2: Indian Child Welfare

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2.1 History

2.1 History admin Fri, 06/07/2024 - 08:39

Tribes are sovereign entities, similar to but different from Washington State.
The Department of Children, Youth, and Families (DCYF) recognizes the unique cultural and legal status of American Indians and the federally recognized tribes' authority to, among other things:

- Govern their people and their land.
- Define their own tribal membership and citizenship criteria.
- Create tribal legislation, law enforcement, child welfare, and court systems.
- Impose taxes in certain situations as expressed in the Indian Self-Determination and Education Assistance Act of 1975, Pub. L. 93-638.

DCYF is committed to honoring this government-to-government relationship. As part of our ongoing commitment to ensure consistent departmental compliance with the federal Indian Child Welfare Act (ICWA), Washington State Indian Child Welfare Act (WICWA), the Tribal/State Memoranda of Agreement (MOAs), and other state Indian Child Welfare (ICW) - related laws, caseworkers must:

- Learn about each tribe with whom they work, including federally recognized tribes located outside of Washington State.
- Respect federally recognized tribes' inherent sovereignty and self-determination.
- Familiarize themselves with the history of the government-to-government relationship between Washington State and the federally recognized tribes.
- Understand the role of Recognized American Indian Organizations (RAIOs) in Washington State.

- Adhere to the following documents honoring the government-to-government relationship:
    - Child Welfare policies
    - Indian Child Welfare (ICW) policies and procedures
    - Tribal/State MOAs
    - DCYF Administrative 10.03 Tribal Consultation policy

There is a rich history that spans over four decades of Washington State partnering with the tribes to improve the outcomes for Indian children and families involved in the child welfare system.

In the late 1960s, a coalition of Washington State federally recognized tribes, off-reservation Indian groups, individuals concerned with the welfare of Indian children, representatives from the Office of the Attorney General, and employees from the Washington State child welfare agency, met to:

- Address the separation of Indian children from their families, communities, and cultures.
- Bring awareness to the welfare of Indian children.

In 1976, the Washington State child welfare agency adopted Washington Administrative Codes that describe the role of the regional Local Indian Child Welfare Advisory Committees (LICWACs). These committees, which have been in existence since 1972, serve in an advisory capacity to DCYF, recommending appropriate case plans and services for Indian children when the children's tribes have not been identified or are not available or involved or at the children's tribes' request. Presently, LICWAC volunteers remain active throughout every region and provide a valuable service to child welfare employees and Indian families.

In 1978, after more than 11 years of education and awareness campaigns and tribal lobbying efforts, Congress enacted the ICWA. This act significantly changed child welfare practices as they apply to Indian children and their families in all states. This landmark law recognizes federally recognized tribes' inherent jurisdiction in child welfare cases, provides processes for the transfer of state cases to tribal courts, and allows for tribal intervention in state court proceedings. It also creates minimum standards for the treatment of children who are members of federally recognized tribes or are the biological children of members and eligible for membership in state courts and child welfare systems. Shortly thereafter, in

1979, the Bureau of Indian Affairs (BIA) issued non-binding "Guidelines for State Courts; Indian Child Custody Proceedings" for the implementation of ICWA.

In 1987, the Department of Social and Health Services (DSHS) adopted the DSHS Administrative 7.01 American Indian policy. This policy defined the commitment of DSHS to ensure all of its administrations engaged in consultation with Washington State federally recognized tribes and collaborated with RAIOs and individual American Indians and Alaska Natives in DSHS service program planning. The goal of this policy was to ensure quality and comprehensive service delivery to all American Indians and Alaska Natives in Washington State.

Also, in 1987, Washington State entered into Tribal-State MOAs with twenty-four of the then twenty-six Washington State federally recognized tribes, per section 1919 of ICWA. These MOAs set standards for notification, child welfare practice, equal access to services, and cooperative case planning in cases involving Indian children, which is now recognized in RCW 13.38.030.

On August 4, 1989, the Centennial Accord was executed between all federally recognized tribes of Washington and the Washington State. In 2004, federally recognized tribes with treaty reserve rights within the boundaries of Washington State joined. The Centennial Accord, among other things:

- Provides a framework for the government-to-government relationships.
- Prioritizes respectful and thoughtful procedures that address topics of mutual concern.
- Establishes impasse procedures.

In 1991, DSHS created what is now known as the Office of Indian Policy (OIP). OIP is staffed by personnel of Indian ancestry and individuals familiar with tribal communities and served as an advisor to DSHS administrations including the child welfare administration. The goal of OIP was to provide a bridge between federally recognized tribes and DSHS by ensuring their government-to-government relationship was honored in all major policy and operations decisions.

Also in 1991, a joint effort between Washington State federally recognized tribes, national experts, and the child welfare agency led to the creation of the first comprehensive ICW policies and procedures manual. This detailed manual was based on the original 1987 Tribal-State ICWA agreement and provided detailed instructions on when and how ICWA applied to:

- Child welfare cases.

- The role of child welfare employees.
- The tribe's role throughout the life of cases.

In 2011, after years of advocacy from Washington State federally recognized tribes and the child welfare agency, the legislature passed the WICWA. This act protects the essential tribal relations and best interests of Indian children by promoting practices aligned with ICWA. It also protects the rights of federally recognized tribes in child welfare proceedings, aims to prevent the unnecessary out-of-home placement of Indian children, and promotes better compliance with ICWA in Washington State courts and child welfare processes. At the time, Washington State was one of only a handful of states to have a state Indian child welfare act.

In 2015, the BIA released an updated version of its non-binding Guidelines partly in response to the 2013 United State Supreme Court Case Adoptive Couple v. Baby Girl. Then in 2016, it released binding federal regulations and a third set of updated guidelines. Also, that year, DSHS significantly revised its ICW policies and procedures manual to align with the federal regulations in a straightforward, approachable, and practical manner for caseworkers and tribal ICW workers.

On Feb. 18, 2016, Governor Jay Inslee issued an executive order establishing the Washington State Blue Ribbon Commission on Delivery of Services to Children and Families. His executive order directed the Blue Ribbon Commission to recommend an organizational structure for a new department focused solely on children and families. It included key tribal leaders who helped shape the transition from DSHS to DCYF while preserving and prioritizing the government-to-government relationship between DCYF and Washington State federally recognized tribes. It was also this year that the ICW policies were revised. The policy revisions were completed through collaboration with tribes and RAIOs. When the revisions were complete and approved, formal consultation with the tribal delegates occurred.

On July 1, 2018, the Children's Administration of DSHS transitioned to the newly established DCYF. At that time, the Office of Tribal Relations (OTR), was created within DCYF to provide similar guidance and services as those OIP provides DSHS. Currently, OTR reports directly to the DCYF Secretary. OTR coordinates efforts with Washington State federally recognized tribes and RAIOs to address the collective service needs of American Indians and Alaska children and families served by DCYF in Washington State.

In 2018, after two years of collaboration with the tribes, DCYF developed the DCYF Administrative 10.03 Tribal Consultation policy to mirror the original DSHS Administrative 7.01 American Indian policy. This policy provides a framework to ensure DCYF upholds its

commitment to government-to-government relationships with the Washington State federally recognized tribes and RAIOs. DCYF must comply with the ICW policies when working with Indian children and families.

In 2020 and 2021, the Washington Supreme Court issued its opinion on Matter of Dependency of Z.J.G. and Matter of Dependency of G.J.A., respectively, drawing attention to the importance of tribal-state collaboration, ICWA compliance, and comprehensive and clear ICW policies and procedures. In response to these court decisions, DCYF initiated revision of the ICW policy and procedure manual.

Currently, OTR has employees who work closely with each region and the tribes so that Indian children and families receive culturally relevant services, ICWA and WICWA are followed, and tribes are active partners in child welfare cases and DCYF policy decisions. DCYF has active Tribal/State MOAs with many federally recognized tribes. These Tribal/State MOAs outline the roles and responsibilities of DCYF and federally recognized tribes when coordinating on cases involving children who are or may be Indian. Coordination is tailored to the specifics of each individual tribe to promote the government-to-government relationship in individual case decisions.

Washington State and the Washington State federally recognized tribes have strong historic and on-going partnerships and collaboration. It is this work that has led to the Washington State's child welfare system gaining recognition for innovation and its reputation as a trend setter for strong Indian Child Welfare practices. It is the goal of DCYF that these partnerships and this collaborative spirit be reflected in these policies and procedures and our day-to-day practices.

2.10 Introduction

2.10 Introduction julie.pettit Thu, 06/13/2024 - 10:00

Department of Children, Youth, and Families (DCYF) is dedicated to protecting the best interests of Indian children, their families, and tribes. To accomplish this, child welfare and Licensing Division (LD) employees, volunteers, interns, and work study students must attempt to identify whether there is reason to know children are or may be Indian children and to verify whether children are recognized as Indian children with the tribe as soon as possible, beginning at intake and throughout the life of a case. When there is reason to know a child is an Indian child, they must comply with:

- The Federal and Washington State Indian Child Welfare Act (ICWA).
- DCYF Indian Child Welfare policies and procedures.

- Memoranda of Agreement (MOAs) between DCYF and federally recognized tribes, unless it's determined the child is not an Indian child and ICWA does not apply.

Indian Child Welfare policies were drafted by a Tribal-State workgroup and are based on ICW laws, policies, and MOAs. They guide employees, volunteers, interns, and work study students in protecting the rights of Indian children and families and tribes involved with the Washington State child welfare system. Importantly, these policies address:

- The history of ICWA.
- Tribal culture and tradition.
- Trauma in all forms, including generational trauma.

When there is not agreement about a case between DCYF and the child's tribes or the Local Indian Child Welfare Advisory Committee, DCYF employees must resolve the disagreement at the lowest possible supervisory level. If the disagreement cannot be resolved though alternative dispute resolution procedures including but not limited to procedures agreed to in tribal-state MOAs, DCYF employees must follow the Impasse Procedures policy.

2.20 Tribal-State Memoranda of Agreement

2.20 Tribal-State Memoranda of Agreement julie.pettit Fri, 06/14/2024 - 13:13

Original Date: February 2004

Revised Date: July 1**,** 2024

Sunset Review Date: July 31**,** 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to clarify roles and responsibilities in Memoranda of Agreement (MOAs) and enhance the coordination and cooperation in providing appropriate child welfare services to Indian children between:

- Federally recognized Washington State tribal governments
- Federally recognized tribes outside of Washington State
- Department of Children, Youth, and Families (DCYF)

Since the 1987 historic Tribal-State Indian Child Welfare (ICW) Agreement, Washington State has negotiated and executed individual MOAs with some Washington State tribes. The intent of these MOAs is to:

- Protect Indian children and families by maintaining the integrity of the family unit and resolving family problems in a way that is beneficial to Indian children.
- Set statewide standards for notification, casework practice, equal access to services, and cooperative case planning in cases involving Indian children.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Laws

RCW 13.38.030 Indian Child Welfare Act

25 U.S.C.§ 1919 Agreements between States and Indian tribes

Policy

1. DCYF will:
    1. Develop or enter into MOAs with tribes, as authorized by the secretary or their designee and in collaboration with:
        1. Office of Tribal Relations (OTR).
        2. Identified headquarters (HQ) and regional employees.
    2. Honor all agreements negotiated prior to January 2, 2024.
2. OTR must:
    1. Verify:
        1. The most current MOA template is posted on the Tribal/State Memoranda of Agreement page of the DCYF internet website for tribes to use if they wish.
        2. All ratified MOAs are available for review.
    2. In collaboration with employees and tribes:
        1. Review signed MOAs every two years to identify if agreements are up to date with current laws, and DCYF policies and services.

2. Negotiate changes to existing MOAs when requested by DCYF leadership or tribes.

Procedures

1. When developing or updating MOAs, OTR employees in collaboration with regional employees must, in the following order:
    1. Arrange for identified HQ and regional employees to participate in the negotiation process.
    2. Consult with the Office of the Attorney General.
    3. Collaborate and negotiate with the tribal designees to draft an MOA which may be based on a template approved by tribal leaders.
    4. Send completed draft MOAs to the OTR director for review and approval.
    5. Collaborate and negotiate with the tribal designees and negotiation participants on questions or concerns that arise during OTR director review.
2. When the OTR director receives MOAs, they will review them for approval. If:
    1. Approved, send them to the assistant secretary of Child Welfare Field Operations for review and approval.
    2. Not approved, returns them to the OTR to address questions or concerns.
3. When the assistant secretary of Child Welfare Field Operations receives MOAs, they will review them for approval. If:
    1. Approved, send them to OTR.
    2. Not approved, return them to the OTR to address questions or concerns.
4. When OTR employees receive MOAs from the assistant secretary of Child Welfare Field Operations, they will complete the following if:
    1. Approved, send them to the DCYF Leadership Team.
    2. Not approved, coordinate with the appropriate tribal designee and appropriate HQ and regional employees to address any questions or concerns identified and return to the assistant secretary of Child Welfare Field Operations.
5. When the DCYF Leadership Team receives MOAs, they will review them for approval. If:

    1. Approved, send them to OTR.
    2. Not approved, return them to OTR to address questions or concerns.
6. When OTR employees receive MOAs from the DCYF Leadership Team, they will complete the following if:
    1. Approved, send them to the DCYF secretary or designee for approval and the appropriate tribal designee who will forward to their respective signing authority, e.g., tribal chair, president or tribal governing council.
    2. Not approved, coordinate with the appropriate tribal designee to address any questions or concerns identified and return to the DCYF Leadership Team for their review again.
7. The DCYF secretary or designee reviews MOAs and:
    1. May waive the process to update or develop an MOA.
    2. If approved, notifies the OTR and meets with the tribal signing authority for final approval.
    3. If not approved, notifies the OTR to address any questions or concerns.
8. When MOAs are approved, the OTR director works with the Office of Communications to post the signed MOAs on the Tribal/State Memoranda of Agreement on the DCYF internet and intranet websites.

