

A Guide to Compliance with the Indian Child Welfare Act



NICWA

National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

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**Protecting our Children,
Preserving our Culture**

A Guide to Compliance with the Indian Child Welfare Act

The Indian Child Welfare Act (ICWA) passed into law in 1978. The law protects American Indian and Alaska Native (AI/AN) children in state child welfare systems and helps them remain connected to their families, cultures, and communities. Compliance with ICWA is mandatory. This guide is designed to help individuals understand ICWA's requirements and should be read in conjunction with the law (25 U.S.C. § 1901 et seq.) and binding federal regulations (25 C.F.R. Part 23). The information contained in this handout cannot replace the advice of competent legal counsel licensed in your state.



State ICWAs and Other State Law

A growing number of states have enacted their own ICWA laws or policies. These laws complement the federal ICWA and, in some cases, increase protections for AI/AN children and families. These state laws or policies may require additional efforts beyond what the federal ICWA requires. It is important to find out whether or not your state has additional ICWA laws and to review them alongside this guide. Add any notes on differences for your state to this guide before using. Also, many states supply forms and checklists for compliance that should be considered in addition to the information presented here. Following this guide will assure compliance with the federal ICWA, but not necessarily state laws or policies.

Tribal-State Agreements

In applying ICWA, you should also determine whether there is an existing Tribal-state agreement that has specific procedures to follow. Many Tribes have agreements with state agencies on child welfare matters, and they may include additional requirements and/or alter the best practices listed below. It is important to find out whether your state has any Tribal-state ICWA agreements and to review their requirements. Add any notes on differences based on the Tribal-state agreement to this guide before using. Following this guide will guide compliance with ICWA, but not necessarily Tribal-state agreements.

When Does ICWA Apply?

ICWA applies when there is a “child custody proceeding” involving an “Indian child” (25 U.S.C. § 1903 [2012]; 25 C.F.R. § § 23.2, 23.103 [2016]).

To review the law in its entirety, visit nicwa.org

What is a “Child Custody Proceeding” for the Purpose of ICWA?

25 U.S.C. § 1903(1)

Child Custody Proceedings ICWA Covers

- Termination of parental rights
- Foster care placements
- Placements in an institution or with a conservator
- Guardianships
- Pre-adoptive placements
- Adoptive placements (includes conversion from foster care to adoptive placement)
- Voluntary placements or involuntary placements that could prohibit the parents from regaining custody of their child “upon demand” (through a verbal request without formalities or contingencies like agreements, formal court proceedings, or requiring a parent to pay for services before returning a child) (25 C.F.R. § 23.2 and 23.103)
- Status offenses (juvenile delinquency proceedings that involve an offense that would not be a crime if committed by an adult, e.g., drinking alcohol, incorrigibility or running away from home, truancy, etc.)

Child Custody Proceedings ICWA Does Not Cover

- Divorce proceedings or custody disputes between two parents
- Juvenile delinquency proceedings (violations of criminal law, see note below)
- Voluntary placement that either parent, both parents, or the Indian custodian has, of their free will, without a threat of removal by a state agency, chosen for the Indian child and that does not operate to prohibit the child’s parent or Indian custodian from regaining custody of the child upon demand (e.g., informal relative placement) (25 C.F.R. § 23.103)

✦ *Note: ICWA may also apply in a juvenile delinquency proceeding where the basis for the proceeding is a criminal act by the child, but the proposed out-of-home placement is based upon the fitness of the parents rather than the criminal act by the child.*

