

**Indian Child Welfare Act:  
Letter of the Law**

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ND ICWA Implementation Partnership  
University of North Dakota

**CREATING  
ICWA  
CHAMPIONS**

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**ICWA Training Learning Objectives**

- The ability to understand and apply the Indian Child Welfare Act Federal Regulations and Guidelines
  - Application/Verification
  - Emergency Removal
  - Notice
  - Jurisdiction
  - Preferred Placement
  - Active Efforts.
- Engage in best practices when providing services to Indian Families.
- Understand and learn ways to work with the Tribal programs and entities on and off the reservation.

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### Definition of an *Indian Child*

An **Indian child** means any **unmarried** person who is **under age 18** and either:

- 1) Is a member or **citizen** of an **Indian Tribe**; or
- 2) Is **eligible** for membership or **citizenship** in an **Indian Tribe** **AND** is the **biological child** of a member/**citizen** of an **Indian Tribe**.

§ 23.2

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### “Reason to Know”



- Any participant, court officer, Indian tribe, organization, or agency **INFORMS** or **DISCOVERS** the court the child is an Indian Child.
- The child, parent, relative, guardian, etc. reports the child is an Indian Child.
- The Domicile or Residence of the child is on a reservation.
- The child is a ward of a Tribal court.
- The parent or the child possess a Tribal identification card or document.



§ 23.107

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### ICWA Applies to...

- ICWA applies whenever an Indian child is the subject of:
  - A child-custody proceeding:
    - When there is a need for out-of-home placement of the child, including
      - Foster-care placements (including guardianships)
      - Pre-adoptive placements
      - Adoptive placements
      - Termination of parental rights and
      - Emergency proceedings.

ICWA also applies to voluntary proceedings in which a placement determination is being made, status offence cases in which there is a need for out of home placement and dual status cases (when there is delinquency due to deprivation).

§ 23.103

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### ICWA does NOT Apply to

- Divorce Proceedings in which custody is being disputed.
- Juvenile Delinquency Proceedings (if the primary reason for out of home placement does not include a deprivation issue and the crime would be a crime if committed as an adult.)
- Cases under Tribal Jurisdiction

§ 23.107

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### Which of these factors may NOT be considered when determining the application of ICWA?

**You are correct!**  
The old notion of the "Existing Indian Family" can not be considered when determining whether or not ICWA applies.

- Factors Surrounding Parent-Child Relationship: **A** YOU GOT IT!
- Factors Surrounding Blood Quantum: **B** YUP!
- Factors Surrounding Cultural Participation: **C** RIGHT ON!
- Factors Surrounding Tribal Social Participation: **D** YAY!

Who determines citizenship?

§ 23.103

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**TRIBES**

Tribes, as sovereign governments, have the **exclusive authority** to determine their political citizenship and their eligibility requirements. A Tribe is, therefore, the authoritative and best source of information regarding who is a citizen (or member) of that Tribe and who is eligible for citizenship of that Tribe. Thus, the rule defers to Tribes in making such determinations and makes clear that a court may not substitute its own determination for that of a Tribe regarding a child's citizenship or eligibility for citizenship in a Tribe.

## Verification of Citizenship

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## More than One Tribe

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**Tribe**

The identified tribe is the designated tribe for ICWA provisions.

2

Affiliated with more than one, but an enrolled citizen of one Tribe.

The Tribe a child is a citizen of is the designated Tribe for ICWA provision.

3

If child is a citizen or eligible for citizenship in more than one tribe.

The Tribes must be given some time to determine who shall be the designated tribe.

**QUESTION**

§ 23.109 How should a State court determine an Indian child's Tribe when the child may be a member or eligible for membership in more than one Tribe?

§ 23.109

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## Diligent Information Gathering

- ✓ Genograms or ancestry/family charts for both parents;
- ✓ All known names of BOTH parents (maiden, married and former names or aliases), including possible alternative spellings;
- ✓ Current and former addresses of the child's parents and any extended family;
- ✓ Birthdates and places of birth (and death, if applicable) of BOTH parents;
- ✓ All known Tribal affiliations (or Indian ancestry if Tribal affiliation not known) for individuals listed on the ancestry/family charts; and
- ✓ The addresses for the domicile and residence of the child, his or her parents, or the Indian custodian and whether this is on an Indian reservation or in an Alaska Native Village.