Resources

Tribal/State Memoranda of Agreement

Memoranda of Agreement Template

2.30.1 Intake

2.30.1 Intake julie.pettit Thu, 06/13/2024 - 10:44

Original Date: September 12, 2016

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance when DCYF receives reports of child abuse and neglect (CA/N), imminent risk of serious harm, or requests for assistance for children who are or may be Indian children.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901 - 1923 Indian Child Welfare Act

Policy

Intake workers must:

1. Identify whether there is reason to know that children are or may be Indian children as soon as possible when completing an intake.
2. Contact identified tribes prior to making screening decisions.

Procedures

1. Intake workers must ask referrers when taking reports regarding CA/N, imminent risk of serious harm, or requests for assistance:
    1. Whether children are or may be Indian children.
    2. About the children's Indian heritage.
2. When there is reason to know children who are the alleged victims or identified children of a report are or may be Indian children affiliated with Washington State federally recognized tribes or out-of-state tribes with a Memoranda of Agreement (MOA) with Washington State:
    1. Intake workers must:
        1. Follow the Child Welfare Intake Process and Response policy.
        2. Call the tribe, using the Washington State Tribes Intake Referral and After-Hours Field Response Contact Information, prior to making a screening decision and:
            1. Share the:

1. Indian child's family name.
2. Current allegation or concern.

2. Ask if the child resides on the reservation.
3. Gather collateral information about the child and family that may inform the screening decision.

3. Document
    1. In the ICW tab in the FamLink Intake module information about:
        1. Contacts or attempted contacts with known tribes.
        2. Information about the child's:
            1. Tribal heritage or Indian ancestry.
            2. Residence or domicile.
    2. In the narrative tab in the FamLink Intake module information that may inform the screening decision.

2. Intake supervisors must complete the following when there are emergent after-hours intakes:
    1. Notify the after-hours supervisor of the after-hours emergent intake and the need for coordination with the tribe.
    2. Send a copy of the after-hours emergent intake to Washington State federally recognized tribes and out-of-state tribes with an MOA when the intake is not an LD CPS intake using the Washington State Tribes Intake Referral and After-Hours Field Response Contact Information.
    3. Document that the intake was shared in the Referrals tab of the Intake module in FamLink.
3. Child welfare employees designated by the assigned office area administrators must:
    1. Send all intakes to the Washington State federally recognized tribes and out-of-state tribes with an MOA, if not already sent.
    2. Document intakes were sent in the Referrals tab in the FamLink Intake module in FamLink.

4. Licensed Division (LD) Child Protective Services (CPS) supervisors or investigators must:
    1. Send screened-in intakes to Washington State federally recognized tribes and out-of-state tribes with an MOA.
    2. Document contact or attempted contact with the tribe and any information about the child's tribal heritage or Indian ancestry in a FamLink case note.
3. Office of Tribal Relations (OTR) must maintain and update the Washington State Tribes Intake Referral and After-Hours Field Response Contact Information by:
    1. Emailing tribal child welfare directors monthly to request updates and changes and then immediately reposting the corrected list to the internet.
    2. Updating and reposting the corrected list to the DCYF internet whenever a tribe provides OTR with changed contact information.

Forms

Intake Report DCYF 14-260 (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 Bureau of Indian Affairs ICWA Proceedings

Child Welfare Intake Process and Response policy

FamLink Intake Quick Help Guide (located on the DCYF Knowledge web on the DCYF intranet)

FamLink User Manual: Intake (located on DCYF Knowledge web on the DCYF intranet)

ICW Section of the Intake Training Guide (located on the Intake and CPS page on the DCYF Intranet)

Reason to Know policy

Screening and Response Assessment (located in the manuals section on the DCYF Intranet)

Tribal/State Memoranda of Agreement

Washington State Tribes Intake Referral and After-Hours Field Response Contact Information

Washington State Tribes: Tribal Contact and Coordination Guidelines

2.30.10 Child Protective Services Investigation and Family Assessment Response

2.30.10 Child Protective Services Investigation and Family Assessment Response julie.pettit Thu, 06/13/2024 - 11:19

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2024

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on how to conduct a Child Welfare Child Protective Services (CPS) investigation or Child Welfare CPS Family Assessment Response (FAR) response when children are or may be Indian children.

Scope

This policy applies to child welfare employees and after-hours workers.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

RCW 74.13.031 Duties of department-Child Welfare Services-Children's services advisory committee

Policy

1. Child welfare employees must follow the Reason to Know policy to determine if there is reason to know children are or may be Indian children when conducting a CPS Investigation or CPS FAR intervention.

Procedures

During a CPS investigation or CPS FAR when there is reason to know children are or may be Indian children, caseworkers and after-hours workers must:

1. Complete the Indian Identity Request DCYF 09-761 form at the initial contact with the parents, guardians, or Indian custodians for each screened in intake for each

child, including those who have not been identified as a victim as outlined in the Reason to Know policy.

2. Complete the following to verify whether children are recognized as Indian children with the tribes. If there is:
    1. No court involvement, follow the Tribal Inquiry policy.
    2. Immediate court involvement, follow the Indian Child Welfare Act (ICWA) Notice policy. Following the Tribal Inquiry policy is not necessary.
3. Follow Active Efforts and Tribal Collaboration policy and initiate active efforts to the family as soon as determining there will be ongoing agency involvement.
4. For children who are from:
    1. A Washington State federally recognized tribe or out-of-state tribe with a Memorandum of Agreement (MOA) prior to or in the absence of a dependency:
        1. Follow the MOA, as outlined in the Tribal-State Memoranda of Agreement policy.
        2. Contact tribal social services within 24 hours of being assigned the intake to:
            1. Determine if the tribe would like to participate in the CPS investigation or CPS FAR.
            2. Request permission to enter reservation land prior to interviewing the children or family.
            3. Gather information relevant to the investigation from the tribe about the family.
        3. If the children are:
            1. Residing on the reservation and the tribe asks to assume responsibility for the CPS investigation or CPS FAR:
                1. Follow the Providing Confidential Records to Tribes policy and provide information pertaining to the child and the allegations with the tribe within 24 hours.

2. Inform the supervisor as soon as possible that the tribe will assume the CPS investigation or CPS FAR and close the case.

2. Living off the reservation or are living on the reservation and the tribe requested DCYF investigate or respond:

    1. Collaborate with the tribe within 24 hours and as outlined in the MOA, if applicable, and verify the tribe has received the intake.

    2. Provide the tribe the opportunity to be present or participate in the CPS investigation or CPS FAR.

    3. Follow the Providing Confidential Records to Tribes policy and regularly:

        1. Provide known tribes all records obtained by DCYF during the course of the investigation and intervention.

        2. Request from known tribes any records they obtain during the course of the investigation and intervention that may be shared under their confidentiality policies.

    4. Offer the opportunity to participate virtually in the initial face-face (IFF) contact interview and CPS investigation or CPS FAR, if applicable.

    5. Discuss:

        1. The role of each individual and how they will collaborate prior to the IFF or other meetings.

        2. How the tribal worker's perspective, expertise, and recommendations will be considered in case decisions.

    6. Contact the tribal police to inform them of the allegations if the child resides on the reservation. If there are no tribal police, contact the area Federal Bureau of Investigation and local city or county law enforcement agency.

2. A federally recognized tribe including a Washington State tribe and those with MOAs at the initiation of a dependency:
    1. Contact the tribal social service program within 24 hours of law enforcement placing a child in protective custody, or filing a dependency petition when there is a known tribe, to provide the tribe an opportunity to:
        1. To attend if the hearing if they wish to be party to the case.
        2. File the petition in tribal court.
        3. Offer to provide services, including culturally relevant services.
        4. Provide a placement resource.
        5. Offer information and feedback on placement preferences as outlined in the Placement Preferences policy.
        6. Provide information about the family.
        7. Participate in a Child Welfare Family Team Decision-Making Meeting.
    2. Coordinate regularly with known tribes about services, case planning, and completed assessment outcomes.
    3. Follow the Local Indian Child Welfare Advisory Committees policy and:
        1. Refer the case to the LICWAC liaison within 72 hours of a shelter care hearing.
        2. Provide to the ICW Legal Unit:
            1. Information about tribal affiliation gathered from a LICWAC review.
            2. New information related to the child's tribal affiliation if the child's tribe is unknown.
5. Follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

Family Ancestry Chart DCYF 04-220

Intake Report DCYF 14-260 (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Assistant Secretary memo: Addendum to CA's role in CPS Investigations off Tribal Reservations

Assistant Secretary memo: DCYF Authority and DCYF staff role in conducting Investigations Off Reservation (in Washington State)

Child Welfare Case Plan policy

Child Welfare Documentation policy

Child Welfare Family Team Decision-Making Meeting policy

Child Welfare Child Protective Services (CPS) Investigation policy

Child Welfare Child Protective Services Family Assessment Response policy

FamLink Investigative Assessment Quick Help Guide (located on the DCYF Knowledge Web)

Federal Bureau of Investigation

Federal Register for Tribal Contact Information

Guide to Shared Planning Meetings DCYF CWP_0070 publication

Indian Child Welfare Act (ICWA) Notice policy

Local Indian Child Welfare Advisory Committees (LICWAC) policy

Placement Preferences policy

Providing Confidential Records to Tribes policy

Tribal Inquiry policy

Tribal State Memoranda of Agreement

2.30.20 Voluntary Placement Agreements

2.30.20 Voluntary Placement Agreements julie.pettit Thu, 06/13/2024 - 11:42

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on Voluntary Placement Agreements (VPAs) offered to parents or Indian custodians to voluntarily place children in out-of-home care and there is reason to know they are or may be Indian children who are at least ten calendar days old.

Scope

This policy applies to caseworkers.

Laws

RCW 13.34.245 Voluntary consent to foster care placement for Indian children-Validation-Withdrawal of consent-Termination

Chapter 13.38 RCW Indian Child Welfare Act

25 USC § 1901-1923 Indian Child Welfare Act

Policy

When using VPAs for parents or Indian custodians to voluntarily place their children in out-of-home placement and there is reason to know children are or may be Indian children, caseworkers must complete VPAs to place children in out-of-home care and:

1. Make efforts to coordinate with any known tribes with whom the children are or may be affiliated.
2. Complete VPAs in court before judicial officers.

Procedure

When VPAs are used with parents or Indian custodians to voluntarily place their children in out-of-home placement and there is reason to know they are or may be Indian children, caseworkers must:

1. When considering VPAs:
    1. Follow applicable policies, including but not limited to:

1. Child Welfare Placing with and Supporting Relatives and Suitable Persons
2. Tribal Inquiry

2. Determine if the children are:
    1. Wards of a tribal court. If they are:
        1. Wards of a tribal court, immediately contact known tribes and the assistant attorney general (AAG) to verify the Department of Children, Youth, and Families (DCYF) has the authority to enter into a VPA with the parents or Indian custodians.
        2. Not wards of a tribal court, follow this policy.
    2. At least ten calendar days old. If they are:
        1. Follow this policy.
        2. Not, a VPA is not allowed.
3. If DCYF has authority to enter into a VPA, collaborate with known tribes by:
    1. Contacting known tribes, the children are or may be affiliated with by phone, email, or fax to determine if a VPA is appropriate. For:
        1. Known Washington State Tribes, use the Washington State Tribes Intake and After-Hours Field Response Contact Information.
        2. Known Out-of-state tribes, contact the designated service agent for Indian Child Welfare Act (ICWA) and the tribe's social service department or the Office of Tribal Relations, if this information cannot be located.
    2. Completing the following if known tribes:
        1. Do not respond or support the VPAs:
            1. Document the attempts to contact known tribes and their position.
            2. Consult with their supervisor before proceeding with VPAs.
        2. Respond after VPAs have been entered:

1. Discuss with known tribes and their supervisor the tribes' placement preference and other necessary services for the families and adjust as necessary.
2. Verify known tribes are invited to participate in Family Team Decision Making Meetings, if held.

3. Continuing outreach efforts and following the Active Efforts and Tribal Collaboration policy throughout the life of the case.

4. Inform the parents, Indian custodians, or custodians that known tribes have been or will be contacted regarding the VPAs.

2. When completing VPAs:
    1. Use the Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian (CON) Washington Courts JU 03.0920 form.
    2. Inform the parents or Indian custodians:
        1. Of their rights to have their children returned to their custody within a reasonable time after DCYF receives their written request unless either of the following occurs:
            1. A court order authorizing out-of-home placement is entered.
            2. The children have been placed in protective custody by law enforcement.
        2. That VPAs end automatically if the children run away from placement.
        3. DCYF:
            1. Reserves the right to file dependency petitions regarding the children if the issues which resulted in the VPAs have not been resolved.
            2. Ends VPAs if another parent is identified and determined fit to parent and able to accept physical custody of the children and safety threats either do not exist or can be mitigated in the home through safety plans.
    3. Follow the Placement Preferences policy.

4. Coordinate with the AAGs to complete and file petitions for the court to approve Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian forms. The petition must include:
    1. The names, dates of birth, and residences of the children.
    2. The names and residences of the consenting parents or Indian custodians.
    3. The names and locations of the known tribes in which the children are or may be eligible for membership.
    4. Whether the Placement Preferences policy is being followed.
    5. The position of the tribes, if known.
    6. The reasonable attempts made to learn the identities, locations, and custodial statuses of parents or Indian custodians who were not offered a VPA or why they cannot assume custody of the children.
5. Provide:
    1. Any known tribes with the dates, times, locations, and purposes of court hearings where the VPAs will be signed as soon as possible.
    2. Parents or Indian custodians with the completed Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian (CON) Washington Courts JU 03.0920 forms.
6. Follow the Child Welfare Documentation policy and document all ICW related communications and activities including:
    1. Efforts made to:
        1. Identify and collaborate with the known tribes the children are or may be affiliated with.
        2. Follow placement preferences as outlined in the Placement Preferences policy.
    2. Uploading a copy of the signed Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian (CON) Washington Courts JU 03.0920 form in the legal section of the case files in FamLink.