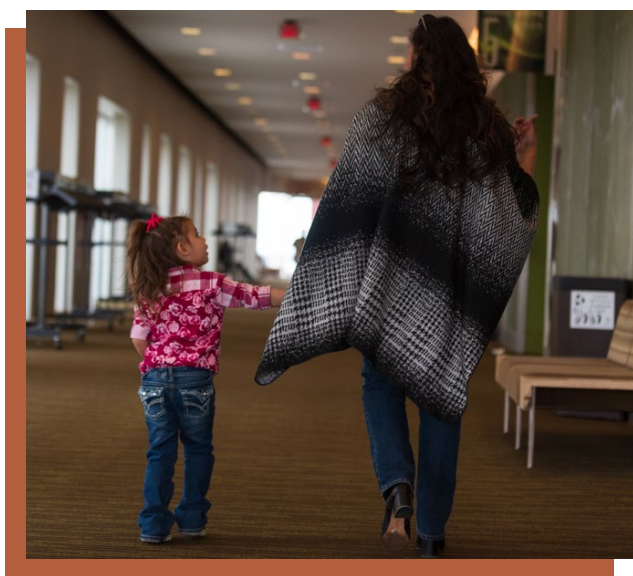
Who is an “Indian Child” for the Purpose of ICWA?

25 U.S.C. § 1903(4)

ICWA only protects American Indian and Alaska Native children who are:

1. unmarried,
2. under 18, and
3. a Tribal member, **or** are eligible for Tribal membership in a federally recognized Tribe and have a biological parent who is a Tribal member.

✦ *Note: Many states have codified federal statutory provisions that allow child custody proceedings to extend up to the age of 21 for a youth (42 U.S.C. 675(8)(B)(iii)). If ICWA applies at the commencement of a proceeding, it will not cease to apply simply because the child reaches age 18 during the proceeding (25 C.F.R. § 23.103). Make sure you identify if your state has codified the federal option to extend child custody proceedings to older youth.*



How Do I Figure Out if the Child is a Tribal Member or Eligible for Membership?

Does the child's family identify as American Indian, Alaska Native, or Native American?

At intake with a family (i.e., child protection investigation), and before every change or potential change in custody, the state case worker should ask a client family how they self-identify. For example, they should ask:

- Which of the following do you consider yourself a member of: Asian American, Black/African American, American Indian or Alaska Native or Native American, White, Latinx?

The state case worker should always follow up by asking:

- Do you have any Native American, American Indian, or Alaska Native ancestry?
 - ▶ If the family responds that they are **not** Native American, American Indian or Alaska Native, and do **not** have any related ancestry, the state case manager should:
 - Document this in case notes
 - ▶ If the family responds that they are American Indian, Alaska Native, or Native American, or believe there is Native ancestry the state case worker should:
 - Ask the family which Tribe(s) they identify with and if they are a member and/or enrolled or registered. If the family cannot identify a specific Tribe, try to identify areas where they or their extended family who have claimed Native ancestry have lived. This may provide a clue as to possible Tribal affiliations later.
 - Fill out a family tree chart or other genealogy form provided by the agency with the help of the family.
 - ▶ If, in following the previous steps, a case worker has reason to know the child is Indian, they will need to identify the Indian Tribe with which the child is affiliated by:
 - Consulting with extended family members and other relatives
 - Contacting, as appropriate, the suspected Tribe(s) (their designated Tribal service agent for ICWA notice*), an appropriate Indian social services organization, or the Bureau of Indian Affairs (BIA)
 - ▶ If the parents are unavailable or unable to provide a reliable answer regarding the Native heritage of their child, workers then:
 - Make a thorough review of all documentation in the case record (look for clues regarding Native ancestry)
 - Contact the previous caseworker, if any
 - Contact extended family identified by child or their family and ask about the child's Native ancestry

✦ *Note: If caseworkers and officers of the court know or have reason to know a child is an Indian child, they must apply ICWA in a case until otherwise determined. (25 C.F.R. § 23.107[b]) This will help avoid unnecessary delays or the potential for disrupted placements or proceedings in the future.*

*A directory of these agents can be found at www.bia.gov/bia/ois/dhs/icwa/agents-listing/

If the Family Identifies as American Indian, Alaska Native, or Native American, How Do I Verify if the Child is a Tribal Member?

