

Temporary Procedures for ICW Proceedings

Frequently Asked Questions

April 2021

What do I do if there is an Indication of Tribal Heritage?

Q: What are the basics?

A: In every case, the social worker must complete the **Indian Identity Request** (IIR, 09-761) at the initial visit with the parent(s) for each child, including those who have not been identified as victim

If Tribal heritage is indicated, work with the parent (or other person reporting it) to complete the **Family Ancestry Chart** (FAC, DCYF 04-220). Make a referral to the Native American Inquiry Request (NAIR) Unit within 10 working days of Indian ancestry identification. NAIR guidance is available [here](#).

Cases where Tribal heritage has been reported are required to be treated as ICWA cases until all tribal responses indicate the child is not an Indian child or the court makes a determination on the record that the child is not an Indian child and ICWA does not apply.

Q: What do I do if there is reason to know a child is an Indian child but no tribe is identified?

A: When there is *reason to know* a child may be an Indian child but there is no tribe identified, or they indicate tribal heritage but in broad terms, (Iroquois, Sioux, Chippewa, Tlingit, etc.) explore ancestry more deeply with the following type of questions:

- Ask why they think they may have Tribal heritage. Where did they hear this and/or get this information?
- Is there anyone in the family/family associates, who may have further information about Tribal heritage?
- Do they know if any family members lived on, or near tribal lands?
- Do they know if any family members have received services from a Tribe or Indian organization such as Indian Health Services, Indian education programs, Indian boarding school, social services, etc.?
- Do they know where the Tribal parent(s)/grandparent(s)/great grandparent(s) were born and/or lived?



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- If it is possible heritage with multiple Tribes/bands/villages (Sioux, Chippewa, Tlingit, Iroquois, etc.) ask if they know the specific tribe(s).
- Do they know if the tribe is a Canadian First Nations or in the United States?

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When do these Temporary Procedures Apply?

Q: When do we start implementing the temporary procedures?

A: Although they are temporary in nature, they are effective immediately and until further notice—the policy affects all cases opened on or after September 3, 2020 where a placement was made or might have become necessary or in all cases where a petition (dependency, guardianship, or termination) was filed on or after September 3, 2020.

Q: Do these temporary procedures apply to Voluntary Placement Agreements?

A: Yes. If there is an indication of Tribal heritage the relevant provisions of [WICWA](#), [ICWA](#) and the [DCYF ICW Policies and Procedures](#) must be followed. The WICWA provision most relevant to VPAs is [RCW 13.38.150](#) which states:

(1) If an Indian child's parent or Indian custodian voluntarily consents to a foster care placement of the child or to termination of parental rights, the consent is not valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court must also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent for release of custody given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) An Indian child's parent or Indian custodian may withdraw consent to a voluntary foster care placement at any time and, upon the withdrawal of consent, the child shall be returned to the parent or Indian custodian.

In addition, the DCYF ICW Policy and Procedures [Indian Child Placement Preferences and Relative Search](#) applies to these placements.

Q: Do these temporary procedures apply to CPS and FAR cases?

A: Yes. Any time that there is reason to know a child is an Indian child or has Tribal heritage the relevant provisions of [WICWA](#), [ICWA](#) and the [DCYF ICW Policies and Procedures](#) must be

followed. DCYF ICW Policy and Procedure provisions most relevant to CPS and CPS FAR work include DCYF Indian Child Welfare Policies and Procedures for **Intake, Child Protective Services for Indian Children** and **Inquiry and Verification Processes**.