3. If placements are still needed beyond 90 calendar days of the VPA being filed:

    1. Follow the Child Welfare Dependency Petition Process and Dependency Cases policies.
    2. File Dependency Petition (DPP) Washington Courts JU 03.0100 forms to continue their out-of-home placement.
4. When terminating VPAs:
    1. Immediately follow these policies if the parents or Indian custodians request to have their children returned to them and the children would be exposed to imminent physical danger or harm:
        1. Child Welfare Present Danger
        2. Child Welfare Safety Assessment
        3. Child Protective Services (CPS) and Family Assessment Response (FAR)
    2. File written notifications to the court and send copies to:
        1. All parties in the VPA case, including the noncustodial parents, when applicable.
        2. The known tribes with whom there is reason to know children are or may be Indian children.

Forms

Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian (CON) Washington Courts JU 03.0920

Dependency Petition (DPP) Washington Courts JU 03.0100

Family Ancestry Chart DCYF 04-220

Indian Identity Request DCYF 09-761

Resources

25 CFR Part 23 – Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Child Protective Services (CPS) and Family Assessment Response (FAR) policy

Child Welfare Dependency Petition Process policy

Child Welfare Documentation policy

Child Welfare Placing with and Supporting Relatives and Suitable Persons policy

Child Welfare Present Danger policy

Child Welfare Safety Assessment policy

Dependency Cases policy

Placement Preferences policy

Reason to Know policy

Tribal Inquiry policy

2.30.30 Dependency Cases

2.30.30 Dependency Cases julie.pettit Thu, 06/13/2024 - 12:33

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on how to comply with federal and state Indian Child Welfare Acts (ICWAs) prior to and during dependency cases when there is reason to know children are or may be Indian children.

Scope

This policy applies to caseworkers.

Laws

RCW 13.34.050 Court Order to take child into custody, when-Hearing

Chapter 13.38 RCW Indian Child Welfare Act

25 USC § 1901-1923 Indian Child Welfare Act

Policy

When there is reason to know children are or may be Indian children, caseworkers must:

1. Follow the policies:
    1. Active Efforts and Tribal Collaboration as soon as determining there will be ongoing agency involvement and collaborate with known tribes prior to legal decisions being made about the case to:
        1. Prevent children's removal or promote the timely reunification of Indian families.
        2. Provide information necessary:
            1. To allow tribes to participate in case decisions and court hearings.
            2. Determine if a tribe intends to request transfer to tribal court or accept transfer if a parent or child requests it.
            3. Effectively collaborate with tribes throughout the life of a case.
    2. Child Welfare Family Team Decision Making Meetings and invite tribes to participate in critical decisions with the family regarding the removal of children from their home, placement stabilization and prevention, and reunification or placement into a permanent home.
2. Prior to filing dependency petitions:
    1. Follow the Child Welfare Voluntary Placement Agreement (VPA) policy if a VPA can be used instead court intervention.
    2. Coordinate with the supervisor and Assistant Attorney General (AAG) prior to legal decisions being made to:
        1. Determine if court intervention is needed, per the Child Welfare Dependency Petition Process policy.
        2. Discuss the evidence requirements to establish ICWA findings, which may include:
            1. ICWA standards for removal and foster care placement.
            2. Active efforts to prevent the break-up of the Indian family.
            3. Qualified expert witness (QEW) testimony.
    3. If determination is made to file a dependency petition and the child:
        1. Has an open case in tribal court, complete the following:

1. Provide the tribe with case documentation.
2. Complete the Child Protective Services (CPS) response.
3. Close the case.

2. Doesn't have an open case in tribal court and the tribe:
    1. States it will file one, complete the following:
        1. Provide the tribe with the case records.
        2. Complete the CPS response.
        3. Close the DCYF case.
    2. Declines jurisdiction or the tribe hasn't responded to the caseworker's contacts during the CPS intervention, proceed with the case in state court.

3. When filing dependency petitions:
    1. Follow the Child Welfare Dependency Petition Process policy and include in the petition:
        1. Reasons:
            1. For the emergency placement, if applicable, that led to the child's removal in order to prevent imminent physical damage or harm.
            2. DCYF is seeking dependency and placement out of the home as part of the disposition, including the causal relationship between conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage or harm to the child.
        2. A detailed description of active efforts:
            1. Made to prevent removal of the child and how they were unsuccessful.
            2. Currently being used to promote the reunification of the family, if the child has been removed.
        3. Contacts with the known tribes to:

1. Discuss whether the child should have been removed or a dependency petition filed.
2. Collaborate on the CPS intervention.
3. Determine:
    1. Whether the:
        1. Child is an Indian child.
        2. Tribes will participate or intervene in the case.
4. Jurisdiction and transfer.

4. The basis for reason to know that the child is or may be an Indian child, including information about:
    1. The child's, parents', or Indian custodians':
        1. Tribal affiliations.
        2. Residence or domicile.
    2. Diligent efforts to verify whether children are Indian children.
    3. Any responses from tribes about the child's membership or eligibility for membership and how and when the response was obtained.
5. Information about the child's placement and if:
    1. It complies with the Placement Preferences policy.
    2. Good cause exists to deviate from ICWA placement and tribal preferences.
    3. It's an emergent placement and efforts to find or place them according to ICWA placement preferences were unsuccessful and current efforts to identify a placement is in line with the Placement Preferences policy

2. Contact the designated tribal agents of any known tribes by email or phone to:
    1. Alert them that a petition has been filed and provide a general summary of its contents.

2. Provide them the:
    1. Petition and date of the shelter care hearing.
    2. Information necessary for them to participate, including but not limited to:
        1. Name of the child.
        2. Names of parents.
        3. How the tribe can participate.

4. Prior to a 30-day shelter care hearing:
    1. Coordinate with the AAG attorney to present evidence and request the court make a finding as to whether:
        1. The child is an Indian child or there is reason to know that the child is or may be an Indian child.
        2. Active efforts were:
            1. Made to prevent removal of the child and were unsuccessful.
            2. Initiated to promote conditions for the child's timely return home.
        3. The child's removal was or is necessary to prevent imminent physical damage or harm to the child.
        4. The child is currently placed according to ICWA placement preferences.
    2. Send the completed ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit within four calendar days of the initial shelter care hearing, per the ICWA Notice policy.
    3. Follow the Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases (QEW) policy to identify a QEW prior to the earliest 30-day shelter care hearing, if possible. If obtaining a tribally designated or DCYF contracted QEW isn't possible prior to the 30-day shelter care hearing, be prepared to either:
        1. Return the child home.

2. Prove that returning the child would subject the child to substantial and immediate danger or threat of such danger.

4. Inform the AAG at any point prior to the fact-finding hearing, if the child's placement in shelter care is no longer necessary to prevent imminent physical harm to the child.

5. Prior to the dependency fact-finding and disposition hearing:

    1. Facilitate a shared planning meeting (SPM) and document all information discussed with the child's tribe as outlined in the Active Efforts and Tribal Collaboration policy.

        1. How to best manage the family's case and engage with the tribe.

        2. Determine the best permanent plan for the child.

    2. Collaborate with the AAG to:

        1. Identify a QEW as outlined in the QEW policy.

        2. If the QEW hasn't presented testimony, verify they have the following QEW information for the dependency fact-finding/disposition hearing:

            1. Efforts to identify a QEW.

            2. The name and contact information of the QEW.

        3. Verify:

            1. A copy of the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form in the dependency case was sent to:

                1. All known tribes and filed with the court, as outlined in the ICWA Notice policy.

                2. The Bureau of Indian Affairs by certified mail, return receipt requested and filed with the court.

                3. Parent or Indian custodian

            2. Tribes participating in the court hearings received discovery, as outlined in the Providing Confidential Records to Tribes policy.

    3. Follow the court report policy and include information about:

1. Diligent efforts to verify whether children are Indian children, as outlined in the Tribal Inquiry and ICWA Notice policies.
2. Active efforts being made or that have been made to prevent the breakup of the Indian family, including services initiated to promote conditions for return home if the child has been placed out-of-the-home or DCYF is seeking out-of-home placement:
3. Reasons why:
    1. Continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage or harm to the child.
    2. The causal relationship between the conditions in the home and imminent physical harm to the child.
4. If the placement of the child complies with ICWA placement preferences or the tribal placement preferences if different from ICWA. If placement preferences don't comply, explain why good cause exists to deviate from those placement preferences outlined in the Placement Preferences policy.
5. Any contact with the tribe and the tribe's position on the petition and disposition, if known.

6. Prior to review and permanency planning hearings:
    1. Ask the child, if developmentally appropriate, family, and tribe if they will request transfer of the case to tribal court. If so, follow Transferring Cases to Tribal Court policy.
    2. Coordinate with the AAG, if a tribe has intervened in the case, to verify the tribe is receiving discovery and other case information per confidentiality requirements in Providing Confidential Records to Tribes policy.
    3. Verify a Local Indian Child Welfare Advisory Committees (LICWAC) meeting has occurred, if applicable.
    4. Follow the court report policy and include any new information since the last review or permanency planning hearing about:

1. Whether there is reason to know that the child is or may be an Indian child and all efforts made to verify the child's status as an Indian child.
2. Active efforts to prevent the breakup of the family and services initiated to promote reunification of the child, as outlined in the Active Efforts and Tribal Collaboration policy.
3. The child's placement, including if DCYF is seeking out-of-home placement and whether:
    1. It complies with ICWA placement and tribal preferences.
    2. Good cause exists to deviate from those placement preferences, as outlined in the Placement Preferences policy.
4. Recommendations of LICWAC meetings, if applicable.
5. Efforts made to contact known tribes, to obtain their input on:
    1. Additional active efforts DCYF could make to prevent the break-up of the Indian family.
    2. The child's placement.
    3. Proposed changes to the current:
        1. Case plan
        2. Permanent plan
6. Information regarding responses to Inquiry received or ICWA Notice sent and received as outlined in the Tribal Inquiry and ICWA Notice policies.

7. Extended Foster Care (EFC) Program for Youth in DCYF Placement Care and Authority
    1. Follow the Child Welfare Extended Foster Care (EFC) Program policy if youth age 18 to 21 wish to enroll in the EFC program or are enrolled in the program.
    2. Obtain a signed Consent for Release of Information DCYF 14-012 form from eligible youth prior to tribal collaboration.
8. Documentation

1. Follow the Child Welfare Documentation policy for all ICW related communication and activities by:
    1. Creating a FamLink case note.
    2. Selecting “Tribal Contact” under the activities tab.
2. Upload ICW:
    1. Records in FamLink.
    2. Legal records in FamLink as Type: ICW Legal.

Forms

Consent for Release of Information DCYF 14-012

Dependency Petition JU 03.0100

Indian Child Welfare Act Notice JU 03.0900

ICWA Notice Referral DCYF 09-103 (located in the Forms repository on the DCYF intranet)

Shared Planning Meeting DCYF 14-474

Resources

25 CFR Part 23 – Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Child Welfare Case Plan policy

Child Welfare Court Report policy

Child Welfare Dependency Petition Process policy

Child Welfare Documentation policy

Child Welfare Voluntary Placement Agreement policy

Court Report Mapping Guide (located on the DCYF intranet, Programs, CFWS, Guides & Tools)

FamLink Placement Correction Quick Help Guide (located on the CA Knowledge Web)

FamLink Placement – Temporary Situation Quick Help Guide (located on the CA Knowledge Web)

Indian Child Welfare Act (ICWA) Notice policy

Placement Preferences policy

Providing Confidential Records to Tribes policy

Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases policy

Reason to Know policy

Transferring Cases to Tribal Court policy

Tribal Inquiry policy

Washington State Intake Referral and After-Hours Tribal Staff Contact Information

Washington State Tribal Indian Child Welfare Social Services Directors and Staff Contact Information

2.30.40 Guardianships

2.30.40 Guardianships julie.pettit Thu, 06/13/2024 - 14:54

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on how to comply with federal and state Indian Child Welfare Acts (ICWA) when considering, discussing, identifying, and establishing guardianships as the permanent plan in cases when there is reason to know children are or may be Indian children.

Scope

This policy applies to caseworkers.

Laws

Chapter 11.30 RCW Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

Chapter 13.36 RCW Guardianship

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901-1923 Indian Child Welfare Act

Policy

When there is reason to know children are or may be Indian children, and guardianship is being considered or has been identified as the permanent plan, caseworkers must:

1. Collaborate with known tribes before making legal decisions about the case and provide them with the information necessary to participate in the legal hearings.
2. Follow the:
    1. Child Welfare Guardianships policy.
    2. Transferring Cases to Tribal Court policy when the permanent plan of guardianship has been approved through tribal court.

Procedures

When there is reason to know children are or may be Indian children and guardianship is being considered or has been identified as the permanent plan, caseworkers must:

1. Prior to recommending that Chapter 13.36 RCW guardianship to be the primary permanent plan, caseworkers must:
    1. Contact tribes in which the child is a member or eligible for membership to ask if either they wish to:
        1. File a case in tribal court.
        2. Transfer the case to tribal court.
    2. Review the permanency recommendations of Local Indian Welfare Advisory Committee (LICWAC) meetings, if applicable.
    3. Facilitate a shared planning meeting (SPM)
        1. Invite all known tribes.
        2. Collaborate with known tribes to determine the:
            1. Most appropriate permanent plan for the child.
            2. Prospective guardianship placement, if known, is appropriate.
2. After SPMs recommend Chapter 13.36 RCW guardianship to be the primary permanent plan:

1. If there is not an agreement, consult with their supervisor and AAG or local prosecuting attorney before filing a Chapter 13.36 RCW guardianship petition.
2. If there is agreement with establishing Chapter 13.36 RCW guardianship:
    1. Coordinate with known tribes, as outlined in the Active Efforts and Tribal Collaboration policy, and:
        1. Discuss with tribes, recommendations for guardianship.
        2. Obtain a letter from tribes, if possible, verifying the proposed guardian is considered the child's relative based on tribal code or custom.
        3. Discuss a cultural plan with tribes, where appropriate.
        4. Determine if the child is eligible for the Guardianship Assistance Program (GAP) subsidy, as outlined in the Child Welfare Guardianship Assistance Program (GAP) and Extended Guardianship Assistance Program (EGAP) policy.
    2. File a Chapter 13.36 RCW guardianship petition, as outlined in the Child Welfare Guardianships policy and include:
        1. The reason to know the child is or may be an Indian child.
        2. Tribal affiliations of the child and their parents or Indian custodians, if known.
        3. The residence or domicile of the child and their parents or Indian custodians.
        4. A detailed description of:
            1. Active efforts made to prevent the break-up of the Indian family.
            2. How continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
    3. Send the completed ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit per the ICWA Notice policy. Collaborate with the assistant attorney general to:

1. Identify a qualified expert witness (QEW), as outlined in the Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases policy.
2. Verify they have the following information:
    1. Names of the QEW who testified at the dependency fact-finding/disposition hearing.
    2. Efforts to identify a QEW for the Chapter 13.36 RCW guardianship proceeding.
    3. The name and contact information of the QEW identified for the Chapter 13.36 RCW guardianship proceeding, if identified.
3. Verify:
    1. A copy of the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form in the guardianship case was sent to:
        1. All known tribes and filed with the court, as outlined in ICWA Notice to Tribes policy.
        2. Parents or Indian custodians.
        3. The Bureau of Indian Affairs by certified mail, return receipt requested and filed with the court.
    2. Tribes participating in the court hearings received discovery, as outlined in Providing Confidential Records to Tribes policy.
4. File the:
    1. Indian Child Welfare Act Notice (BIAN) JU 03.0900 form
    2. Forms identified in the Child Welfare Guardianships policy.