25 C.F.R. § 23.108

Send formal legal notice to the child's Tribe via their designated Tribal agent for ICWA notice to get written confirmation that:

- The child is a member; or
- The child is eligible for membership and a biological parent is a member

✦ *Note: If several Tribes are identified by the family, send the letter to all Tribes identified.*

Best practice includes telephone contact be made with the Tribe's child welfare agency, enrollment office, and their designated Tribal agent for ICWA notice in addition to formal legal notice. Although phone contact is not required by ICWA, it may help a caseworker get quick confirmation and note that ICWA may apply to a case. Any phone conversation that confirms that ICWA may apply should be

documented in the case file. Formal notice must still be sent to the Tribe and the written response confirming Tribal membership filed in the case file.

What if the child is a Tribal member?

Once a Tribe has determined that a child is a member, the response must be documented in the case record, including date and source of documentation. The caseworker should also:

- File the Tribe's written statement declaring the child is a member in the case record,
- Incorporate the Tribe's written statement declaring the child to be a member in any court hearing, and
- Work with the understanding that ICWA applies throughout the entirety of the child welfare case

What if the Tribe responds that the child is eligible for membership?

The state case worker should confirm the membership status of the biological parent. The response to both the child and parent's status must be documented in the case record, including date and source of documentation. The caseworker should also:

- File the Tribe's written statement declaring the child's eligibility for membership in the case record
- Incorporate the Tribe's written statement declaring the child is eligible for membership and the biological parent is a Tribal member in any court hearing
- Assist the family in formally enrolling the child or establishing membership of the child. If necessary, the state case worker may counsel parents hesitant to enroll a child by emphasizing the positive benefits of Tribal membership, particularly in child welfare and adoption proceedings
- Work with the understanding that ICWA applies throughout the entirety of the child welfare case



What if the child is not a Tribal member and ineligible for membership?

Once a Tribe has determined that a child is not a member and not eligible for membership, the response must be documented in the case record, including date and source of documentation. The caseworker should also:

- Document all steps taken to determine the child’s Indian or Tribal ancestry
- File the Tribe’s written statement declaring the child ineligible for membership in the case record
- Incorporate the Tribe’s written statement declaring the child ineligible for membership in any court hearing
- Work with the understanding that ICWA does not apply to the case

✦ *Note: Other federal child welfare laws provide protections for non-Native children and families. These include giving relatives preference over non-relatives in the placement of a child (42 U.S.C. 671 [19]) and notifying all adult relatives of a child who is being placed out of home and providing information and opportunities to be a placement or support to the child (42 U.S.C. § 671 [29]).*



What if the Tribe does not respond?

If the Tribe does not respond, state caseworkers should call the ICW designated agent for the Tribe and inquire about the status of the inquiry and the membership status of the child. The state case worker should document the conversation in the case file.

What Are the Notification Procedures Required by ICWA?

25 U.S.C. § 1912(a); 25 C.F.R. § 23.11, 23.111

Who receives notice?

- Parents
- “Indian custodian” (defined by ICWA as “Any Native person who has legal custody of the child under Tribal law or custom or under state law or to whom temporary physical care, custody, or control has been transferred by the parent”)
- The child’s Tribe (if child is affiliated with or eligible for membership in more than one Tribe, all Tribes should receive notice)
- The BIA

How is notice sent?

Legal notice **must** be sent by registered or certified mail, return receipt requested. A copy of this notice should be filed in the case file and with the court, along with any returned receipts.

When should notice be sent?

No court proceeding (with the exception of emergency removals) can be held until:

- At least 10 days after receipt of notice by parents or Indian custodian, or after 30 days if 20 additional days are requested by the parents or Indian custodian to prepare for the proceeding; **and**
- At least 10 days after receipt of notice by the Tribe, or after 30 days if the Tribe requests an additional 20 days to

- prepare or the proceeding; **and**
- No fewer than 15 days after receipt of notice by the BIA, if you request their help to locate the Tribe, parents, or Indian custodian. (25 C.F.R. § 23.11 [c]-[d]).