§ 23.108

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**Something to Consider**

	MHA	Spirit Lake	Standing Rock	TMBCI
# of Tribal Citizens	~16,000	~7,500	~15,000	~34,000
# of Inquiries	200	1,200	1,200	1,200
# of Active Cases	120	80	125	400

**Mandan, Hidatsa and Arikara Nation** E-mail: [bobbjohnsonps@gmail.com](mailto:bobbjohnsonps@gmail.com)

**Spirit Lake Nation** E-mail: [sticwaftr@spiritlakenation.com](mailto:sticwaftr@spiritlakenation.com)

**Standing Rock Nation** E-mail: [sticwaftr@standingrock.org](mailto:sticwaftr@standingrock.org)

**Turtle Mountain Band of Chippewa** E-mail: [marilyn@tmcwfs.net](mailto:marilyn@tmcwfs.net)

**Tribal Information and Resources**  
[Children and Family Services Training Center - ND ICWA Information Gateway](#)

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**QUESTION**  
 What responsibility does the worker have in verifying tribal citizenship?

**INCORRECT**  
 Only have parents have the right to enroll their child on a tribe.

**CORRECT!**  
 Here is the description area. Add your text here. Add more information.

**CORRECT**  
 Here is the description area. Add your text here. Add more information.

**Does ICWA Apply?**

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**Immediate Informal Notice ND ICWA Inquiry & Case Status Form**

[To access the form and ND Tribal Information Click Here](#)

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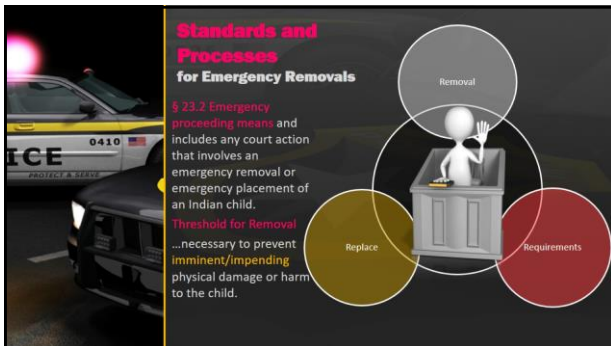
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### Imminent/Impending Danger

**Threshold for removal**

- Typical considerations to find imminent danger include:
  - circumstances in which the child is immediately threatened with harm," including when there is an immediate threat to the safety of the child,
  - when a young child is left without care or adequate supervision, or
  - where there is evidence of serious ongoing abuse, and reason to fear imminent recurrence.

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### No Longer Necessary

**§ 23.113 What are the standards for emergency proceedings involving an Indian child?**

(a) Any emergency removal or placement of an Indian child under State law must **terminate immediately** when the removal or placement is no longer necessary to prevent imminent/impending physical damage or harm to the child.

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### Standards for Emergency Removal

**(b) The State Court Must:**

- § 23.113 (b) (1) Make a finding on the record that the emergency removal or placement is **necessary to prevent imminent physical damage or harm to the child;**
- § 23.113 (b) (2) Promptly hold a hearing on whether the emergency removal or placement continues to be necessary whenever new information indicates that the emergency has ended; and
- § 23.113 (b) (3) At any court hearing during the emergency proceeding, determine whether the emergency removal or placement is **no longer necessary** to prevent imminent physical damage or harm to the child.
- § 23.113 (b) (4) **Immediately terminate** (or ensure that the agency immediately terminates) the emergency proceeding once the court or agency possesses sufficient evidence to determine that the emergency removal or placement is **no longer necessary to prevent imminent physical damage or harm to the child.**

§ 23.113

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**Termination of Emergency Proceedings**

(c) An emergency proceeding can be terminated by one or more of the following actions:

- (1) Initiation of a child-custody proceeding subject to the provisions of ICWA;
- (2) Transfer of the child to the jurisdiction of the appropriate Indian Tribe; or
- (3) Restoring the child to the parent or Indian custodian.



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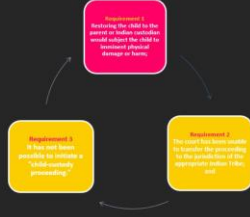
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**Standards for Emergency Proceedings**

...(e) An emergency proceeding regarding an Indian child should not be continued for more than **30 days** unless the court makes the following determinations:



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**Emergency Placements**

If one knows or has reason to know the child is an Indian child, agencies need to strive to provide the child with an initial placement that meets ICWA's (or the child's tribe's) placement preferences.

If this is not possible at the outset, the agency needs to have a concurrent plan for placement, as soon as possible, in a preferred placement.