4. Follow the Child Welfare Guardianships policy when providing disclosure to the guardians.
5. Follow Requesting Court Findings about Indian Children in Guardianship and Termination of Parental Rights Cases policy prior to finalizing the Guardianship.

3. If a Chapter 11.130 RCW guardianship of a minor is being completed for a dependent child, follow the Child Welfare Guardianships policy.
4. GAP
    1. Follow the Child Welfare Guardianship Assistance Program (GAP) and Extended Guardianship Assistance Program (EGAP) policy when children and guardians meet GAP requirements.
    2. Contact GAP gatekeepers for assistance in completing GAP negotiations, if the child is eligible.
5. Follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

Indian Child Welfare Act Notice (BIAN) JU 03.0900

ICWA Notice Referral DCYF 09-103 (located in Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Child Welfare Documentation policy

Child Welfare Guardianships policy

Child Welfare Guardianship Assistance Program (GAP) and Extended Guardianship Assistance Program (EGAP) policy

FamLink Placement Correction Quick Help Guide (located on the CA Knowledge Web)

FamLink Placement-Temporary Situation Quick Help Guide (located on the CA Knowledge Web)

Indian Child Welfare Act (ICWA) Notice policy

Local Indian Welfare Advisory Committee (LICWAC) policy

Permanency Planning Matrix DCYF CWP_0088 publication

Providing Confidential Records to Tribes policy

Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases policy

Reason to Know policy

Requesting Court Findings about Indian Children in Guardianship and Termination of Parental Rights Cases

Transferring Cases to Tribal Court policy

Washington State Intake Referral and After-Hours Tribal Staff Contact Information

Washington State Tribal Indian Child Welfare Social Services Directors and Staff Contact Information

2.30.50 Termination of Parental Rights

2.30.50 Termination of Parental Rights julie.pettit Thu, 06/13/2024 - 14:35

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on how to comply with federal and state Indian Child Welfare Acts (ICWAs) when guardianship has been ruled out and Termination of Parental Rights (TPR) petition is being considered, discussed, identified, or requested in cases where there is reason to know children are or may be Indian children.

Scope

This policy applies to caseworkers.

Laws

Chapter 13.34 RCW Juvenile Court Act–Dependency and Termination of Parent-Child Relationship

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901-1923 Indian Child Welfare Act

Policy

When there is reason to know children are or may be Indian children and a TPR is being considered, at the shared planning meeting (SPM) caseworkers must:

1. Collaborate with known tribes before making legal decisions about the case and provide them with the information necessary to participate in the legal hearings.
2. Coordinate with the assistant attorney general (AAG) to comply with state and federal ICWAs at TPR hearings, including, but not limited to:
    1. Providing ICWA Notice.
    2. Discussing the evidence for findings related to Indian child welfare (ICW), e.g. standards for removal, active efforts, and Qualified Expert Witness (QEW) testimony.
3. Always treat children as Indian children, unless, and until the court has made findings about the child's Indian tribe determining they do not meet the definition of an Indian child.
4. Inform the courts at any point in the court proceedings if there is new information indicating there is reason to know a child is or may be an Indian child.

Procedures

1. Prior to Filing TPR
   When there is reason to know children are or may be Indian children and a TPR petition is being considered caseworkers must:
    1. Follow policies:
        1. Active Efforts and Tribal Collaboration
        2. Transferring Cases to Tribal Court if the tribe wants to file a case in tribal court or transfer the dependency case.
    2. Ask children, families, and tribes the following about each child:
        1. Are they a member or eligible for tribal membership?
        2. Whether they are domiciled on or lives on a reservation or tribal lands and intends to stay.
        3. Are they a ward of a tribal court?
    3. If children:

1. Don't meet the criteria in Procedures Section 1.b., file the TPR as outlined in the Child Welfare TPR policy.
2. Are verified as an Indian child:
    1. Consult with their supervisor and AAG before filing the TPR.
    2. Follow the Child Welfare TPR-Compelling Reasons policy if the determination is made to proceed with TPR.
    3. Contact tribes in which the child is a member or eligible for membership to ask if either they wish to:
        1. File a case in tribal court.
        2. Transfer the case to tribal court.
4. Review the permanency recommendations of Local Indian Welfare Advisory Committee (LICWAC) meetings, if applicable.
5. Facilitate a SPM with known tribes and collaborate with tribes to determine the:
    1. Most appropriate permanent plan for the child.
    2. Prospective adoptive placement, if known, is appropriate.
6. Consult with their supervisor and AAG before filing a TPR petition if the tribe isn't in agreement with adoption.

2. When filing a TPR petition, caseworkers must:
    1. Follow the:
        1. Child Welfare TPR policy, unless parents voluntarily relinquish their parental rights.
        2. Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases policy to identify a QEW.
        3. Requesting Court Findings About Whether a Child Is an Indian Child in Guardianship and Termination of Parental Rights Cases policy and provide information to the court as soon as practicable when children are verified as Indian children.
    2. Collaborate with the AAG to verify the case meets legal sufficiency for TPR. If the case doesn't meet legal sufficiency, discuss with the supervisor.

3. Send the completed ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit as outlined in the ICWA Notice policy.
4. Discuss with the AAG and the court:
    1. The residence or domicile of the child and their parents or Indian custodians for jurisdiction purposes.
    2. Active efforts made to prevent the break-up of the Indian family and reasons why those efforts are considered unsuccessful.
    3. The causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the child.
5. Follow 2.40.40 Requesting Court Findings About Whether a Child is an Indian Child in Guardianship and Termination of Parental Rights Cases policy prior to finalizing the TPR.

3. Caseworkers must follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

ICWA Notice Referral DCYF 09-103 (located in the Forms repository of the DCYF intranet)

Indian Child Welfare Act Notice (BIAN) JU 03.0900

Petition for Termination of Parent-Child Relationship JU 04.0100

Shared Planning Meeting DCYF 14-474

Resources

25 CFR Part 23 – Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Child Welfare Documentation policy

Child Welfare Shared Planning policy

Child Welfare TPR policy

FamLink Placement-Temporary Situation Quick Help Guide (located on the CA Knowledge Web)

FamLink Placement Correction Quick Help Guide (located on the CA Knowledge Web)

Indian Child Welfare Act (ICWA) Notice to Tribes policy

Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases policy

Reason to Know policy

Transferring Cases to Tribal Court policy

Washington State Intake Referral and After-Hours Tribal Staff Contact Information

Washington State Tribal Indian Child Welfare Social Services Directors and Staff Contact Information

2.30.60 Voluntary Relinquishment of Parental Rights

2.30.60 Voluntary Relinquishment of Parental Rights julie.pettit Fri, 06/14/2024 - 07:38

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations

Purpose

The purpose of this policy is to provide guidance when parents voluntarily offer to relinquish their parental rights for children placed in out-of-home care and there is reason to know the children are or may be Indian children.

Scope

This policy applies to caseworkers.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

Chapter 26.33 RCW Adoption

25 U.S.C. § 190 -1923 Indian Child Welfare Act

Policy

When parents offer to voluntarily relinquish their parental rights and there is reason to know children are or may be Indian children, caseworkers must:

1. Make efforts to coordinate with any known tribes with whom the children are or may be a member with.
2. Complete the Voluntary Relinquishment of Parental Rights process in court before judicial officers.

Procedure

When parents offer to voluntarily relinquish their parental rights to children and there is reason to know the children are or may be Indian children, caseworkers must complete the following:

1. Follow applicable policies, including but not limited to:
    1. Child Welfare Voluntary Termination of Parental Rights
    2. Indian Child Welfare Act (ICWA) Notice
2. Determine if the children are:
    1. Wards of a tribal court, immediately contact known tribes and the Assistant Attorney General (AAG) if a Washington State court has the authority to accept an Indian Child Welfare (ICW) voluntary relinquishment of parental rights. If:
        1. Accepted, proceed with the voluntary relinquishment in state court.
        2. Not accepted, provide documentation to the tribes and transfer the case to tribal court.
    2. Not wards of a tribal court, complete the following:
        1. Invite known tribes to any shared planning meeting that may be held.
        2. Collaborate with known tribes and:
            1. Determine with the tribe if an ICW voluntary relinquishment of parental rights is in the child's best interests.
            2. Follow the Placement Preferences policy and determine if the potential adoptive placement, if known, is in alignment with ICWA placement preferences and the tribe's preference.
        3. Consult with their supervisor and AAG before filing a Child Welfare Termination of Parental Rights (TPR) petition if the tribe isn't in

agreement with the voluntary relinquishment of parental rights, even if the tribe previously agreed to a TPR.

3. Are at least ten days old. If they are
    1. Follow this policy.
    2. Not, parents cannot relinquish their rights.

3. Verify that:
    1. Parents have signed the Consent by Indian Child's Parent for Termination of Parental Rights and or Adoption JU 03.0930 form after the children are at least ten days old.
    2. Parents have appeared personally before the court to sign the in-court declaration section of the Consent by Indian Child's Parent for Termination of Parental Rights and or Adoption JU 03.0930 form.
4. If a TPR petition has:
    1. Been filed, verify that the ICWA Notice has been sent to the tribes. If it wasn't sent:
        1. Collaborate with the Indian Child Welfare (ICW) Legal Unit and AAG.
        2. Send the ICWA Notice Referral DCYF 09-103 form, as outlined in the ICWA Notice policy.
    2. Not been filed, verify the ICWA Notice was sent to the tribes and filed with the court.
5. If an Indian child's tribe:
    1. Intervenes in a case and requests transfer, follow the Transferring Cases to Tribal Court policy.
    2. Agrees to a TPRs or believe that a voluntary relinquishment is in the best interest of the children:
        1. Follow Placement Preferences.
        2. Obtain the parent's signature on the Consent by Indian Child's Parent for Termination of Parental Rights and or Adoption JU 03.0930 form.
        3. Coordinate with the local AAG to:

1. File a Voluntary Relinquishment of Parental Rights petition on the parent's behalf, if necessary.
2. Follow Reason to Know policy and request the court determine that the child is or is not an Indian child, if not already established.

6. Follow the Impasse Procedures policy if there are disagreements with the tribes about whether ICW voluntary relinquishment of parental rights is appropriate, even if the tribe previously agreed to a TPR.
7. Inform the parents of their ability to withdraw consent prior to the issuance of a final court order terminating their parental rights.
8. Verify with the AAG that copies of the following documents were filed with the court:
    1. Indian Child Welfare Act Notice JU 03.0900 form and certified mail return receipts.
    2. Tribal responses to the Indian Child Welfare Act Notice JU 03.0900, if any.
    3. Notice and Summons/Order JU 03.0200 form.
    4. Voluntary Relinquishment of Parental Rights Petition or Petition to Terminate Parental Rights JU 04.0100 form.
9. Follow the Child Welfare Documentation policy and:
    1. Upload a signed copy of the Consent by Indian Child's Parent for Termination of Parental Rights and for Adoption JU 03.0930 form in the legal section of the case file in FamLink.
    2. Document the following in FamLink case notes:
        1. Tribal inquiry and ICWA notice efforts.
        2. Tribal collaboration on the ICW voluntary relinquishment of parental rights.
        3. ICWA placement preferences efforts.
        4. Information provided to the parents about their ability to withdraw consent prior to the issuance of a final court order terminating their parental rights.

Forms

Consent by Indian Child's Parent for Termination of Parental Rights and for Adoption (CON) RJU 03.0930

ICWA Notice Referral DCYF 09-103 (located in the Forms repository on the DCYF intranet)

Indian Child Welfare Act Notice JU 03.0900

Notice and Summons/Order JU 03.0200

Voluntary Relinquishment of Parental Rights Petition or Petition to Terminate Parental Rights JU 04.0100

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Documentation policy

Child Welfare Termination of Parental Rights policy

Child Welfare Shared Planning Meeting policy

Indian Child Welfare Act (ICWA) Notice to Tribes policy

Impasse Procedures policy

Placement Preferences policy

Reason to Know policy

Termination of Parental Rights

Transferring Cases to Tribal Court policy

2.30.70 Adoption

2.30.70 Adoption julie.pettit Fri, 06/14/2024 - 08:26

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance for when there is reason to know children are or may be Indian children, are legally-free, and the permanent plan is adoption.

Scope

This policy applies to child welfare employees.