What if the Tribe does not respond?

Even if a Tribe does not respond to an official notice sent, or if it replies that it does not wish to intervene in the proceeding, continue to send the Tribe notices of every proceeding. The Tribe can intervene at any point in the proceeding, and therefore it has the right to notice of all hearings related to the case.

How Does Transfer to Tribal Court Work?

Who can request a transfer of jurisdiction to Tribal court?

ICWA allows the parent, Indian custodian, or child’s Tribe to request that the child custody proceeding be transferred to Tribal court.

If the Tribe requests, orally or in writing, a transfer of the proceeding to its Tribal court:

- The state case worker should inform the parents or Indian custodian of their right to object to the transfer

When is the state required to transfer the case?

The state court **must** transfer unless:

- The Tribal court declines jurisdiction
- Either parent objects to such transfer
- The state court determines that “good cause” exists to deny the transfer

What if a party believes good cause exists?

If any party believes that good cause exists to not transfer the proceeding:

- Their reasons for such belief have to be documented with the court
- Other parties must be given the opportunity to respond to the claim that good cause exists

✦ *Note: The perceived adequacy of Tribal or Bureau of Indian Affairs judicial systems or social services, socioeconomic conditions of the Tribe, whether transfer was requested at a prior proceeding, advanced stage of the proceeding, Indian child’s cultural connections with the Tribe, or whether a transfer would affect the child’s placement cannot be considered good cause to not transfer the case (25 C.F.R. § 23.118).*

What Services Are Required in ICWA Cases?

25 U.S.C. § 1912(d); 25 C.F.R. § 23.2

When should “active efforts” be made?

Active efforts must be undertaken to provide remedial services to prevent the removal of an Indian child from their home. While the court will not make an active efforts determination until a foster care proceeding, it is recommended that active efforts begin as soon as an investigation into a child abuse or neglect referral occurs and before a decision is made to place the child out of the home.

Active efforts must also be provided after the child has been removed in order to prevent the breakup of the family by working toward reunification.

What are “active efforts”?

“Active efforts” does not mean just an



identification of the challenges a family faces and providing information or referrals. Active efforts are the affirmative, active, thorough, and timely efforts intended to keep an Indian child with their family.

These can be demonstrated by:

- Making a strengths-based evaluation of the family’s circumstances that takes into account the prevailing social and cultural conditions and way of life of the child’s Tribe
- Intervening only when necessary. Workers conducting such an intervention should:
 - ◊ Develop a case plan with assistance from the parents or Indian custodian and in consultation with extended family members and the Tribe, offering and employing all available and culturally appropriate family preservation strategies.
 - ◊ Seek out the necessary family preservation and wraparound services to support the family with the child in the home, except where imminent physical or emotional harm may result.
 - ◊ Involve the child, if of sufficient age, in the design and implementation of the case plan.
- Assisting parents or Indian custodian and child in maintaining an ongoing familial relationship, including supporting regular visits in the most natural setting possible and taking steps to keep siblings together.
- Monitoring progress and participation in services, helping parents overcome barriers such as transportation, and actively assisting parents in obtaining services.

✦ *Note: 25 C.F.R. § 23.2 provides 11 examples of active efforts. The examples provide excellent descriptions of active efforts across the various stages and functions in child welfare case planning.*

What if There Is an Emergency that Requires Removal of an “Indian Child”?

25 C.F.R. § 23.113

ICWA applies to emergency removals of Indian children.

The Native ancestry of the child should be immediately determined. For example, a caseworker should ask the parents or Indian custodian and children when possible:

- “Which of the following groups do you consider yourself a member of? Asian American, Black/African American, American Indian or Alaska Native or Native American, White, Latinx? If American Indian or Alaska Native or Native American, what is the name of your Tribe?”

