building, workforce training, and technical assistance to improve service systems, NICWA works at the tribal, local, state, and national levels to ensure that Native children can thrive within their families and communities.

Learn more at www.nicwa.org.