Laws

Chapter 13.34 RCW Juvenile Court Act in Cases Relating to Dependency of a Child and the Termination of Parent and Child Relationship

Chapter 13.38 RCW Washington State Indian Child Welfare Act (WICWA) Records not relating to commission of juvenile offenses-Maintenance and access-Release of information for child custody hearings Disclosure of unfounded allegations prohibited

Chapter 26.33 RCW Adoption

25 U.S.C § 1917 Tribal affiliation information and other information for protection of rights from tribal relationships; application of subject of adoptive placement; disclosure by court

Policy

When there is reason to know children are or may be Indian children, Child and Family Welfare Services (CFWS) and adoption caseworkers must complete the following:

1. Contact and partner with children's tribes throughout the life of a child welfare care as outlined in the Active Efforts and Tribal Collaboration policy.
2. Coordinate with the Office of the Assistant Attorney General (AAG) and the juvenile court to transfer the dependency case to the child's tribe, if the tribe wishes to assume jurisdiction.
3. Continue to actively involve the tribe in the adoption decision making, if the tribe doesn't assume jurisdiction but is a party to the dependency case, including how:
4. The tribe will be involved in the monthly health and safety visits.
5. To promote the Indian child's relationship with the tribe.
6. Seek to keep children connected to their tribes, community, and culture.
7. Follow the DCYF Administrative 13.05 Public Records Requests and Disclosure policy when records requests are received from the tribe for adopted children.

Procedures

1. Tribal Eligibility and Membership
   CFWS and adoption caseworkers must complete the following when new information has been found that give reason to know that the child is or may be an Indian child:

    1. Follow the Reason to Know and Indian Child Welfare Act (ICWA) Notice policies.
    2. Verify whether the court has made any determinations about a child being an Indian child, if there is reason to know they are or may be Indian children.
    3. Consult with the AAG or prosecuting attorney and regional leadership about the case if the court hasn't determined that the child meets the definition of an Indian child.
    4. Complete and submit membership paperwork for the child when they are eligible and not currently a member. If the child is eligible for membership in one or more tribes:

        1. Provide each tribe with the other tribe's contact information and ask for a representative to participate in a Shared Planning Meeting (SPM).
        2. Facilitate a SPM and determine in collaboration with all known tribes and children who are age eight and older, which tribes to pursue membership. If:

            1. The tribes cannot reach consensus during the meeting, obtain a tribal preference from the:

                1. Child, if they are age eight years and older.
                2. Child's guardian ad litem or attorney if they don't have a preference.

            2. The tribes don't participate in the SPM, assess whether to conduct a Local Indian Child Welfare Advisory Committee (LICWAC) meeting to determine which tribes to pursue membership.
            3. New information is obtained and creates reason to know the child is or may be an Indian child, consult with a headquarters AAG and regional leadership about the case.

5. If a tribe is already participating or wishes to participate in the ongoing dependency or adoption case:
    1. Follow the Providing Confidential Information to Tribes policy when providing case record information to known tribes.
    2. Inform the tribe of the date, time, and location of next court hearing.
6. Determine if a tribe wishes to assume tribal jurisdiction. If so, follow the Transferring Cases to Tribal Court policy.
7. Make efforts to enroll legally-free Indian children in their tribes before initiating the adoption process if they are eligible for membership in one or more tribes and not already a member as outlined in the Active Efforts and Tribal Collaboration policy.

2. Pre-Adoption Services
    1. CFWS and adoption caseworkers must complete the following when identifying adoptive families for children when there is reason to know they are or may be Indian children:
        1. Follow:
            1. ICW policies:
                1. Indian Child Welfare Act (ICWA) Notice
                2. Dependency Cases
                3. Local Indian Child Welfare Advisory Committee (LICWAC)
            2. Child welfare policies:
                1. Identifying Adoptive Families
                2. Pre-Adoption Services and Adoption Finalization
                3. Health and Safety Visits with Children and Youth and Monthly Visits with Parents or Guardians and Caregivers
                4. Court Report
                5. Adoption Support

6. Child Welfare Placing with and Supporting Relatives and Suitable Persons

2. Verify the:
    1. Child's current placement and subsequent placements meet requirements in:
        1. RCW 13.38.180.
        2. Placement Preferences policy.
        3. The Tribal and State Memoranda of Agreement if the tribe has established a different order of preference.
    2. Case record information continues to be shared with known tribes until the adoption decree is entered by the court and document this in FamLink, when applicable.
3. Obtain the Consent for Release of Information DCYF 14-012 form from the prospective adoptive placement if the child is in their identified prospective adoptive placement to share the approved adoptive home study with a tribe.
4. Upload the form in FamLink and label it "Adoption Parent Consent to Tribe."
5. Coordinate with the tribe, if the child isn't placed in a prospective adoptive placement, and:
6. Follow these policies:
    1. ICW Indian Child Placement Preferences
    2. Child welfare:
        1. Child Welfare Placing with and Supporting Relatives and Suitable Persons
        2. Identifying Adoptive Families
7. Consider the tribe's placement recommendations and document in a FamLink case note whether the progress in seeking an adoptive placement is in line with the placement preferences.

8. Provide the tribe all the approved adoptive home studies of prospective adoptive families under consideration for placement of the child as outlined in the Providing Confidential Records to Tribes policy once consent is obtained.

2. When a permanent adoptive placement has been identified for a legally-free Indian child:
    1. Adoption caseworkers must:
        1. Contact the tribe to obtain their written consent for the prospective adoptive placement and either:
            1. Upload the written consent into FamLink legally-free case file.
            2. Document the tribe's verbal consent in FamLink.
        2. Ask the OTR regional consultant to reach out to the tribe to obtain written consent for the prospective adoptive placement, if the tribe doesn't respond.
    2. OTR must complete the following when requested by adoption caseworkers:
        1. Contact or assist the caseworker in contacting the tribe for approval and document this in FamLink.
        2. Inform the adoption caseworker of the contact or contact efforts if a tribal response wasn't received and to proceed with the case.
        3. Document all efforts to obtain consent in FamLink.
    3. Adoption caseworkers must facilitate a discussion between known tribes and the prospective adoptive parent or request the adoption attorney speak with the tribes and prospective adoptive parent about including cultural considerations in an agreement or the adoption decree. Considerations include but aren't limited to:
        1. Regular contact with known tribes.
        2. Attendance at Indian cultural events.
        3. Receiving newsletters from tribes.

4. Follow the Impasse Procedures policy if the tribe opposes the adoptive placement.

3. Adoption Pre-Finalization
   Adoption Caseworkers must:
   1. Provide a copy of the Post Placement Report DCYF 09-107 form to the Indian child's tribes prior to the adoption finalization after either:
      1. Obtaining the adoptive parent's signed consent on the Consent for the Release of Information DCYF 14-012 form.
      2. Redacting confidential information of any individual who has not provided consent.
   2. Immediately notify known tribes and supervisor and schedule a SPM if the prospective adoptive placement is at risk of disruption.
   3. Send a copy of the final adoption decree by:
      1. Email, to any tribe DCYF has been working with once the adoption is finalized.
      2. Certified mail return receipt requested to any ICWA designated agents of other tribes DCYF hasn't been working with that the child is a member of or eligible for membership in.

4. Documentation
   CFWS and adoption caseworkers must follow the Child Welfare Documentation policy and:
   1. Email the tribal verification documents to the ICW Legal Unit.
   2. Document in FamLink requests made to the child's tribe to confirm their membership status and responses received, if applicable. Obtain a letter of certified degree of Indian blood or descendancy and provide the letter to the adoptive family once it is received, if available.
   3. Upload, if received:
      1. Membership information.
      2. Letters of certified degree of Indian blood or descendancy.

Forms

Consent for Release of Information DCYF 14-012

Post Placement Report DCYF 09-107 (located in the Forms repository on the DCYF intranet)

Resources

Active Efforts and Tribal Collaboration policy

Bureau of Indian Affairs Chief, Division of Human Services 1849 C Street, N.W. MS-3645-MIB Washington, D.C. 20240

Child Welfare Adoption Support policy

Child Welfare Court Report policy

Child Welfare Documentation policy

Child Welfare Health and Safety Visits with Children and Youth and Monthly Visits with Parents or Guardians and Caregivers

Child Welfare Identifying Adoptive Families policy

Child Welfare Placing with and Supporting Relatives and Suitable Persons

Child Welfare Pre-Adoption Services and Adoption Finalization policy

DCYF Administrative 13.04 Protecting Privacy and Confidential Information policy

DCYF Administrative 13.05 Public Records Request and Disclosure for disclosure requests (located on the DCYF intranet)

Dependency Cases policy

FamLink Adoption Quick Help Guides (located on the DCYF Knowledge Web)

Impasse Procedures policy

Indian Child Welfare Act (ICWA) Notice policy

Local Indian Child Welfare Advisory Committee (LICWAC) policy

Placement Preferences policy

Providing Confidential Records to Tribes policy

Reason to Know policy

Transferring Cases to Tribal Court policy

Tribal/State Memoranda of Agreement

2.30.80 Case Management Services for Children and Families of Non-Federally Recognized Tribes and Canadian First Nations

2.30.80 Case Management Services for Children and Families of Non-Federally Recognized Tribes and Canadian First Nations julie.pettit Fri, 06/14/2024 - 08:52

Original Date: September 7, 2016

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on case management practices throughout the life of a case when children are from non-federally recognized tribes or Canadian First Nations and the Indian Child Welfare Act (ICWA) does not apply.

Scope

This policy applies to caseworkers.

Laws

Chapter 13.34 RCW Juvenile Court Act-Dependency and Termination of Parent-Child Relationship

Chapter 74.13 RCW Child Welfare Services

Policy

1. Caseworkers must:
    1. Contact and partner with non-federally recognized tribes and Canadian First Nations when working with children who are or may be a member throughout the life of a child welfare.
    2. Seek to keep children connected to their non-federally recognized tribes and Canadian First Nations family, community, and culture.

Procedures

1. When caseworkers receive information indicating that children are from a non-federally recognized tribe or Canadian First Nation and are not enrolled, they must:

1. Contact the tribe by phone, email, facsimile, letter, etc. to inform them that DCYF is working with children who are or may be members and to request help:
    1. Locating relatives or other tribal placements for children.
    2. Obtaining available services or resources for children and families.
2. Follow policies including, but not limited to:
    1. Child Welfare Family Assessment, to gain a greater understanding of the family's strengths, needs, and resources.
    2. Child Welfare Notification to Foreign Consulates, when children are a member of a Canadian First Nation and are in the Department of Children, Youth, and Families (DCYF) placement and care authority to assess Canadian citizenship after consulting the Office of Attorney General.
    3. Child Welfare Shared Planning Meetings and Case Plan, to preserve children's culture and respect their right to be connected to and participate in their community when developing case plans.
    4. Child Welfare Placing with and Supporting Relatives and Suitable Persons, to search for, notify, place, and support children when they are placed in out-of-home care with kinship caregivers or the child's tribal community members.
    5. Local Indian Child Welfare Advisory Committee (LICWAC) (when conducting LICWAC meetings.
    6. Providing Confidential Records to Tribes when contacting tribes or Canadian First Nations for help.
    7. Child Welfare Documentation, to document all ICW related communications and activities.

2. Tribal Membership
    1. If parents or guardians request assistance with establishing tribal membership, provide the following help for children who are:
        1. Not legally free, by assisting parents and guardians, if willing, in completing the membership paperwork when the child is:

1. Not a member but is eligible for membership.
2. A member in one tribe and may be eligible for membership in another tribe where:
    1. The tribe consents to membership in another tribe.
    2. Tribes allow multiple memberships.

2. Legally free, by consulting with the tribe.
    1. If the tribe agrees, obtain a court-order to complete membership.
    2. If the tribe disagrees, do not proceed with membership.

2. Parents and guardians sign the paperwork when they wish to apply for membership children in a tribe; not caseworkers, volunteers, interns, or work study students.

Resources

Child Welfare Case Plan policy

Child Welfare Documentation policy

Child Welfare Family Assessment policy

Child Welfare Notification to Foreign Consulates policy

Child Welfare Placing with and Supporting Relatives and Suitable Persons

Child Welfare Shared Planning Meetings policy

DCYF Administrative 13.04 Protecting Privacy and Confidential Information policy

Local Indian Child Welfare Advisory Committee policy

Providing Confidential Records to Tribes policy

2.40.1 Reason to Know

2.40.1 Reason to Know julie.pettit Fri, 06/14/2024 - 13:30

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

Purpose

The purpose of this policy is to provide guidance on how to identify when there is reason to know children are or may be Indian children.

Scope

This policy applies to child welfare (CW) employees.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. Part 23 Indian Child Welfare Act

Policy

CW employees must:

1. Determine whether there is reason to know children are or may be Indian children by identifying when a child:
    1. Is a citizen or a member of a federally recognized tribe as identified by that tribe.
    2. Is eligible for citizenship or membership in a federally recognized tribe.
    3. Has tribal heritage or Indian ancestry in a federally recognized tribe or there is an indication of it. This includes but is not limited to, instances where information is received from any person involved in the case or discovered indicating that the child or parent have or may have:
        1. Tribal affiliation, heritage, ancestry, descendancy, or lineage. The name of a specific tribe is not necessary.
        2. Been a ward of a tribal court.
        3. Previously accessed services at a tribal clinic or Indian Health Board clinic or Indian boarding school.
        4. Is domiciled or a resident on a reservation or Alaska Native village.
        5. Is affiliated with an Alaska Native Corporation.

2. Treat children where there is reason to know they are or may be Indian children as Indian children until it is determined by the court that they do not meet the definition of an Indian child.

Procedures

1. Determining Reason to Know
   Caseworkers must complete the following when determining whether there is reason to know children are or may be Indian children:
    1. The Indian Identity Request DCYF 09-761 form at the initial contact with the parents, guardians, or Indian custodians for each screened in intake for each child, including those who have not been identified as a victim. If the Indian Identity Request DCYF 09-761 form:
        1. Does not indicate tribal heritage or Indian ancestry, upload the form and proceed with the case without following ICWA or ICW policies.
        2. Indicates tribal heritage or Indian ancestry:
            1. Complete a Family Ancestry Chart (FAC) DCYF 04-220 form.
            2. Attempt to obtain the following information about the parents, guardians, or legal custodians, children, and grandparents:
                1. Tribal heritage or Indian ancestry with federally recognized tribes.
                2. Other tribal affiliations even if a specific tribe or federally recognized tribe is not identified.
                3. Tribal heritage or Indian ancestry in the Canadian First Nations or non-federally recognized tribes.
                4. Residence and whether it is within the boundaries of a reservation.
            3. Complete the following to verify whether children are recognized as Indian children with the tribes. If there is:
                1. No court involvement, follow the Tribal Inquiry policy.
                2. Immediate court involvement, follow the Indian Child Welfare Act (ICWA) Notice policy. Following the Tribal Inquiry policy is not necessary.