Emergency protective custody of any Indian child can be taken only if:

- The child is **not** located on the reservation of a Tribe that has jurisdiction over child custody proceedings
- The child is in danger of **imminent** physical damage or harm

Emergency custody must be terminated when removal is no longer necessary to prevent imminent physical damage or harm to the child.

Petitions for emergency or shelter care should identify if there

✦ *Note: To “initiate state child custody proceedings,” the state sets a hearing date and sends notice via registered or certified mail, return receipt requested, to the parents, Indian custodian, and Tribe, along with sending a copy of the notice to the Regional Bureau of Indian Affairs office.*

is reason to know a child is an Indian child; whether the Tribe has jurisdiction; include the steps the agency has taken to notify the parents, Indian custodian, and child's Tribe; and include what active efforts have been made to return the child home safely.

Emergency proceedings should not continue for more than 30 days, unless a court determines that:

1. Restoring the child to the parent would place the child in danger of imminent physical damage or harm,
2. The court has been unable to transfer jurisdiction to the Tribe, AND
3. It has not been possible to initiate state child custody proceedings



Where should the child identified as Indian be placed in an emergency?

If the child is believed to be an Indian child under ICWA, efforts should be made to place the child during emergency care in a setting that follows the foster care placement priorities established by ICWA (see above).

When Can a Child in an ICWA Case Be Removed from the Home?

25 U.S.C. § 1912(e)

To remove a child, the state must prove (and case records must document) that:

- The continued custody of the child by the parent or Indian custodian will result in serious emotional or physical damage to the child
 - ◊ To meet this requirement of ICWA, there must be a *causal relationship* between the conditions in the home and the serious damage to the child that is likely to result.
 - ◊ Evidence that only shows the existence of poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or non-conforming social behavior does not by itself constitute that continued custody by the parents is likely to result in serious emotional or physical damage to the child.
- Active efforts were made to support the family in overcoming the challenges that presented imminent risk of serious physical or emotional damage to the child.
 - ◊ The case record cannot simply state that such efforts were unsuccessful, but must document the specific efforts and how they were unsuccessful and what was done to address those unsuccessful efforts.
- Testimony of a qualified expert witness that continued custody of the child by the parents would likely result in serious physical or emotional damage to the child.

What burden of proof is required for foster care placement?

ICWA states that a court may not issue the foster care placement of an Indian child in the absence of a determination—**by clear and convincing evidence**—supported by the testimony of a qualified expert witness that the child's continued custody with the child's parents or Indian custodian is likely to result in serious emotional or physical damage to the child.

What is “clear and convincing” evidence?

This is a higher level of proof than most states require for foster care placement proceedings. It means that the side favoring foster care placement must present evidence that is not just slightly more persuasive than the evidence against but **clearly more persuasive**.

Who are “qualified expert witnesses”? 25 C.F.R. § 23.122

The testimony of a qualified expert witness (QEW) is required to support a state court’s decision to place the child outside of their home.

- It must be part of the evidence presented
- The court or agency should request the assistance from the Tribe or regional BIA office to locate an appropriate QEW
- The QEW may be designated by the child’s Tribe
- The QEW cannot be the caseworker regularly assigned to the child

Where should a child in an ICWA proceeding be placed if removal from the home is necessary? 25 U.S.C. § 1915(c); 25 C.F.R. § 23.131(a)

The child should be put in the setting that:

- Is the least restrictive setting
- Most approximates a family
- Is within a reasonable proximity to the child’s family
- Meets any special needs the child may have

Preference to the following types of placements **must** be given in the order provided, unless there is good cause to place the child elsewhere or the Tribe has a different placement preference order (25 U.S.C. § 1915[b]; 25 C.F.R. § 23.131[b]):

1. Member of the child’s extended family
2. Foster home licensed, approved, or specified by the child’s Tribe
3. Indian foster home licensed or approved by the state or other non-Native licensing authority
4. Institution for children approved by an Indian Tribe or operated by an Indian organization that meets the child’s special needs

The state case worker should contact the Tribe to ask if they have a different order of placement preference.