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**Active Efforts**

**Reasonable Efforts**

Unconditional Positive Regard

**Active Efforts**

Unconditional Positive Regard

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**State Case Management**

*Immediately document:*

Seek **input and engagement** from the tribe pertaining to Placement and Active Efforts.

The impending danger warranting removal

Indian status of child (reason to know)

Tribal Affiliation

Most appropriate non-emergency jurisdiction (Tribe or State)

Contact the Tribe and start Active Efforts

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**Best Interest of the Child**

*This is the question everyday. This is the Spirit of ICWA. This makes our work difficult. This makes our work rewarding.*

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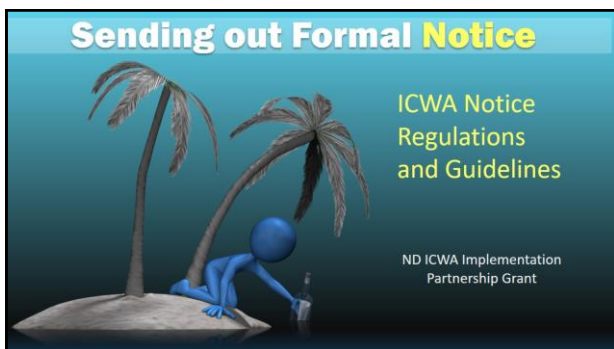
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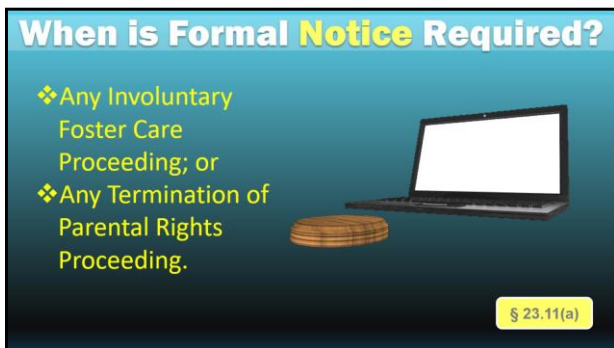
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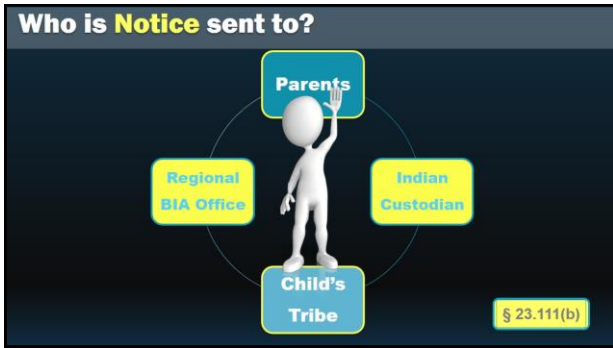
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### Who Sends Notice?

- Official (registered or certified) Notice is sent by the party seeking a foster care placement of, or termination of parental rights to an Indian child.
- What are the Noticing practices in your county?



§ 23.11

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### What to do when ascertaining identity or location of parents, Indian Custodians or the Tribe is an issue?

- The official Notices in such cases must be sent to the appropriate Bureau of Indian Affairs Regional Director.
- [Regional Offices Information](#)



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### Timing of Notice

No child-custody proceeding for foster-care placement or termination of parental rights (other than emergency proceedings) may be held until:

- 10 days after each Parent or Indian Custodian (or Secretary where the Parent or Indian custodian is unknown) AND the Child's Tribe has received notice.
- Or up to 30 days after the Parent, Indian custodian and the Child's Tribe has received notice, if the Parent, Indian custodian or Child's Tribe has requested up to 20 additional days.

§ 23.112

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**What if the Tribe Does NOT Respond?**

- ❖ ICWA requires Notice of each involuntary proceeding, regardless of Tribal response.



§ 23.11 & § 23.111

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**Questions?**

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**ICWA: The Gold Standard**  
ND ICWA Implementation Partnership Grant

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### Jurisdiction

**Exclusive Tribal Jurisdiction:**

1. The Indian Child resides or is domiciled on Tribal Lands.  
Case Management: Determine residence and domicile of the family (length of time away and intent to return).
2. The Child is a ward of a tribal court.  
Case Management: Contact tribal court to determine whether they are a ward of the court.

If either of these applies the case must be officially transferred to the appropriate tribal court. All information relevant to the proceeding must be sent.

