

How to Find Free & Low-Cost Legal Assistance



NICWA

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

Do you need legal advice?

When you become involved in a child placement or child welfare case, it is extremely important to get legal advice in order to ensure the rights of you and your child are protected.

If you can't afford a lawyer, there may be free or low-cost legal service offices throughout the country.

1 Gather Your Paperwork

+ Proof of Income

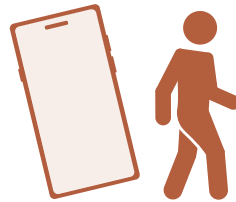
+ Case Information

+ Tribal Enrollment



2

Ask the Judge to Appoint You An Attorney (or Contact Legal Aid Directly)



Call or Walk-in

If you are a parent or Indian custodian and ICWA applies to your case, you may be entitled to be granted an attorney under the law.

3 If You Do Not Qualify for Free Legal Aid... there are other resources that may be able to help you

Your local university law school may have a free legal clinic where law students provide legal help and are supervised by law professors.

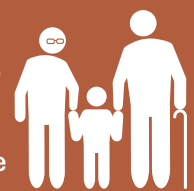


Your local bar association can help connect you with a:

- + volunteer lawyer
- + pro bono workshop
- + modest means program
- + self help clinic



If you are a grandparent, your local Agency on Aging may be able to help find low-cost legal help.



4 ICWA

Once you have connected with legal representation, it is important to ask if they are familiar with ICWA and family law considerations.



With legal representation, you will have someone supporting you who will help you navigate through the complex legal system and who will be responsible for advocating for you.

How to Help Your Attorney Help You

If you believe ICWA applies to your case, there are several proactive things you should do to make sure your attorney is equipped with all the information and knowledge needed to help you.

1. Be on time to the appointment with your lawyer.
2. Take a copy of the enrollment card, Certificate of Degree of Indian Blood (CDIB), or other documentation of Native American heritage for all family members involved in the case to your first meeting with the lawyer. Birth certificates, custody decrees, and findings of paternity for any children are also helpful.
3. If you are not enrolled, take a family tree with as much information as possible, including dates of birth, maiden names or aliases, enrollment numbers, and blood quantum for each person on the tree.
4. Know how to access your Tribal code or constitution that defines who can be an enrolled member.
5. Look up and bring the contact information for your Tribe's social services or Indian child welfare department and enrollment office.
6. If you are enrolled, ask Tribal social services and the enrollment office if you can sign a "Release of Information Form" so that they can speak directly with your attorney.
7. Bring a copy of the Indian Child Welfare Act (ICWA) with you. A copy is available at www.nicwa.org.
8. Ask your lawyer if ICWA applies to your case. Your lawyer may need time to do additional research, but should be able to give you an answer about ICWA fairly quickly. Tell him or her to look at Section 1903(1) & (4).
9. If your lawyer believes that your child is an Indian child as defined by ICWA Section 1903(1) (this is a very specific definition that does not apply to all children who identify as Indian), but is unclear about whether your case or proceeding falls under the definitions of ICWA Section 1903(1), ask your lawyer to consult with Tribal social services or a Tribal attorney to get a determination from the Tribe.
10. Ask your attorney if he or she has any experience with ICWA cases. If yes, ask the following questions:
 - How many ICWA cases have you had?
 - What Tribes did you work with?
 - Did you represent the parents and children or did you represent a Tribe?
 - Were you in state court or Tribal court? What state or what Tribe (if transferred to Tribal court)? Are you able and willing to practice in my Tribe's court?
 - Do you understand the importance of my culture to the well-being of me and my children?

Remember, you are looking for the strongest advocate to protect your rights.

If ICWA applies to your case, you'll need someone who is knowledgeable about this law and comfortable working with Tribes.

Additional Resource: *[Navigating Conversations with your Attorney in State Child Custody Proceedings](#)*

If you have not been appointed a pro bono attorney because ICWA does not apply to your case, and you are unsatisfied with their work, you can talk to the judge for substitution council.



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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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