

# Tips and Resources for Families Navigating the Child Welfare System

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## NICWA

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

If you encounter the child welfare system, there are things you can do to be prepared and to advocate for your child and family. **The single most important thing is to keep your child safe and to communicate with the child welfare caseworker(s) assigned to your case.** This resource is designed to support families who encounter the child welfare system. It details what steps to take if you are reported for child abuse or neglect, how to navigate the early stages of an investigation, and what to do if your child is removed from your home.

## The Child Welfare System is Responsible For

- Helping to keep children safe and supported.
- Working with families to address concerns that may place children at risk of abuse or neglect.
- Providing services and supports that build on family strengths, honor culture, and ensure families have a voice in decisions—all with the goal of keeping families together.
- Responding to reports from people in the community who have raised concerns for children that may be at risk of abuse or neglect.
- Ensuring children receive appropriate care, by helping them access and utilize family and community resources before removal is considered, and if removal becomes necessary, prioritizing relative and community support before seeking outside resources.
- Partnering with families to help children return home safely, and as quickly as possible, if they had to be separated from their families for their safety.
- Finding another suitable permanent home, such as with relatives, for children who cannot return home safely.

## How Does the Child Welfare System Work?

The child welfare system was created to help every child have a safe and secure home life. This responsibility has been given to child welfare agencies, but they can't do it alone. The courts, private child welfare agencies, and other service systems (such as behavioral health, substance abuse treatment, healthcare, education, and domestic violence prevention) are all partners in serving children and families who have come to the attention of the child welfare system. While states and counties operate their child welfare systems under state laws, Tribal Nations operate their child welfare systems under their own laws.

### Resource

- ✦ [A Family's Guide to the Child Welfare System](#) may be a helpful resource as you navigate the child welfare system. Section 8 of this guide (starting on page 79) outlines how child welfare works with American Indian families.

## Are There Additional Requirements for American Indian and Alaska Native (Native) Children?

Yes. Under the Indian Child Welfare Act (ICWA) (25 U.S.C. 1901 et seq.), federal requirements apply to state foster care, guardianship, termination of parental rights, and adoption proceedings involving an “Indian child” who is a member of a federally recognized Tribe, or is eligible for membership, and the biological child of a member.

When ICWA applies to a child’s case, the child’s Tribe and parents have a right to be involved in the decisions affecting services and placement of the child. Tribal Nations have the right to intervene in ICWA cases involving their Tribal children, such as participate in court proceedings, access court records and documents, share information with the court, and engage in case planning. Both the child’s Tribe and parents can also petition a state court to transfer the case to a Tribal court. Additionally, ICWA requires that placement preferences be followed when a Native child is placed in foster care or adoption (prioritizing placement first with the child’s extended family), and that [active efforts](#) are to be provided to Native children and families to prevent child removal, and to help return children home safely where removal has occurred.



## Resources

- ✦ For more information on ICWA, explore this list of [Frequently Asked Questions](#) and [The Indian Child Welfare Act: A Family’s Guide](#).
- ✦ The National Indian Child Welfare’s (NICWA) resource on [Navigating Conversations with your Attorney in State Child Custody Proceedings](#) provides guidance for parents on communicating effectively with their attorney in ICWA cases, and serves as an advocacy tool to support informed and confident engagement throughout the process.
- ✦ NICWA developed [A Guide to Compliance with ICWA](#) that walks through key provisions at different stages of state child custody proceedings under ICWA. This is a resource that you can share with your attorney, or caseworker, to help guide your discussion.

## How Should I Prepare for a Home Visit From a Child Protective Services (CPS) Investigator or Worker?

When preparing for a home visit from a CPS investigator or worker, focus on creating a safe, calm, and welcoming environment. Make sure your home is reasonably clean and that basic needs—like food, utilities, and safe sleeping spaces—are clearly available. Gather necessary documentation—including Tribal identification or information about the family’s Tribal heritage, health and safety records (such as medical information, medications, and emergency contacts), school records, and any existing court documents related to custody orders or previous CPS involvement. Be prepared to answer questions, and provide information about, your family, the child’s Tribe, and other resource people who may be helpful.

It may be helpful to think about what support your family might need, and to view the visit as an opportunity to show your strengths and work collaboratively with the worker. For example, you can share your child’s routines, cultural practices, and the ways you and your family nurture and support them. You could also mention Tribal services or supports that have been helpful in the past, as well as those that may be useful in meeting your family’s current needs. Before the visit ends, ask the worker about the next steps, so you understand what to expect and how to stay engaged in the process. Keep your own notes during every interaction with CPS so you have a clear, personal record of what was discussed, and can confidently advocate for your family’s needs.