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### Domicile

- (1) For a parent or Indian custodian, the place at which a person has been physically present and that the person regards as home; a person's true, fixed, principal, and permanent home, to which that person intends to return and remain indefinitely even though the person may be currently residing elsewhere.
- (2) For an Indian child, the domicile of the Indian child's parents or Indian custodian or guardian. In the case of an Indian child whose parents are not married to each other, the domicile of the Indian child's custodial parent.

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### Transferring Jurisdiction



The Tribe, the Parent, or the Indian Custodian can request a proceeding to be transferred to Tribal court.



A transfer can be requested at all proceedings: emergency, foster care, termination, or any proceeding in between.

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**Transfer will NOT occur if:**



Either parent objects to the transfer.



Tribal Court decides to not assume jurisdiction.



"Good Cause" is determined to exist. State Court can deny transfer.

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**Petitioning for Good Cause**

The party opposing the transfer and petitioning for "good cause" bears the burden of establishing such a case in a **clear and convincing** way.  
Use of "good cause" should be **limited**.



**Best Interest of the Child**

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**Good Cause: What it is NOT**

Tribal or Parental request to State for Tribe to assume Jurisdiction

- Stage A case is at an advanced stage. Provided Notice was received late.
- History A lack of a request for transfer in prior proceedings.
- Autism The transfer will affect the placement of the child.
- Connections The child's existing cultural connections with the tribe or the reservation.
- Bias Socioeconomic conditions or any negative perception of Tribal or BIA social services or judicial systems.

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If transfer occurs work closely with the Tribal Child Case Manager to ensure a smooth transition.  
In a timely manner transfer all documents and information to the Tribe.

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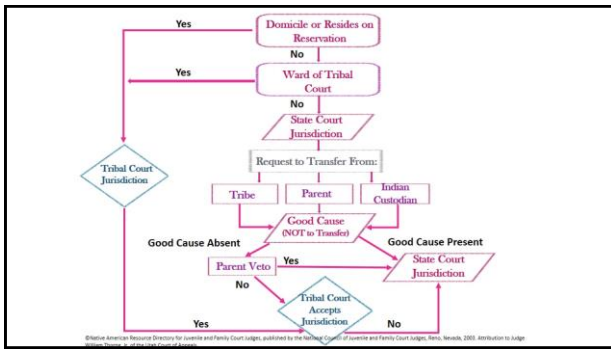
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Questions? Comments?



We are happy to help you!

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Does the ICWA identified Tribe have an established order of Preference?

**YES** • Must Follow Tribes Order

**NO** • Must follow ICWA's Order

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**ICWA Preferred Placements: Foster Care & Pre-Adoptive**

**Family**  
A member of the Indian child's extended family;

**Tribe Directed**  
A foster home that is licensed, approved, or specified by the Indian child's Tribe;

**Indian**  
An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

**Special Needs**  
An institution for children approved by an Indian Tribe or operated by an Indian organization which has a program suitable to meet the child's needs.

\*When appropriate the Court must consider the placement preferences of the Indian Child and/or the Child's parents.

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**ICWA Preferred Placement  
Least Restrictive Setting**

**Family**  
Most approximates a family, taking into consideration sibling attachment;

**Special Needs**  
Allows the Indian child's special needs (if any) to be met; and

**Proximity**  
Is in reasonable proximity to the Indian child's home, extended family, or siblings.




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**ICWA Preferred Placements: Adoption**



A member of the Child's extended family;

Other members of the Indian Child's Tribe; or

Other Indian families.

\*When appropriate the Court must consider the placement preferences of the Indian Child and/or the Child's parents.

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**Case Management: Diligent Search**



Family

Contact

Tribe

Follow Up

Tribe Institutions

Exhaustive list of Extended Family (Tribal and Non-Tribal Members)

Contact all known Members (Inquire about additional placements)

Contact Tribe (all) for assistance in identifying placements

Diligent follow up with all potential placements

Contact Tribal institutions for placement

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### Departing from Placement Preferences: Good Cause

- 1. Parent Request**  
The request of one or both Indian child's parents, if they attest that they have reviewed the placement options, if any, that comply with the order of preference;
- 2. Child Request**  
The request of the child, if the child is of sufficient age and capacity to understand the decision that is being made;
- 3. Sibling Attachment**  
The presence of a sibling attachment that can be maintained only through a particular placement;
- 4. Child's Needs**  
The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live;
- 5. Unavailability**  
The unavailability of a suitable placement after a determination by the court that a diligent search was conducted to find suitable placements meeting the preference criteria, but none has been located. For purposes of this analysis, the standards for determining whether a placement is unavailable must conform to the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.