2. During Shared Planning Meetings ask parents, guardians, or Indian custodians, children, and other relatives present, if the child, parent, and grandparent:
    1. Has tribal heritage or Indian ancestry.
    2. Is or may be a member of or eligible for citizenship or membership in any federally recognized tribes.
3. At every case transfer staffing verify the:
    1. Indian Identity Request DCYF 09-761 form was completed and updated for all children with the parents, guardians, or Indian custodians.
    2. Tribal Inquiry or Indian Child Welfare Act (ICWA) Notice policies were followed.
4. Before all hearings, ask parents, custodians, guardians, or Indian custodians, children, or any other relative present, unless the court determines the child does not meet the definition of an Indian child, about the child's, parent's, and grandparent's:
    1. Tribal heritage or Indian ancestry with federally recognized tribes.
    2. Other tribal affiliations even if a specific tribe or federally recognized tribe is unknown.
    3. Tribal heritage or Indian ancestry in the Canadian First Nations or non-federally recognized tribes.
    4. Residence and whether it is within the boundaries of a reservation.
5. If alerted by the Relative Search Unit, review the Relative Inquiry DCYF 09-134 form with the family to confirm whether the children, parents, or grandparent have tribal heritage or Indian ancestry.

2. Caseworkers must follow Child Welfare Documentation policy to document all ICW related communications and activities.
3. Supervisors must complete the following during every monthly clinical supervision meetings until the court makes a determination of children's Indian status:
    1. Verify caseworkers determined if there is reason to know children are or may be Indian children by asking if they:

1. Asked about parents, children, and grandparent's tribal heritage or Indian ancestry.
2. Completed the following forms if there is reason to know children are or may be Indian children, the:
    1. Indian Identity Request DCYF 09-761 and uploaded it into FamLink.
    2. Family Ancestry Chart DCYF 04-220 form in FamLink.

2. Verify an Inquiry email was sent to the Native American Indian Request Unit or the ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit.
3. Document the information was verified in the FamLink monthly clinical supervision notes.

Forms

Consent to Foster Care Placement by Indian Child's Parent or Indian Custodian (CON) Washington Courts JU 03.0920

Dependency Petition (DPP) Washington Courts JU 03.0100

Family Ancestry Chart DCYF 04-220

ICWA Notice Referral DCYF 09-103 (located in the Forms repository on the DCYF intranet)

Indian Identity Request DCYF 09-761

Relative Inquiry DCYF 09-134 form

Voluntary Placement Agreement 09-004 (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Documentation policy

Indian Child Welfare Act (ICWA) Notice policy

Child Welfare Monthly Clinical Supervision Case Reviews policy

Tribal Inquiry policy

2.40.10 Tribal Inquiry

2.40.10 Tribal Inquiry julie.pettit Fri, 06/14/2024 - 13:41

Original Date: September 12, 2016

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on the tribal inquiry process when there is reason to know children are or may be Indian children. The Department of Children, Youth, and Families (DCYF) uses this process to verify whether children are recognized as Indian children and they and their families are involved in:

- Child Protective Services (CPS) Investigation
- CPS-Family Assessment Response (FAR)
- Family Reconciliation Services (FRS)
- Family Voluntary Services (FVS)

Scope

This policy applies to Department of Children, Youth, and Family Services (DCYF) employees.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

25 USC § 1901-1923 Indian Child Welfare

Policy

When there is reason to know children are or may be Indian children, caseworkers must make efforts to verify children's Indian status using the inquiry process during participation in the following types of Child Welfare programs:

1. Child Protective Services (CPS) Investigation
2. Child Protective Services (CPS) and Family Assessment Response (FAR)
3. Family Reconciliation Services (FRS)

4. Family Voluntary Services (FVS)

Procedures

1. When there is reason to know children are or may be Indian children:
    1. Caseworkers must:
        1. Complete the following to verify whether children are recognized as Indian children with the tribes. When there is:
            1. Immediate court involvement, follow the Indian Child Welfare Act (ICWA) Notice policy. Following this policy is not necessary.
            2. No court involvement email the following to the Native American Inquiry Request (NAIR) Unit within 10 calendar days of learning that there is reason to know that children are or may be Indian:
                1. A copy of the Indian Identity Request DCYF 09-761.
                2. A Family Ancestry Chart DCYF 04-220 form completed in FamLink.
                3. Verification documents of the Indian children's tribal status and the tribes' level of involvement in the case, when applicable.
        2. Document a "Referral to Native American Inquiry Unit" as an activity in FamLink under the category "Administrative" after sending the inquiry email referral.
        3. Email the NAIR Unit with any new information learned about the family within four calendar days of receiving the information for cases in process with NAIR. Information may include tribal affiliations, established paternity, changes in family constellation, etc.
        4. A new inquiry email referral is needed within 10 calendar days if cases are reopened, and the tribes previously responded that the children are not members or eligible for membership.
    2. The NAIR supervisor, when receiving the inquiry email referral, must:

1. Document in FamLink when cases are closed prior to inquiry referrals being processed.
2. Review them for completeness. If:
    1. Complete:
        1. Notify caseworkers via email confirmation their inquiry referral has been accepted and document in the inquiry log.
        2. Assigns the inquiry referral to a NAIR specialist.
    2. Not complete, request more information from the referring caseworkers.

3. NAIR specialists must:
    1. Within five calendar days of assignment:
        1. Review the Family Ancestry Chart DCY 04-220 form entered in FamLink for each child, conduct familial searches, and add any learned familial or tribal information to the Family Ancestry Chart (FAC) in FamLink.
        2. Email the names of additional federally recognized tribes identified from the search to referring caseworkers and document in FamLink, when applicable.
        3. Send the Inquiry to Indian Tribe DCYF 09-539 and Family Ancestry Chart DCYF 04-220 forms to the ICWA designated agent identified in the most recent Federal Register.
        4. Send the Inquiry to Indian Tribe DCYF 09-539 and Family Ancestry Chart DCYF 04-220 forms to the Portland Bureau of Indian Affairs (BIA) regional office when the identity of the child's tribe is unknown.
        5. Document each inquiry response under the ICW tab in FamLink.
        6. Upload all tribal inquiry correspondence into FamLink as "ICW Specific"

2. Update FACs in FamLink when additional information is received from the assigned caseworker.
3. Email the caseworkers when a tribe has responded to the tribal inquiry that the child is a member or eligible for membership in the tribe and document in a FamLink case note using the appropriate case note category by selecting "NAIR" for the type and "Contact-Caseworker" as the activity.

2. Office of Tribal Relations must notify the NAIR Unit, when tribes report changes in tribal membership criteria.
3. Supervisors during monthly clinical supervisor meetings must until the task is completed:
    1. Verify caseworkers completed the following for each child:
        1. Indian Identity Request DCYF 09-761 form uploaded into FamLink.
        2. Family Ancestry Chart DCYF 04-220 in FamLink.
        3. A FamLink case note documenting an Inquiry Referral DCYF 09-135 was submitted to NAIR if there was reason to know the child was an Indian child before a petition was filed in the case.
    2. Document discussions and verifications in monthly clinical supervision notes.

Forms

Family Ancestry Chart DCYF 04-220

Inquiry to Indian Tribe DCYF 09-539

Indian Identity Request DCYF 09-761

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Child Protective Services Investigation policy

Child Welfare Child Protective Services Family Assessment Response policy

Child Welfare Family Voluntary Services policy

Child Welfare Family Reconciliation Services policy

FamLink File Upload Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)

FamLink ICW Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)

Federal Register - Names and addresses of ICWA designated agents

Indian Child Welfare Act (ICWA) Notice policy

Child Welfare Monthly Clinical Supervision Case Reviews policy

Reason to Know policy

Relative Search link (located on the Intake/CPS Find People page on the DCYF CA Intranet)

Washington State Tribal Indian Child Welfare Social Services Directors and Staff Contact Information

Washington State Intake Referral and After-Hours Tribal Staff Contact Information

2.40.20 Indian Child Welfare Act (ICWA) Notice

2.40.20 Indian Child Welfare Act (ICWA) Notice nicole.clark Thu, 06/13/2024 - 09:57

Original Date: September 12, 2016

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on the process of providing ICWA notice when there is reason to know children are or may be Indian children. The Department of Children, Youth, and Families (DCYF) uses this process to verify whether children are recognized as Indian children and they and their families are involved in:

- Dependency
- Guardianships
- Termination of parental rights (TPRs)

Scope

This policy applies to Department of Children, Youth, and Family Services (DCYF) employees.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

25 USC § 1901–1923 Indian Child Welfare

Policy

1. DCYF must provide ICWA Notice for 30-day shelter care hearings, guardianships fact-findings, and termination of parental rights (TPRs) fact-findings when there is reason to know children are or may be Indian children.
2. Caseworkers or active efforts specialists and the Indian Child Welfare (ICW) Legal Unit must coordinate with the Office of the Attorney General or local prosecuting attorney in providing ICWA notice to the tribes, parents or Indian custodians, and the Bureau of Indian Affairs (BIA).

Procedures

1. When providing ICWA Notice, caseworkers or active efforts specialists must:
    1. Follow the requirements for notifying and collaborating with the tribes in policies:
        1. Dependency Cases
        2. Guardianships
        3. Termination of Parental Rights
        4. Reason to Know
        5. Active Efforts and Tribal Collaboration
    2. Complete the:
        1. Family Ancestry Chart (FAC) DCYF 04-220 form, if one hasn't been completed.
        2. ICWA Notice Referral DCYF 09-103 form including the following information:
            1. Name of each child identified in the petition.

2. Case name and number.
3. Legal cause number for each child.
4. Name of the assistant attorney general (AAG) assigned to the case.

3. Send the completed ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit within:
    1. Four calendar days of either:
        1. Initial shelter care hearings.
        2. Learning there is a new reason to know the child is or may be Indian children.
    2. Fourteen calendar days of the filing of the guardianship or TPR petitions.
4. Email the ICW Legal Unit and the AAG with any new information learned about the family within four calendar days of receiving the information. Information may include, reason to know the children are or may be Indian children, established paternity, changes in family constellation, etc.

2. When preparing the ICWA notice documents for the AAG:
    1. ICW Legal Unit supervisors must upon receipt of ICWA Notice Referral DCYF 09-103 form from caseworkers:
        1. Review the referral and either:
            1. Email confirmation of the receipt of the completed form to the referring caseworker.
            2. Request more information from the referring caseworker for incomplete forms.
        2. Assign the referral to an ICW legal specialist within two calendar days.
        3. Document:
            1. Completed and accepted requests on the ICW legal log.
            2. Incomplete requests in FamLink.

2. ICW legal specialists must complete the following within two calendar days of being assigned ICWA Notice referrals:
    1. Review the Family Ancestry Charts DCYF 04-220 forms in FamLink for each child.
    2. Conduct familial searches.
    3. Add any learned familial or tribal information to the Family Ancestry Chart DCYF 04-220 in FamLink.
    4. Email the names of additional federally recognized tribes identified from the search to referring caseworkers or active efforts specialists and document the information in FamLink, when applicable.
    5. Provide the following to the AAGs and caseworkers or active efforts specialists to send with the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form:
        1. Tribal Response to ICWA Notice DCYF 09-538 forms
        2. Family Ancestry Charts DCYF 04-220
        3. Federally Recognized Tribes - ICW Legal Coversheet DCYF 09-138
3. After the ICWA notice is sent by the AAGs to tribes and the BIA:
    1. ICW legal specialists must:
        1. Resend the Tribal Response to ICWA Notice DCYF 09-538 form to each tribe that hasn't provided a response to the initial Tribal Response to ICWA Notice DCYF 09-538 form:
            1. Sixty calendar days after the hearings indicated in the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form.
            2. One hundred and twenty calendar days after the hearings indicated in the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form.
        2. Update Family Ancestry Charts DCYF 04-220 forms in FamLink when additional information is received from the assigned caseworker.
        3. Email the caseworkers or active efforts specialists when a tribe has responded to the Tribal Response to ICWA Notice DCYF 09-538 form

that the child is a member or eligible for membership in the tribe and document this information in a FamLink case note.

4. Document all tribal responses on the children's ICW tab in FamLink.
5. Upload responses to the Tribal Response to ICWA Notice DCYF 09-538 form into FamLink as "ICW Legal" within three calendar days of receipt from the tribes.

2. Caseworkers or designees must:
    1. Obtain and upload the following as "ICW Legal" or place them in the hard cases:
        1. Indian Child Welfare Act Notice (BIAN) JU 03.0900 form sent to tribes, parents or Indian custodians, and the BIA.
        2. Cover letters, if applicable.
        3. Certified mail receipt, return receipts requested.
3. Email a copy of the court's finding of ICWA determination to the ICW Legal Unit and indicate the case type: dependency, guardianship, or TPR, within three calendar days.
4. Supervisors must:
    1. Verify with the caseworker or active efforts specialist sent the ICWA Notice Referral DCYF 09-103 form to the ICW Legal Unit during monthly clinical supervision case reviews.
    2. Document the conversation about the status of ICWA Notice in their monthly clinical supervision notes.

Forms

Family Ancestry Chart DCYF 04-220

Federally Recognized Tribes - ICW Legal coversheet DCYF 09-138 (located in the Forms repository of the DCYF intranet)

ICWA Notice Referral DCYF 09-103 (located in the Forms repository of the DCYF intranet)

Indian Child Welfare Act Notice (BIAN) JU 03.0900

Tribal Response to ICWA Notice DCYF 09-538 (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 - Indian Child Welfare Act

Active Efforts and Tribal Collaboration policy

Child Protective Services (CPS) and Family Assessment Response (FAR) policy

Dependency Cases Policy

FamLink File Upload Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)

FamLink ICW Quick Help Guide (located on the Knowledge Web on the DCYF CA intranet)

Federal Register - Names and addresses of ICWA designated agents

Letter to Tribes DCYF 09-040 (located in the Forms Repository on the DCYF intranet)

Guardianships policy

Reason to Know policy

Relative Search link (located on the Intake/CPS Find People page on the DCYF CA Intranet)

Termination of Parental Rights policy

2.40.30 Requesting Court Findings about Indian Children for Dependency Cases

2.40.30 Requesting Court Findings about Indian Children for Dependency Cases nicole.clark Thu, 06/13/2024 - 10:43

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations

Purpose

The purpose of this policy is to provide guidance when there is reason to know that children are or may be Indian children on how to request court findings during dependency cases to:

- Determine whether children are Indian children.
- Which tribe is the Indian child's tribe.