The state caseworker should perform a diligent search to comply with ICWA’s placement preference. This should include, at a minimum:

- Contact with Tribe’s social service program
- Search of state and county lists of foster homes
- Contact with other Tribes and Native organizations with available placement resources

★ *Note: ICWA placement preferences apply regardless of whether the child’s Tribe intervenes in the case or whether the child’s Tribe can identify a preferred placement home. The child’s Tribe may present a different order of placement preferences, and those shall apply.*



When Placing a Child in an ICWA Case, What Should Be Documented?

The state caseworker should document all of the placements of the child and all efforts to comply with the placement preferences.

Where required placement preferences have not been followed, then the state agency must:

- Demonstrate through clear and convincing evidence that a diligent search was made

The standard for proving that a placement was unavailable must conform to the main social and cultural standards of the parent's or extended family's Indian community (25 C.F.R. § 23.132). For more information on how this might apply in an ICWA case, contact the Indian child's Tribe.

What if it is necessary to move the child to a new placement?

If the child is to be moved from one placement to another, or if the foster family plans to move, the child's parents or the Indian custodian must be notified in writing. Workers should follow placement preferences outlined above, unless the child is returned to their parents or Indian custodian (25 U.S.C. § 1916[b]).

Preference to the following types of placements must be given in the order provided, unless there is good cause to place the child elsewhere or the Tribe has a different placement preference order:

1. Member of the child's extended family
2. Foster home licensed, approved, or specified by the child's Tribe
3. Indian foster home licensed or approved by the state or other non-Native licensing authority
4. Institution for children approved by an Indian Tribe or operative by an Indian organization that meets the child's special needs

When Can a Parent in an ICWA Case Have Their Parental Rights Terminated?

25 U.S.C. § 1912(f)

To terminate parental rights, the state must prove (and case records must document) that:

- The conduct or condition of the parent is likely to result in serious risk of serious physical or emotional damage to the child if the parent has continued custody
 - ◊ This must include a *causal relationship* between the conditions and the serious damage to the child that is likely to result
- Active efforts were made to support the family in overcoming the challenges making continued custody of the child by the parent an imminent risk of serious physical or emotional damage to the child
 - ◊ The case record cannot simply state that such efforts were unsuccessful, but must document the specific efforts and how they were unsuccessful

What burden of proof is required for terminating the rights of a parent?

In order to ask the court to terminate parental rights, the petitioning agency must show the court by *evidence beyond a reasonable doubt*—including the testimony of a *qualified expert witness*—that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

What is evidence “beyond a reasonable doubt”?

This is a higher burden of proof than most states require at termination of parental rights proceedings. It means that the side favoring termination must not only present a more convincing case than the opposition, but must be so convincing that it eliminates all reasonable doubts in the mind of the person deciding the case that the child will be at risk of serious physical or emotional damage if the parent maintains custody. If the evidence fails to do so, the court is obligated by ICWA to deny termination.

Who is a “qualified expert witness”?

[See page 9.](#)

★ *Note: Prior to bringing a petition to terminate parental rights, contact the child’s Tribe to discuss their position on termination of parental rights and if they have any preferences regarding the permanent placement of the Indian child. This could include the Tribe’s use of Tribal customary adoption or guardianship as means to help Indian children retain their connections to Tribal culture and extended family. The child’s Tribe may also have identified a permanent placement for the child.*

After the Parents’ Rights are Terminated, Where Should the Child in an ICWA Case Be Placed?

25 U.S.C. § 1915(a); 25 C.F.R. § 23.130

Typically, after the parent’s parental rights have been terminated, an adoptive placement for the child is pursued. ICWA’s adoptive placement preferences are in the following order and must be followed unless there is good cause to place the child elsewhere or the Tribe has a different placement preference order:

1. Child’s extended family
2. Other members of the child’s Tribe
3. Other Indian families



The state caseworker should contact the Tribe to ask if they have a different placement preference order.