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### Departing from Placement Preferences: Limits

- A placement may not depart from the preferences based on the socioeconomic status of any placement relative to another placement.
- A placement may not depart from the preferences based solely on ordinary bonding or attachment that flowed from time spent in a non-preferred placement that was made in violation of ICWA.

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### Adjudication: Standard of Evidence

- Foster Care Placement**
  - Clear and Convincing Evidence
  - QEW Testimony that supports the decision
- Termination of Parental Rights**
  - Evidence Beyond a Reasonable Doubt
  - QEW Testimony that supports the decision
- Causal Relationship**
  - Familial conditions will cause serious emotional or physical damage to the child
- Without a Causal Relationship Cannot Consider the Following in FC or TPR Proceedings**
  - Community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior

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**QEW Testimony**

- They testify to:
  - Whether or not the continued parental/custodian custody is likely to result in serious emotional or physical damage to the child.
  - Prevailing social and cultural standards of the Child's Tribe.
  - The application of foster care and adoptive placement standards (diligent search)
  - Whether or not Active Efforts were sufficient in attempting to maintain or reunify the family.
- They Testify at
  - Any Proceeding involving making a decision to place an Indian child in an out-of-home placement.
    - Involuntary Foster Care
    - Involuntary Termination of Parental Rights



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Questions?  
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**ICWA**  
Active Efforts

SEARCH, CHECK, NOTIFY, ACT

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**IF PEOPLE LIKE YOU  
THEY WILL LISTEN TO YOU,  
BUT IF THEY TRUST YOU,  
THEY'LL DO BUSINESS WITH YOU.**  
~ZIG ZIGLAR

**What is your Number One Active Effort?**

**Build and Maintain a Trusting Relationship**

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**Therapeutic Alliance**

Rapport building - demonstrating care and concern

Active listening and acknowledgement of family circumstances

Asking questions until true understanding has been achieved

A non-judgmental environment regardless of circumstances

Client input in case plan

Unconditional motivational support

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**Collaborative Behaviors**

Providing culturally responsive services	Sharing all case related information	Awareness of services and supports available to assist the family
Engaging other meaningful adults to assist in the process of making change	Provide training in performing tasks	Seek overt commitment to task and goals

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### Engaging Families: Agents of Change

- Rapport building - demonstrating genuine care and concern.
- Active listening and acknowledgement of family circumstances.
- Asking questions until true understanding has been achieved.
- A non-judgmental environment regardless of circumstances.
- Client input in case plan, if children are old enough consider their wishes.
- Unconditional motivational support - you might be the only one who believes in them.
- Provide culturally responsive services. Don't be afraid to learn from your families.
- Be transparent with case related information.
- Communication in a timely manner is **ESSENTIAL**.
- Awareness of services and supports available to assist the family. Stay up-to-date.
- Engage other meaningful adults to assist in the process of making change. The bigger the support system the greater likelihood of success.
- Provide training in performing tasks.
- Seek overt commitment to tasks and goals.



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### Regulation 23.2 Meaning of Active Efforts

- **Active Efforts** means **affirmative, active, thorough, and timely efforts** intended primarily to maintain or reunite an Indian child with his or her family...

Guidelines

1. A protection against **unwarranted removal and/or quick reunification**
2. The focus is on the **quality** of the actions
3. These efforts will vary according to **family needs**
4. Courts have the discretion to consider all the info

**Note** Active efforts must begin at the moment of threat to removal. This includes the assessment and provision of family services. AND are to be done if there is a reason to believe the child may be an Indian child; until it is so determined on the court record that the child is NOT an Indian child.

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**Effective Efforts**  
This is measured by the agencies and not how often they are done.  
This is not working, let's try something else.

**Valuable Efforts**  
Are the efforts being made to meet the needs of the child?  
After there is a goal set, is it being met?  
Are there any other ways to help the child?

**Timely Efforts**  
What is the best time to make the effort?  
Are the efforts being made at the right time?  
Are the efforts being made at the right place?

**Affirmative Efforts**  
Identifying goals for the family is the most important part. Goals should be SMART: Specific, Measurable, Achievable, Relevant and Time Bound.

**Active Efforts**  
Once goals are being met, are there any other ways to help them be successful?

**Thorough Efforts**  
Is there anyone involved? Are you checking in on them to ensure they have the supports they need to reach their goals? Documented cooperation from all involved.

