

**When faced with the question: “What is Active Efforts?” what is your answer? How do you define this in a manner that is in line with good practice? And how do we model the elements of Active Efforts within our day to day practice with children and families?**

There are many different views and suggestions on how to answer these questions but few get to the heart of what active efforts really are. The federal definition of active efforts includes the following: “affirmative, active, thorough and timely efforts intended primarily to maintain or reunite an Indian child with his or her family. When an agency is involved in the child

custody proceeding, active efforts must involve assisting the parent or parents or Indian custodian through the steps of a case plan, including accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, Active Efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian’s child’s parents, extended family members, Indian custodians and tribe. “Active Efforts are critical and imperative in order to create stability and permanency for Native American children. What can you do differently today to make a difference?

## Implementing Active Efforts Consistently

### Focus areas in which we can ensure compliance with Active Efforts

- 1. Conducting a comprehensive assessment of the circumstances of the Indian child’s family, with a focus on safe reunification as the most desirable goal.** Example: Workers should initiate contact with the ICWA representative at the earliest point possible to participate in safety assessment and, if necessary, case planning.
- 2. Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services.** Example: If a family is struggling to obtain housing, steps may include not only a referral for housing, but may consist of active steps in assisting the family complete the application, drive the family to the interview, assist financially with rent or utilities and providing the family with education on budgeting.
- 3. Identify, notifying and inviting representatives of the Indian child’s Tribe to participate in providing support and services to the Indian child’s family, participate in family team meetings, permanency planning and resolution of placement issues.** Example: The worker would actively involve the tribe by providing pertinent information regarding the specifics of the situation, and invite the tribe, extended family and supports to the Children and Family Team meeting. Efforts would be made to secure services on or off tribal land that are culturally appropriate. If placement is necessary, all efforts to resolve the need for placement will be made.
- 4. Conducting, or causing to be conducted, a diligent search for the Indian child’s extended family members , and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child’s parents.** Example: Prepare a Genogram with the family as well as an Ecomap, asking the family who has been supportive in the past. See where family and informal supports can assist the family with childcare, transportation, supervision of visits between parents and children or acting as a monitor for a safety plan.
- 5. Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child’s tribe.** Example: Contact the ICWA representative and /or

extended family to determine what services are available and appropriate for the family. Services on the tribe may include: Indian Health Services, Mental Health Services and Addiction Services that are culturally driven and focused.

**6. Taking steps to keep sibling together whenever possible.** Example: If children cannot be placed together, every effort should be made to ensure quality and regular contact is possible either through face to face visits, using technology and other creative ways to maintain sibling connections.

**7. Support regular visits with parents or Indian custodians in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety and welfare of the child.** Example: Efforts to remove all barriers to getting the parents to the visitation should be addressed every time and visits would take place in the parents' home or that of extended family whenever possible.

**8. Identifying community resources including housing, financial, transportation, mental health substance abuse and peer support services and actively assist the Indian child's parent, or when appropriate, the child's family in utilizing and accessing those resources.** Example: When working with community agencies to access services, barriers must be addressed. Work closely with families to teach skills in how to access services as well as advocating on their behalf. Have a good understanding of culturally relevant activities and services in your area that can be of support .

**9. Monitoring progress and participation in services.** Example: Pay close attention to progress and participation and address this not only at the Children and Family Team Meeting but during home visits and during additional contacts throughout the lifetime of the case. If progress is not taking place, identify why and change the case plan as needed. This is a fluid plan that should reflect the needs of the family.

**10. Considering alternative ways to address the needs of the Indian child's parents and, where appropriate, the family, if the optimum services do not exist or are not available.** Example: Be creative in how we meet the needs of the family. If too many barriers exist to get to a parenting class, or no classes are available, bring the parenting class to the home by providing hands on education in the home.

**11. Providing post- reunification services and monitoring.** Example: Create a plan with the family to address what needs to take place to ensure ongoing success. Address potential risk areas and create a safety plan to address these.

Critical Thinking Questions to pose to workers in regards to ensuring Active Efforts are considered:

- What types of support does the family have?
- Have you involved extended family and tribal members in case planning and services?
- Are there culturally appropriate children treatment services or health services options available?
- What barriers has the family identified in reaching their goal of reunification and how can we remove those barriers?
- What intervention would be helpful to this family for them to feel more culturally engaged?
- If we asked the family what needs to happen in order for them to be successful, what would they say?
- Does the child/youth/family/team/ tribal members feel that services are adequate and sufficiently available? How do you know this?
- What more can we do to support this family and remove barriers?

**Additional resources** are available to you regarding ICWA guidelines: [2016 ICWA Federal Regulations and Guidelines](#) as well as forms that may enhance your practice: [ICWA Inquiry Form](#) and [Active Efforts Hard Card](#).

The following guide answers many questions regarding the implementation of ICWA guidelines into practice; [A Guide to Compliance with the Indian Child Welfare Act](#)

In addition, there are videos that discuss the history and the necessity of the ICWA guidelines: [The Heart of ICWA](#)

References: Judge Leonard Edwards ( 2019), Defining active efforts in the indian child welfare act. The Guardian Vol 41 (1) p1-8 [http://judgeleonardedwards.com/docs/guardian\\_2019\\_v41n01-icwa.pdf](http://judgeleonardedwards.com/docs/guardian_2019_v41n01-icwa.pdf); Judge Leonard Edwards. Active efforts and reasonable efforts: do they mean the same thing? The Bench (Spring 2015), retrieved May 2019 [https://www.courts.ca.gov/documents/BTB\\_23\\_5N\\_5.pdf](https://www.courts.ca.gov/documents/BTB_23_5N_5.pdf) Judicial Council of California, ICWA information sheet: active efforts and resources, retrieved May 2019: <https://www.courts.ca.gov/documents/ICWA-active-efforts.pdf>;