Scope

This policy applies to caseworkers.

Laws

Chapter 13.34 RCW Juvenile Court Act–Dependency and Termination of Parent-Child Relationship

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901-1923 Indian Child Welfare Act

Policy

When there is reason to know children are or may be Indian children, caseworkers must always treat children as Indian children, unless, and until the court has made findings on the child's Indian status as determined by their tribes.

Procedures

1. For the courts to determine whether children are Indian children, caseworkers must follow these policies:
    1. Tribal Inquiry
    2. Indian Child Welfare Act (ICWA) Notice
2. Caseworkers must coordinate with assistant attorneys general (AAG) to:
    1. Request the court's findings on the child's Indian status.
    2. Provide the court with all the information about due diligence.
    3. Complete the following:
        1. When responses are received from:
            1. At least one tribe stating the child is a member or eligible for membership in their tribe, request the court find that the child is an Indian child.
            2. Multiple tribes stating the child is a member or eligible for membership in their tribe, request the court:
                1. Find that the child is an Indian child as determined by the tribes.
                2. Allow the tribes to determine which tribe is the Indian child's tribe. If the tribes don't agree, request the court

determine which tribe is the child's Indian tribe for purposes of the dependency.

2. Request the court find Department of Children, Youth, and Families (DCYF) performed due diligence and the child is not an Indian child if any of the following occur:
    1. Responses
        1. All known tribes responded to either form that the child is not a member or eligible for membership:
            1. Inquiry to Indian Tribe DCYF 09-539
            2. Indian Child Welfare Act Notice (BIAN) JU 03.0900
        2. The BIA hasn't provided information in response to either the:
            1. Inquiry to Indian Tribe DCYF 09-539
            2. Indian Child Welfare Act Notice (BIAN) JU 03.0900
    2. There are no known tribes and due diligence was performed when tribal heritage or Indian ancestry is reported but the tribe remains unknown, and the Bureau of Indian Affairs (BIA) hasn't provided information in response to the:
        1. Inquiry to Indian Tribe DCYF 09-539
        2. Indian Child Welfare Act Notice (BIAN) JU 03.0900
    3. All of the following are met, unless, after staffing with the AAG a request for a continuance is determined to be more appropriate:
        1. Not all known tribes have responded to either the:
            1. Inquiry to Indian Tribe DCYF 09-539
            2. Indian Child Welfare Act Notice (BIAN) JU 03.0900

2. Thirty calendar days have passed since the final Tribal Response to ICWA Notice DCYF 09-538 was sent, as outlined in the ICWA Notice policy.
3. The caseworker has been unable to contact the known tribes who haven't responded despite performing due diligence.
4. The BIA hasn't provided information in response to either the:
    1. Inquiry to Indian Tribe DCYF 09-539
    2. Indian Child Welfare Act Notice (BIAN) JU 03.0900

3. Follow policies:
    1. ICWA Notice and email the court's finding or statement of ICWA determination to the ICW Legal Unit, within three calendar days.
    2. Child Welfare Documentation to document all ICW communications and activities.

Forms

Indian Child Welfare Act Notice (BIAN) JU 03.0900

Inquiry to Indian Tribe DCYF 09-539

Tribal Response to ICWA Notice DCYF 09-538 form (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Documentation policy

Indian Child Welfare Act (ICWA) Notice policy

Reason to Know policy

Tribal Inquiry policy

2.40.40 Requesting Court Findings About Whether a Child is an Indian Child in Guardianship and Termination of Parental Rights Cases

2.40.40 Requesting Court Findings About Whether a Child is an Indian Child in Guardianship and Termination of Parental Rights Cases nicole.clark Thu, 06/13/2024 - 11:31

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations

Purpose

The purpose of this policy is to provide guidance when there is reason to know that children are or may be Indian children on how to request court findings during guardianship or termination of parental rights cases to determine:

- Whether children are Indian children.
- Which tribe is the Indian child's tribe.

Laws

Chapter 11.30 RCW Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act

Chapter 13.34 RCW Juvenile Court Act–Dependency and Termination of Parent-Child Relationship

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901-1923 Indian Child Welfare Act

Policy

When there is reason to know children are or may be Indian children, caseworkers must always treat children as Indian children, unless, and until the court has a made a finding based on information provided by the tribes that the child is not an Indian child.

Procedures

Caseworkers must:

Make efforts and obtain the necessary information in order for the court to determine whether a child is an Indian child. This includes:

1. Following the Indian Child Welfare Act (ICWA) Notice policy regardless of whether ICWA notice was sent in the dependency case.
2. Coordinating with assistant attorneys general (AAG) prior to court hearings to:
    1. Provide the court with all the information obtained and due diligence made to verify the child is an Indian child.
    2. Verify the Indian Child Welfare Act Notice (BIAN) JU 03.0900 was sent and received by the known tribes and BIA at least ten days prior to the proceeding as confirmed by the certified mail, return receipt request located in the online court files.
    3. Allow the following if they determine a continuance is appropriate:
        1. More time for the known tribes to respond to notice.
        2. Additional opportunities for the caseworker to contact known tribes.
3. Notices Previously Sent
   Once the information has been obtained and prior to or at the court hearing, complete the following if ICWA notices were sent in the dependency case and there is no new information about tribal heritage or Indian ancestry indicating there is reason to know children are or may be Indian children:
    1. Recommending Child is an Indian Child
       Request the court find that the child is an Indian child for the purposes of the guardianship or TPR hearings based on:
        1. The dependency court previously determining the child to be an Indian child.
        2. Responses received from the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form indicating:
            1. At least one tribe stating the child is a member or eligible for membership in their tribe.
            2. Multiple tribes stating the child is a member or eligible for membership in their tribe. If this occurs, request the court allow the tribes to determine which tribe is the Indian child's tribe. If the tribes don't agree, request the court determine which tribe is the Indian child's tribe for the purposes of the dependency.

2. Recommending Child is Not an Indian Child
   Request the court find that DCYF performed due diligence and the child is not an Indian child for the purposes of the guardianship or TPR hearings if the Bureau of Indian Affairs (BIA) hasn't provided information about tribal heritage or Indian ancestry in response to any Indian Child Welfare Act Notice (BIAN) JU 03.0900 form sent regarding the child and either:

    1. All known tribes have responded to any Indian Child Welfare Act Notice (BIAN) JU 03.0900 form sent regarding the child is not a member or eligible for membership.

    2. There are no known tribes and due diligence was made to identify a known tribe when tribal heritage or Indian ancestry is reported but the tribe remains unknown.

    3. Not all known tribes have responded to any of the Indian Child Welfare Act Notice (BIAN) JU 03.0900 forms sent in the dependency, guardianship, or TPR cases and:

        1. Due diligence was made to determine the child is a member for eligible for membership.

        2. Thirty calendar days have passed since the initial Indian Child Welfare Act Notice (BIAN) JU 03.0900 form was sent in the guardianship or TPR case.

        3. The caseworker has been unable to contact the known tribes who haven't responded despite performing due diligence.

4. Notices Not Sent
   If ICWA notices were not sent in the dependency case or there is new information indicating there is reason to know children are or may be Indian children:

    1. Recommending Child is an Indian Child
       Request the court find that the child is an Indian child for the purposes of the guardianship or TPR hearings when any response to the Indian Child Welfare Act Notice (BIAN) JU 03.0900 form are received from:

        1. At least one tribe stating the child is a member or eligible for membership in their tribe.

2. Multiple tribes stating the child is a member or eligible for membership in their tribe, and request the court whenever possible allow the tribes to determine which tribe is the Indian child's tribe.

2. Recommending Child is not an Indian Child
   Request the court find for the purposes of the guardianship or TPR hearings that the child is not an Indian child if the Bureau of Indian Affairs (BIA) hasn't provided information about tribal heritage or Indian ancestry in response to any Indian Child Welfare Act Notice (BIAN) JU 03.0900 form sent regarding the child and either:

   1. All known tribes responded to any Indian Child Welfare Act Notice (BIAN) JU 03.0900 form sent regarding the child that the child is not a member or eligible for membership.

   2. There are no known tribes and due diligence was made to identify a known tribe when tribal heritage or Indian ancestry is reported but the tribe remains unknown.

   3. Not all tribes have responded to any of the Indian Child Welfare Act Notice (BIAN) JU 03.0900 forms sent in the dependency, guardianship, and TPR cases and:

      1. Due diligence has been made to determine the child is a member for eligible for membership.

      2. Thirty calendar days have passed since the final Tribal Response to ICWA Notice DCYF 09-538 was sent, as outlined in the ICWA Notice policy to all known tribes.

      3. The caseworker has been unable to contact the known tribes who have not responded despite performing due diligence.

5. Follow policies:

   1. ICWA Notice to Tribes and email the court's finding or statement of ICWA determination to the ICW Legal Unit, within three calendar days.

   2. Child Welfare Documentation to document all ICW communications and activities.

Forms

Indian Child Welfare Act Notice (BIAN) JU 03.0900

Tribal Response to ICWA Notice DCYF 09-538 (located in the Forms repository on the DCYF intranet)

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Documentation policy

Indian Child Welfare Act (ICWA) Notice policy

Reason to Know policy

2.40.50 Active Efforts and Tribal Collaboration

2.40.50 Active Efforts and Tribal Collaboration nicole.clark Thu, 06/13/2024 - 11:52

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations

Purpose

The purpose of this policy is to provide guidance on how to, when there is reason to know children are or may be Indian:

- Provide active efforts to prevent the children's removal or promote the timely reunification of Indian families.
- Understand the Indian Child Welfare Act (ICWA) active efforts requirement, which is distinct from requirements to make reasonable efforts in that it requires both a higher level of engagement and culturally appropriate services.
- Contact and partner with known tribes throughout the life of a child welfare case.

Scope

This policy applies to child welfare caseworkers.

Laws

RCW 13.38.040 Definitions

RCW 13.38.130 Involuntary foster care placement, termination of parental rights-Determination-Qualified expert witness.

25 U.S.C. § 1912 Pending Court Proceedings

Policy

When there is reason to know children are or may be Indian children, caseworkers must throughout the life of the case:

1. Provide ongoing active efforts to prevent the children's removal or promote the timely reunification of Indian families. Active efforts:
    1. Are required even if parents, guardians, or Indian custodians do not participate or participate inconsistently in the case plan.
    2. Are required regardless of whether a tribe is identified or participating in a case.
    3. Are tailored to the facts and circumstances of the case as well as the specific needs of the parents, guardians, or Indian custodians, children, and the family.
    4. Are provided in a manner consistent with the prevailing social and cultural traditions, culture and way of life of the Indian child's tribes.
    5. Include access to culturally appropriate services, to the maximum extent possible.
    6. Include meaningful efforts, beyond simply providing referrals, to initiate engagement and maintain a partnership with parents, guardians, or Indian custodians in the creation and implementation of a case plan to support reunification.
2. Collaborate with known tribes the children may be affiliated with.
3. Prioritize the best interests of Indian children.
4. Seek to keep children connected to their tribes, community, and culture.
5. Contact the Office of Tribal Relations (OTR) when:
    1. There are no known tribes and the caseworker is unsure of how to provide active efforts to prevent the children's removal or promote the timely reunification of the family.
    2. There are known tribes but the caseworker is unsure about:

1. How to provide active efforts to prevent the removal or promote the timely reunification of the family.
2. What cultural considerations to consider when providing active efforts.

Procedures

When providing active efforts to prevent the children's removal or promote the timely reunification of Indian families, caseworkers must throughout the life of the case:

1. Meaningfully partner with parents or Indian custodians and assist them in putting themselves in a position where they can avoid removal of or timely reunification by:
    1. Following Child Welfare policies:
        1. Case Plan and including relatives in the case plan development and implementation.
        2. Protecting Privacy and Confidential Information.
    2. Participating in engagement and support activities that include, but are not limited to:
        1. Identifying needed and culturally appropriate services.
        2. Actively providing parents, guardians, or Indian custodians the means to access and participate in their case and case plan, if implemented
        3. Seeking to collaborate with parents to update the case plan, if implemented.
        4. Assisting parents, guardians, or Indian custodians:
            1. In contacting the provider or completing paperwork.
            2. By offering to accompany, engage, and support them at meetings with providers.
            3. In identifying services and service providers that the parents feel comfortable and willing to work with.
        5. Determining if any barriers need to be removed to promote successful engagement in services.
    3. Considering:

1. Cultural appropriateness of offered services and supports.
2. Informal services and supports from the parents', guardians', or Indian custodians' extended family and community as well as cultural activities and peer support.
3. Alternative methods when the most appropriate services are not available.
4. Contacting OTR for further recommendations and considerations when unsure of how to provide active efforts or access culturally appropriate services.

2. When considering out-of-home placements:
    1. Make efforts to locate all parents, guardians, or Indian custodians.
    2. Contact any known tribes to share information about the case and consult on:
        1. Child safety and preventative services.
        2. Case decisions, including the decision to be removed from the home.
        3. Out-of-home placement, if applicable.
    3. Follow policies:
        1. Child Protective Services (CPS) and Family Assessment Response (FAR)
        2. Child Welfare
            1. Present Danger and Safety Assessment
            2. Safety Plan
            3. Family Team Decision Making Meetings (FTDM)
            4. CPS and FAR
            5. CPS Investigation
            6. Family Voluntary Services
            7. Shared Planning Meetings
            8. Case plan

4. Follow the Child Welfare Family Assessment policy and comprehensively assess the child and family's needs and strengths and protective factors:
    1. To include but not limited to:
        1. Health, disability, and accommodations
        2. Mental health, substance abuse, and trauma treatment
        3. Personal trauma history
        4. Communication
        5. Language and literacy barriers
        6. Financial obstacles
        7. Housing
        8. Transportation
        9. Community engagement or family support
        10. Childcare
        11. Cultural engagement and connection
        12. Services and supports
    2. Using, when applicable, the FamLink
        1. Comprehensive Family Evaluation DCYF 10-480 form
        2. Investigative Assessment DCYF 09-967 form
        3. FAR Family Assessment DCYF 10-474 form

3. When children can safely remain in the home and:
    1. The case remains open for services, either:
        1. Obtain the parents', guardians' or Indian custodians' consent to participate in voluntary services. If they consent, follow the Child Welfare Case Plan policy. If they do not consent, consult with the supervisor to determine whether to file a dependency or close the case.
        2. File a dependency if removal is not required but court intervention is needed.