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**CPS Active Efforts**

What active Efforts should be applied when an emergency removal happens?

- Is there is anyone the parent(s) can identify to take their children.
- Involve the tribe, as soon as there is reason to know.
- Complete genogram with family at offset to identify kin and supports.
- Connect with culturally relevant services to prevent removal – active efforts start before custody.
- Remember parents cannot opt out of ICWA.
- Continual assessment of the family to provide reunification as soon as imminent/impending danger or risk has been eliminated.

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**Working with the Tribe/s**

- State and Tribal Case Management (ICWA SA or Authorized Representative (IFP and/or QEW)
  - Helping families together
    - ICWA Gold Standard for managing Child Welfare cases
    - Identify Tribal resources the family can access
    - Communicate on status and progress of the family
    - Keep an up-to-date list of tribal services
    - Keep up to date list of county services
    - Communicate about and troubleshoot alternative services for the family

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**TEAMWORK**

**Who Can Help...**

- Who can help with social and cultural provision of services
  - Extended Family
  - Family Friends
  - Tribal Leadership
  - Tribal Elders
  - Spiritual Leaders
  - Tribal programs
  - Tribal Social Services
  - Tribal ICWA Service Agent
  - Tribal Liaisons
  - Qualified Expert Witnesses
  - Local Families and Programs
  - ICWA Family Preservationist (where available)

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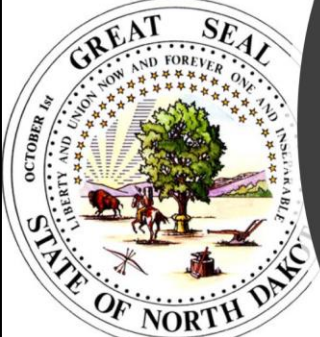
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**G. Active Efforts Required in ICWA Cases:**

- Active efforts means not just an identification of the challenges a family faces and providing solutions. It also requires a foster care case manager make efforts to actively assist a family in making the changes necessary for an Indian child to return safely to their home and reunify with family.
- Active efforts must be undertaken to provide remedial services after an assessment and before a decision is made to place the Indian child out of the home. However, active efforts must also be provided after the Indian child has been removed in order to prevent the breakup of the family by working toward reunification.
- Active efforts can be demonstrated by the following:
  - Making a strength-based evaluation of the family's circumstances that takes into account the prevailing social and cultural conditions and way of life of the Indian child's tribe.
  - Intervening only when necessary. Foster care case managers conducting such an intervention must:
    - Develop a case plan with assistance from the parent or Indian Custodian that involves use of Tribal Indian community resources; AND
    - Look out the necessary family preservation services to support the family with the Indian child in the home, except where imminent physical or emotional harm may result; AND
    - Involve the child, if of sufficient age, in the design and implementation of case plan.
  - Assuring parents or Indian Custodian and Indian child in maintaining an ongoing family relationship, and
  - Engaging the Indian child's tribe early and working closely with the Indian child's tribe to access culturally relevant resources and informal support networks.

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**Active Effort Focus Areas**



- A comprehensive assessment with a clear focus on maintaining or reunifying the family.
- Identifying appropriate services and barriers.
- Working with tribal representatives to provide services and support.
- Diligently searching for extended family and identifying in what ways support can be offered to the family.
- Culturally appropriate family preservation strategies.
- Keeping siblings together or in contact.
- Considering safety, visitation must be frequent and occur in the most natural setting possible.
- Frequent monitoring of progress and participation in services.
- Ensure the family has access to and is utilizing all local services.
- Think outside of the box!!
- Post reunification services and monitoring.

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**Example One**



Conducting a **COMPREHENSIVE** assessment of the circumstances of the Indian child's family, with a focus on **MAINTENANCE OR SAFE REUNIFICATION** as the most desirable goal;

A Safety Assessment was completed with the family. All aspects of the family were considered including their cultural affiliation with the Their Tribe. The Tribe was notified on 3-4-15 and responded indicating their motion to intervene. All things considered, the Safety Assessment identified two areas that are in need of improvement: Area 7 Condition of the home and Area 9 Caregiver's parenting skills.

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**Example Two:**



Identifying appropriate services and helping the parents to **OVERCOME BARRIERS**, including actively assisting the parents in obtaining such services;

**Service Required:** Increase Income  
**Service Provider:** Career counseling at Career Services Center.  
**Goals of Service:** Career testing and advisement, resume writing assistance and college information.  
**Appointment Date:** 10/02/17  
**Potential Barriers:**

1. Transportation to appointment:
  1. Client was given a bus pass.
2. Remembering the appointment:
  1. Utilized the client's smart phone to set up a reminder.