Below are six key areas CPS typically looks at during a home visit, along with a brief example of what this could mean for you as a parent:

1. The environment—the overall condition of the home, with attention given to how the space supports your child’s safety.
2. Hazards—anything that could put your child at risk, such as unsafe conditions, substances, or unsecured items.
3. Illegal activity—signs of criminal behavior, drug use, or anything unlawful occurring that could affect your child’s safety or well-being.
4. Basic needs—whether your child has food, clothing, a safe place to sleep, and access to necessary care.
5. Your relationship with your children as a parent—how you interact, communicate, supervise, and meet your child’s emotional and daily needs.
6. Possible ICWA applicability—whether there are indications that your child may be an “Indian child” under ICWA. CPS may ask you about your child’s ancestry, Tribal enrollment, or eligibility so the Tribe can be notified and other ICWA protections followed.

## What Additional Advice and Resources Are Available?

If you are accused of child abuse or neglect, first ensure your child’s safety. **Demonstrate that you are doing everything you can to keep your child safe, and suggest help that could be useful in helping you keep your child safe.**

**Have family and friends’ phone numbers ready to call.** Know who can help you keep your child safe in your home, or who can care for your child in their home temporarily.

**Find an attorney.** All parents in child welfare proceedings have a right to be represented by an attorney in court. You may need to advocate for yourself to find an attorney with Indian law expertise:

- NICWA’s resource on [How to Find Free and Low-Cost Legal Assistance](#) provides guidance on how to find legal help, and page 2 outlines tips on how to talk with an attorney about ICWA.
- If you are looking for help with a civil legal problem, enter an address or city to [find a legal aid organization near you](#).
- The National Indian Law Library provides Indian law research assistance. Explore their [guide to finding legal help](#).
- Many states have a [bar association](#) that offers lawyer referral services and modest means programs that can help you find an attorney.

**Ask for support accessing services** including income assistance to address basic

### Resources

- ✦ [5 Things CPS Looks for During a Home Visit](#)
- ✦ [What CPS Can and Cannot Legally Do During Investigations](#)

needs (such as food, housing, healthcare, and child care), and services related to mental health, substance abuse, and domestic violence (see the *Resources for Common Questions* section of this resource).

## You Have the Right to

- Know what the specific report against you is that you are being investigated for.
- Know that the state must give preference to placing a child with relatives when the child is removed from the home.
- Contribute to, review, comment on, and approve your case plan.
- Access all court documents and records, along with clear explanations to support understanding.
- Receive information about how the child welfare agency is complying with ICWA in cases where ICWA applies, including the protections ICWA provides.
- Have an advocate, other than your attorney, join you in meetings with your caseworker to help you better understand what is being communicated and provide support to you.

For more information, see “General Parental Rights” at [Your Rights Under the Indian Child Welfare Act](#). Seeking legal help is the best way to learn about your rights and plan for the next steps in your case.



## Barriers to Know Ahead of Time

There may be aspects of your experience as a Native parent that a child welfare worker does not fully understand or may interpret incorrectly. A caseworker may

- Assume you understand the language they are speaking, even if it is legal or technical language. If you don't understand, make it known. Ask them to explain it using simpler language. If English is not your first language, or you prefer to communicate in your Native language, ask for an interpreter.
- Assume you can answer their questions immediately when they ask them. If you were taught to take your time and think carefully before responding, explain your preferred style of communication to the caseworker.
- Not know if you come from an extended family that shares parenting responsibilities. If you have close family that can help keep your child safe, tell the caseworker.
- Assume that you or your family has drug and alcohol problems just because you are Native. If you are in recovery or getting treatment, tell the caseworker.
- Mistake [Mongolian spots](#) (birthmarks common on Native skin) for bruises. If your child has such birthmarks, tell the caseworker.
- Not know the negative history of Indian boarding schools, child removal, or the impact of this historical trauma on Native families today. If you feel panic, stress, or fear because of what happened to your family, including your ancestors, tell the caseworker.
- Stereotype the appearance of Native people. If you are Native, say so—whether you look like the stereotype or not. If you are not sure about your Tribal heritage and you have relatives that are Native, make it known to your caseworker or attorney. If you are Native, you may be eligible for protections under ICWA.

## Additional Tips for Families

- Expect that the child welfare agency may not always share your perspective.
- Do the best you can to cooperate.
- Be prepared to be in a child welfare agency office or courtroom, and to be asked a lot of questions. Consider whether having someone with you for support would be helpful. You can request to have an advocate of your choosing present during questioning—this could be a family member, friend, mentor, community healer, or trusted community member.
- Have some notes about what you want to say, including your family’s strengths and the resources available to you. Be prepared to talk about how you see the problem and what steps you have already taken to address it, including people who have helped you and any services you have received.
- Bring paper to take notes. Document every conversation you have with caseworkers. Include the date, location, who was there, summary of conversation, and anything you were asked or required to do.
- Don’t be afraid to say when you need a break from the conversation, or if you do not understand a question or statement. You can ask for clarification.