★ *Note: ICWA placement preferences apply regardless of whether the child’s Tribe intervenes in the case or can identify a preferred placement home.*

When placing a child in an ICWA case, what should be documented?

State caseworkers should document all of the placements of the child and all efforts to comply with the placement preferences.

Where required placement preferences have not been followed, then the state agency must:

- Demonstrate through clear and convincing evidence that a diligent search was made

The standard for proving that a placement was unavailable must conform to the main social and cultural standards of the parent's or extended family's Indian community (25 C.F.R. § 23.132).

For more information on how this might apply in an ICWA case, contact the Indian child's Tribe.

What happens if the adoption is disrupted? 25 U.S.C. § 1916(a)

If an adoption is vacated or set aside, or adoptive parents voluntarily consent to termination of their parental rights, the Indian parents or Indian custodians must be notified.

- Notice of their right for a return of their child must include a statement that such petition will be granted unless the court rules it is not in the child's best interest

How Do You Voluntarily Terminate Parental Rights and Place a Child for Adoption Under ICWA?

25 U.S.C. § 1913(c)

ICWA requires specific procedures for voluntary consent and that specific information be collected at the time of consent to protect children's future connection to their extended family and Tribe.

How must voluntary consent be given?

Consent cannot be accepted unless:

- The child is over 10 days old
- The consent is in writing and recorded before a judge (executed, not just presented to the presiding judge)
- The consent is accompanied by the judge's certificate ensuring that terms and consequences of the consent were:
 - ◊ Fully explained in detail and fully understood by the parents or Indian custodian
 - ◊ Fully explained in English or interpreted into a language understood by the parents or Indian custodian



What information should voluntary consent include?

- Consent signed by the parents or Indian custodian should contain:
- Name and birth date of child
- Name of child's Tribe
- Child's enrollment number or other indication of membership in the Tribe
- Name and address of consenting parents or custodians (e.g., mother's birth and married name)
- Name and address of prospective parents, if known, for substitute care placements
- Name and address of person or agency through whom placement arranged, if any, for adoptive placements

Where should the child be placed?

Preference to the following types of placements must be given in the order provided, unless there is good cause to place the child elsewhere or the Tribe has a different placement preference order:

1. Child's extended family
2. Other members of the child's Tribe
3. Other Indian families

The adoption caseworker should contact the Tribe to ask if they have a different order of placement preference (25 U.S.C. § 1915(a); 25 C.F.R. § 23.130).

The adoption and state case worker should also perform a diligent search to comply with ICWA's placement preferences. This should include, at a minimum:

- Contact with Tribe's social service program
- Contact extended family members
- Search of state and county lists of foster homes
- Contact with other Tribes and Native organizations with available placement resources

The National Indian Child Welfare Association is available to share and explain this information to stakeholders involved in Tribal child welfare, including court officers, Tribal councils, Tribal child welfare staff, and state and county agencies.

To find out how our staff may assist your community or program, contact NICWA at (503) 222-4044.

Visit our website at www.nicwa.org.

✦ *Note: To determine whether ICWA applies in a voluntary adoptive placement, the adoption caseworker or attorney should contact the child's Tribe so the Tribe can determine if the child is a member or eligible for membership. The adoption caseworker or attorney should also determine if state law or policy requires notice of the child's Tribe in adoption proceedings.*

Disclaimer: This guide has been prepared for general information purposes only; it does not constitute legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the law may vary from state to state, so some information in this guide may not be correct for your jurisdiction. The information in this guide cannot replace the advice of competent legal counsel licensed in your state.



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NICWA'S MISSION

The National Indian Child Welfare Association (NICWA) protects the safety, health, and cultural identity of all Native children and families—today and for future generations—by upholding culturally based services, community strength, and Tribal sovereignty.

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