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**Example Three:**



Identifying, notifying, and inviting representatives of the Indian child's **TRIBE** to participate in providing **SUPPORT and SERVICES** to the Indian child's family and in child and family team meetings (permanency planning), and resolution of placement issues;

The tribe was notified utilizing the ICWA Inquiry form via e-mail of the family's involvement in a situation that threatens removal of the children from the home. Tribe was given pertinent information and invited to participate in case management. Tribe has acknowledged awareness of the family situation and wishes to continue to be notified as the case progresses. The Tribe has provided an updated list including contact information of tribal services available to the family.

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**Example Four:**



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;

A genogram was completed with the family. Below is a comprehensive, but not exhaustive list of people identified as supports for the children and family.

**Renee Flood: Maternal Grandmother**  
Support offered: Visitation with children in her home as frequently as possible.

**Vine Deloria: Paternal Uncle**  
Support offered: Offered to babysit for the children while Mom attends treatment.

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**Example Five:**



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;

Contacted the ICWA director to determine what services were available and appropriate for the family.

Tribal Identified Service: IHS - physical and mental health care.

Service Provided: Doctor appointments were set for all children.

Appointment information: Both appointments set for 10/10/19  
Lucy: 10:00am with Dr. E. Mertz, Pediatrician  
Fred: 11:00am with Dr. D. Arnez, Pediatrician

Outcome: Lucy and Lucas were both identified to be in need of Developmental assessments. Follow up appointments are set for 12/04/19.

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**Example Five:** **Culturally Appropriate Family Preservation**



Ascertained with family to what extent they were involved in the traditional practices of their tribe. Families will have varying levels of involvement for various reasons. Still provide them with information as to various culturally relevant services that have been identified and can be utilized.

A pow wow is scheduled for New Year's day and the QEW identified for this case is willing to introduce the family to people who can assist in strengthening their cultural ties.

Connected family to Summer Day, a tribal community member, who will work with the family in providing cultural healing opportunities (sweat lodge).

Family has been connected with the American Indian Student Services Center. They work with families to explore educational opportunities and provide access to smudge and sweet grass.

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**Example**  
**Six:** Taking steps to keep **SIBLINGS** together whenever possible;



The children have been placed in separate homes. Lucy is with her biological father in Piedmont, ND. Lucas remained in the local area and resides with his maternal grandmother.

Regular skype sessions have been scheduled to occur every other day at 7:30 pm. Lasting for a minimum of 10 minutes per session. Contact can occur at any time when convenient for both parties. Records of contact times are included.

The children have been placed in separate homes in the same town.

Visits with Mom and Dad will be coordinated between all parties and the entire family will be together twice weekly in the comfort of their own home.

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**Example**  
**Seven:** Supporting **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;



Supervised Visitation is set at three times per week for two hours per visit. Home has been in satisfactory condition and visits will occur in the children's home. Visitation will occur at 4:30 - 6:30 and the family will eat an evening meal together with unstructured visitation to follow.

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**Example**  
**Eight:** Identifying community resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parents or, when appropriate, the child's family, in **UTILIZING** and **ACCESSING** those resources;



- Housing:**
- Financial:**
- Transportation:**
- Physical Health:**
- Mental Health:**
- Substance Issues:**
- Peer Support:**

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**Example Nine:** Monitoring **PROGRESS** and **PARTICIPATION** in services;



Progress and participation in identified services are monitored to ensure there are no barriers preventing progress.

Plan reminders are set in electronic calendars for both the case manager and family (children if applicable).

Overall case evaluation occurs at the Bi-weekly home visits and/or phone calls this can be when the case plan and any additional circumstances can be evaluated and modified if helpful.

Monitoring of progress and participation also occur at a more strategic level in the Child and Family Team Meetings which occur quarterly or as needed.

Don't be afraid to switch gears or totally jump on another track!

If it is not working, TRY something NEW!!!

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**Example Ten:** 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;



**IDEAS???**

**How have you been creative in your work?**

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**Example Eleven:** Providing **POST-reunification** services and monitoring.

An in-home Maintenance plan was created with the family to ensure success in maintaining the children in the home.

Weekly home visits will occur for the first month post-reunification. Following adequate progress, home visits will occur monthly for no less than 5 months and continuing as needed.