- If you are having difficulty getting the help you need from your caseworker, respectfully ask to speak with their supervisor. If you continue to experience difficulty getting a response to your questions or concerns, many state agencies have a [children’s ombudsman office](#) to support families and assess whether they are getting the help they need.
- Your child’s Tribe may be involved in the investigation and/or court proceedings. You cannot assume the Tribal representative represents your interests. Legally they represent the best interest of the child, as defined by the Tribe’s laws. They may be helpful in getting services and resources for your family.

## Resources for Common Questions

### What if my child is not enrolled, but I believe my child has Tribal heritage?

If you think ICWA may apply to your case, consider tracing your family’s Native ancestry and contact the [Tribe\(s\)](#) for more information about their eligibility criteria and enrollment process for becoming a Tribal citizen. As sovereign governments, Tribal Nations have the exclusive authority to determine who is a citizen and who is eligible for citizenship of that Tribe.

#### ✦ Resources

- NICWA’s [Tracing Native Ancestry](#) resource shares insight on conducting a genealogical search and seeking assistance from the Tribe to establish a relationship or enroll.
- The Bureau of Indian Affairs within The Department of the Interior created a [Tracing American Indian](#)

[and Alaska Native Ancestry](#) resource that provides information on conducting genealogical research, where to look for ancestral information (i.e., at home, local and state records, public libraries and other repositories, and the [National Archives and Records Administration](#)), and other resources such as the [Association of Professional Genealogists Directory](#) (hired professionals that research family history).

## What are my rights under ICWA?

### + Resources

- Check out [Topic 3. Who has rights under the Act](#) in A Practical Guide to the Indian Child Welfare Act.
- Consider speaking with an attorney that has family and Indian law expertise. The second page of this resource on [How to Find Free and Low-Cost Legal Assistance](#) includes a set of ICWA-focused questions you can bring to your attorney, to help them understand your situation, guide you through the legal process, and advocate for you more effectively.

## What if ICWA doesn't apply to my state child welfare case?

When ICWA protections are not applicable, there are other federal and state laws that may be helpful to families who are involved with the child welfare system. For example, under Title IV-E of the Social Security Act, states must consider giving preference to a relative over a non-relative placement (42 U.S.C. § 671 [19]), make a thorough relative search, and notify all adult relatives that the child has been removed within 30 days of a removal, (42 U.S.C. § 671 [29]).

### + Resource

- [ICWA Doesn't Apply to My Child Welfare Case. What Other Help Can I Receive?](#)



## How can I contact my Tribe if I believe that ICWA may apply to my case?

### + Resource

- ICWA contacts for each federally recognized Tribe in the United States can be found via the [Bureau of Indian Affairs ICWA Designated Agents Listing](#).

## How can I share my story and advocate for myself?

### + Resource

- Read chapter 8 (starting on page 50) of the grandfamilies toolkit and share this document with your caseworker. [American Indian and Alaska Native Grandfamilies: Helping Children Thrive Through Connection to Family and Cultural Identity](#).

## Where can I find supportive services for substance use, mental health, or safety concerns in my home so that my family can stay safe and supported?

- Ask your state caseworker and the Tribal ICWA worker about available state or Tribal services and supports that could be helpful to your family.
  - The [StrongHearts Native Helpline](#) is a 24/7 safe, confidential, and anonymous domestic and sexual violence helpline for Native Americans and Alaska Natives, offering support and advocacy by phone at 1(844) 762-8483 or through an online chat.
  - The [National Domestic Violence Hotline](#) serves anyone impacted by relationship abuse. You can call 1 (800) 799-7233, chat online, text “START” at 88788, or search a [directory of local providers](#).
  - 988 provides 24/7 access to caring counselors who can offer compassionate support for mental health challenges, emotional distress, alcohol or drug use concerns, or whenever you simply need someone to talk to. Call or text 988 or [chat online](#).
  - For substance abuse or mental health support, the [Substance Abuse and Mental Health Service Administration’s National Helpline](#) can be reached by calling 1 (800) 662-4357 or TTY: 1 (800) 487-4889. This is a free, confidential, 24-hour-a-day, 365-day-a-year, information service for individuals and family members facing mental and/or substance use disorders. This service provides referrals to local treatment facilities, support groups, and community based organizations. You can also visit the [online treatment locators](#), and this [website](#) has other helplines and service locators on the dropdown menu found on the left-hand side of the screen.
- NICWA created a handout that details [Resources for Parents Facing Incarceration and Their Children, Families, and Caregivers](#).
  - [USA.gov](#) provides information on government programs that may help you pay for food, housing, health care, and other basic living expenses. Use the [benefit finder tool](#), or [search by category](#) to learn which benefits you and your family may be eligible for, and how to apply.
  - The [211 National Helpline](#) connects people to local health and human services, such as food, housing, health care, legal help, crisis hotlines, mental health support, and more. Call 211 to speak with someone now or search by zip code to find help near you.

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# NICWA

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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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