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### Being Active in Your Efforts

- Conduct a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal, including actively assisting the parents in obtaining such services;
- Identify appropriate services and help the parents to overcome barriers;
- Identify, notify, and invite representatives of the Indian child's Tribe to participate in providing support and services to the Indian child's family and in child and family team meetings (permanency planning), and resolution of placement issues;
- Conduct or cause to be conducted a diligent search for the Indian child's extended family members, and contact and consult with extended family members to provide family structure and support for the Indian child and the Indian child's parents;
- Offer and employ all available and culturally appropriate family preservation strategies and facilitate the use of remedial and rehabilitative services provided by the child's Tribe;
- Take steps to keep siblings together whenever possible;
- Support regular visits with parents or Indian custodians in the most natural setting possible as well as (in the home visit of the Indian child during any period of removal), consistent with the need to ensure the health, safety, and welfare of the child;
- Identify community resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assist the Indian child's parents or, when appropriate, the child's family, in utilizing and accessing those resources;
- Monitor progress and participation in services;
- Consider 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;
- Provide post-reunification services and monitoring.

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### ACTIVE Goals

**Goal #** \_\_\_\_\_

**Clear** - Identify and Possible Obstacles: \_\_\_\_\_

**Ready** - Set a Deadline: \_\_\_\_\_

**Identify Supports** - All People, Groups and/or Organizations that can Assist: \_\_\_\_\_

**Visible** - List the Benefits of Achieving Your Goal (Short and/or Long Term): \_\_\_\_\_

**Effective** - What Skills do You Need to Reach Your Goal: \_\_\_\_\_

**Effort** - Develop Your Plan: \_\_\_\_\_

1. \_\_\_\_\_


2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

**How Often** - Achieved My Goal: \_\_\_\_\_



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### Regulation 23.210 Providing active efforts

- § 23.120 How does the State court ensure that active efforts have been made?
- (a) Prior to ordering an involuntary foster-care placement or termination of parental rights, the court must conclude that active efforts have been made to prevent the breakup of the Indian family and that those efforts have been unsuccessful....

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**Regulation 23.210**  
Providing Active Efforts

- **Guidelines**
  - Earliest Point Possible – CPS, In-Home and Foster Care
  - Both parents must be considered.
  - Court must monitor compliance.
  - How long to provide active efforts?
  - A child only needs to be ICWA eligible.

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**Regulation 23.120**  
Documenting active efforts

- § 23.120 How does the State court ensure that active efforts have been made?  
... (b) Active efforts must be documented in DETAIL in the record.

**Guidelines**

- The issues the family is facing that the State agency *and the family* are targeting with the active efforts (these should be the same issues that are threatening the breakup of the Indian family or preventing reunification);
- A list of active efforts the State agency *and the family* determine would best address the issues and the reasoning for choosing those specific active efforts;
- Dates, persons contacted, and other details evidencing how the State agency provided active efforts;
- Results of the active efforts provided and, where the results were less than satisfactory, whether the State agency *and the family* adjusted the active efforts to better address the issues.



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Another  
IMPORTANT Tool...

# Humor



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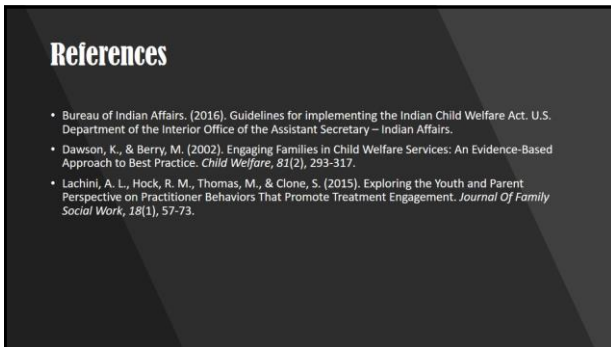
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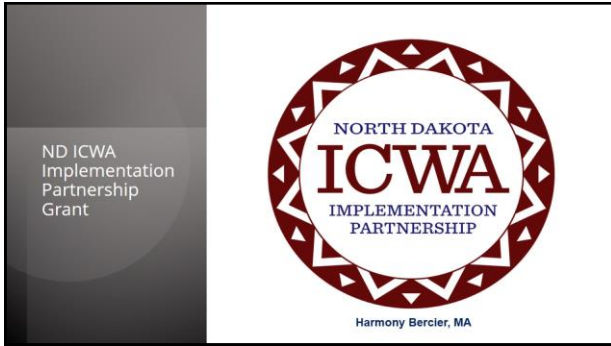
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