2. The case can be closed:
    1. Inform the parents, guardians, or Indian custodians that the case will be closed and refer the family to any needed community services.
    2. Coordinate with the tribes prior to closing the case.
    3. Close the case when appropriate.

4. When children must be removed:
    1. Collaborate regularly with the child, parents, guardians, Indian custodians, known tribes, and extended family if the parents, guardians, or Indian custodians consent to implement a case plan and a reunification plan.
    2. Keep siblings together, whenever possible.
    3. Consult with known tribes on case decisions, including but not limited to, placements and the permanency plan.
    4. Follow:
        1. ICW policies:
            1. Dependency Cases
            2. Reason to Know
            3. Tribal Inquiry
            4. Indian Child Welfare Act (ICWA) Notice
            5. Placement Preferences
            6. Local Indian Child Welfare Advisory Committees (LICWAC)
        2. Child Welfare policies
            1. Out-of-home placements
            2. Placing with and Supporting Relatives and Suitable Persons
            3. FTDM
            4. Shared Planning Meetings (SPM)
            5. Case plan
            6. Family Time and Sibling and Relative Visits

5. Follow the Child Welfare Family Assessment and the Court Report policies and comprehensively assess the child and family's needs and strengths and protective factors:
    1. To include but not limited to:
        1. Communication
        2. Transportation
        3. Financial obstacles
        4. Health and ability, needs, or treatment
        5. Accommodations for health or ability
        6. Mental health, substance abuse, and trauma treatment
        7. Housing
        8. Community engagement or family support
        9. Language and literacy barriers
        10. Childcare
        11. Cultural engagement and connection
        12. Family time
        13. Post-reunification support
    2. Using, when applicable, the FamLink:
        1. Comprehensive Family Evaluation DCYF 10-480 form
        2. Investigative Assessment DCYF 09-967 form
        3. FAR Family Assessment DCYF 10-474 form

5. When collaborating with known tribes:
    1. Contact the designated notice of service agent or tribal social services by phone, email, or using their tribal website regularly.
    2. Consider:
        1. Potential cultural differences and treat tribes and tribal culture respectfully.

2. The government-to-government relationship that extends to the work between DCYF caseworkers and tribal caseworkers.
3. The importance of building strong partnerships and relationships with tribes and successful outcomes for families.

3. Work towards mutually agreed approaches to partner successfully with known tribes by:
    1. Employing effective listening skills with tribal partners, e.g., being attentive, nonjudgmental, and reflective.
    2. Respecting tribal partners' expertise, information, perspectives, and solutions and considering these when making decisions.
    3. Being open to available tribal support in the case management or services for families provided by DCYF.
4. Follow ICW policies:
    1. Tribal Inquiry and Chapter 15. ICWA Notice when contacting known tribes to verify the child's eligibility of membership or enrollment.
    2. Reason to Know to verify if a child is an Indian child.
    3. Providing Confidential Records to Tribes, when:
        1. Providing case records pertaining to the child.
        2. Verifying the tribes have access to case records.
5. Follow the Child Welfare Court Report policy and seek known tribe's input.
6. Notify known tribes of court hearings at least seven calendar days in advance of the hearing or as soon as practical if the hearing is emergent.
7. Invite known tribes to FTDMs, SPMs, or other meetings when other participants, attorneys, service providers, etc., are invited.
8. Update known tribes as new information is learned and may change the case plan or placement of the child and before hearings and case meetings.

6. Tribal Membership
    1. If parents or guardians request assistance with tribal membership, provide the following help for children who are:

1. Not legally free, assist parents and guardians, if willing, in completing the membership paperwork when the child is:
    1. Not a member but is eligible for membership.
    2. A member in one tribe and may be eligible for membership in another tribe where:
        1. The tribe consents to membership in another tribe.
        2. Tribes allow multiple memberships.
2. Legally free, consult with the tribe.
    1. If the tribe agrees, obtain a court-order to complete membership.
    2. If the tribe disagrees, do not proceed with membership.

2. Parents and guardians sign the paperwork when they wish to apply for membership in a tribe; not caseworkers, volunteers, interns, or work study students.

7. Follow the Child Welfare Documentation policy and document active efforts to prevent removal and promote reunification in detail in the court report, petitions filed, and in an "Active Efforts" case note in FamLink under the Activities tab. Detailed documentation includes, but is not limited to:
    1. The active efforts determined to best address the family's issues and circumstances and the reasons for those chosen efforts.
    2. Dates, individuals contacted, and other information showing how the active efforts were provided.
    3. The outcomes of active efforts provided, identified obstacles, and any adjustments made, if applicable, to overcome the obstacles.
    4. The position of the tribe in case decisions.
    5. How services align with the children's and parents' culture.

Forms

Comprehensive Family Evaluation DCYF 10-480 (located in FamLink)

FAR Family Assessment DCYF 10-474 (located in FamLink)

Investigative Assessment DCYF 09-967 (located in FamLink)

Resources

25 CFR § 23.2 Definitions

25 CFR § 23.120 How does the State court ensure that Active Efforts have been made?

Active Efforts Guide

Child Welfare Case Plan policy

Child Welfare Court Report policy

Child Welfare Documentation policy

Child Welfare Family Assessment policy

Child Welfare Family Time and Sibling and Relative Visits policy

Child Welfare Family Team Decision Making Meetings policy

Child Welfare Out-of-Home Placements policy

Child Welfare Placing with and Supporting Relatives and Suitable Persons policy

Child Welfare Shared Planning Meetings policy

Guidelines for Implementing the Indian Child Welfare Act C.8, E.1-E.6, H.4, and L.1.

Dependency Cases policy

Indian Child Welfare Act (ICWA) Notice policy

Local Indian Child Welfare Advisory Committees (LICWAC) policy

Placement Preferences policy

Providing Confidential Records to Tribes policy

Reason to Know policy

Tribal Inquiry policy

The NACC Guardian Defining Active Efforts in the Indian Child Welfare Act

Washington State Tribes: Tribal Contact and Coordination Guidelines

2.40.60 Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases

2.40.60 Qualified Expert Witnesses for Indian Child Welfare (ICW) Cases julie.pettit Fri, 06/21/2024 - 11:18

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance when qualified expert witnesses (QEWs) are needed to testify in court hearings.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Laws

Chapter 13.38 RCW Indian Child Welfare Act

25 U.S.C. § 1901-1923 Indian Child Welfare Act

Policy

1. DCYF employees must obtain a QEW designated by the tribe or contracted with DCYF for the following court proceedings when DCYF is requesting out-of-home placement and there is reason to know children are or may be Indian children:
    1. Earliest 30-day shelter care, but if not possible then, at the initial dependency fact-finding and disposition hearing:
    2. Guardianship
    3. Termination of parental rights (TPR)
2. Office of Tribal Relations (OTR) must:
    1. Collaborate with the tribal partners, Headquarters Contracts unit, Indian Child Welfare (ICW) Subcommittee of the Tribal Policy Advisory Committee, and caseworkers to establish contracts for QEWs.
    2. Assist caseworkers in locating a QEW if they cannot identify a tribally-designated or contracted QEW.

3. DCYF employees:
    1. Must not serve as a QEW on cases:
        1. They are assigned to.
        2. They are responsible for overseeing.
        3. That are located in their region.
        4. They have personal knowledge of, or association with the case, even if they are from outside of the region.
    2. May serve as a QEW at the 30-day shelter care hearing on ICW cases out of their region if:
        1. There is no known tribe and efforts to obtain a QEW are unsuccessful.
        2. They are on the DCYF Employee QEW list maintained by OTR.

Procedures

1. OTR must:
    1. Maintain an approved QEW list of:
        1. Contracted individuals
        2. DCYF employees
    2. Verify:
        1. QEWs who aren't tribally designated or DCYF employees are contracted with DCYF, as outlined in the DCYF Administrative 4.01 Contracting policy.
        2. QEWs have access to DCYF related child welfare trainings.
        3. Tribally-designated QEWs complete and clear the background check prior to having unsupervised access to children.
        4. Contracted and DCYF employee QEWs complete QEW child welfare training requirements, including, but not limited to, information about:
            1. Washington State court processes.
            2. How to testify effectively in court and how to present qualifications.

3. How to work effectively with Assistant Attorney Generals (AAGs) and defense attorneys.
4. How to access necessary case information.

3. Collaborate with:
    1. Contracts Unit to contract with QEWs.
    2. ICW Subcommittee of the Tribal Policy Advisory Committee to:
        1. Develop a method of determining compensation rates for approved QEW services for contracted QEWs.
        2. Develop minimum qualifications for contracted QEWs in Washington State.
        3. Determine what qualifications constitute:
            1. Extensive knowledge of prevailing social and cultural standards and child rearing practices within the child's tribe.
            2. Child rearing practices in Indian tribes with cultural similarities to the child's tribe.
        4. Track contracted QEWs' completed trainings.
4. Assist caseworkers find a DCYF employee QEW if they are unable to identify a tribally-designated or contracted QEW.

2. Obtaining Tribally-Designated or Contracted QEWs
When it's been determined that continued parental or Indian custodial custody is likely to result in serious emotional or physical damage to their children and there is reason to know children are or may be Indian children, caseworkers or active efforts specialists must:
    1. Obtain a QEW at the earliest 30-day shelter care hearing if possible but no later than the dependency fact-finding and disposition hearing. QEW testimony is only required for one 30-day shelter care hearing. If it's not possible to obtain a QEW at each 30-day shelter care hearing where QEW testimony hasn't been presented in the dependency case:
        1. Introduce evidence of efforts to obtain a QEW and why it wasn't possible to obtain a QEW at each 30-day shelter care hearing.

2. Present QEW testimony at the dependency fact-finding and disposition, Title 13 Guardianships, and TPR court hearings.

2. Caseworkers or active effort specialists must as soon as possible, but no later than 20 calendar days prior to 30-day shelter care, dependency fact-finding and disposition hearing, Title 13 Guardianship, and TPR court hearings complete the following when there are:

    1. Multiple tribes and the court hasn't designated a tribe as the child's tribe, determine if there is a tribally-designated QEW by either:

        1. Reviewing the Indian child's tribe's Memoranda of Agreement.

        2. Contacting and coordinating with the child's known tribes by phone, email, or fax if a QEW isn't identified in the MOA or there is no MOA.

    2. No known tribes, no tribes have intervened or are participating, or the tribes have failed to identify a QEW at least 14 calendar days prior to the court hearing:

        1. Caseworkers must:

            1. Immediately send the Office of Tribal Relations Request for Qualified Expert Witness (QEW) form to OTR QEW Request to identify an appropriate contracted QEW.

            2. Document and present evidence to the court of DCYF efforts made to obtain a QEW.

            3. Inform known tribes of the chosen QEW, when applicable. If tribes object to the identified QEW, coordinate with the QEW coordinator to identify a new tribally approved QEW.

        2. When notified by caseworkers, OTR must immediately identify a contracted QEW who meets one or more of the following requirements, in descending order of preference:

            1. Be a member of the child's Indian tribe or is chosen and recognized by the tribe as knowledgeable regarding tribal customs specific to family organization or child rearing practices.

2. Has substantial experience in the delivery of child and family services to Indians and has extensive knowledge of social and cultural standards and child rearing practices within the:
    1. Indian child's tribe.
    2. Indian tribes with cultural similarities to the Indian child's tribe.
    3. Delivery of child and family services to Indians if no tribe has been identified.
    4. Is a professional who has substantial education and experience in a specialty area related to the tribe.

3. Once caseworkers have the name of the QEW, they must coordinate with the AAG and contact the QEW, to:
    1. Review the case file and discuss with them, their:
        1. Role as a QEW on the case and what they will be asked to testify about. This includes, but isn't limited to:
            1. The QEW's:
                1. Qualifications and knowledge about the social and cultural standards of the child's tribe and the delivery of child and family services to Indians.
                2. Potential testimony regarding:
                    1. Active efforts made by DCYF and the outcomes, if those efforts have proven unsuccessful.
                    2. The placement and compliance with the requirements outlined in the Placement Preferences policy.
            2. Whether custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

2. Opinion on the case. If there is disagreement about whether the child's continued custody with their parent or Indian custodian is likely to result in serious emotional or physical damage and it cannot be resolved, discuss the disagreement and review with the supervisor.

2. Provide the information necessary for the QEW to testify and provide them updates, as necessary.
3. Encourage the QEW to:
    1. Meet with the parents, guardians, or Indian custodians and children in the case.
    2. Collaborate with the caseworker and designated tribal employees to understand the case and case plan.

4. Employees must follow the Child Welfare Documentation policy and document communication and activities to obtain a QEW in FamLink case notes and select "Tribal Contact" under the activities tab.

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Welfare Documentation policy

DCYF Administrative 4.01 Contracting policy (located on the Administrative policies page on the DCYF intranet)

Guardianships policy

Office of Tribal Relations Request for Qualified Expert Witness (QEW)

Office of Tribal Relations

Placement Preferences policy

Termination of Parental Rights policy

Tribal/State Memoranda of Agreement

2.40.70 Placement Preferences

2.40.70 Placement Preferences julie.pettit Fri, 06/14/2024 - 09:03

Original Date: September 1, 1991

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Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance when there is reason to know children are or may be Indian children and they:

- Are or may be placed in out-of-home care.
- Are experiencing or may experience a placement move.

Scope

This policy applies to child welfare and Licensing Division (LD) employees.

Laws

RCW 13.34.260 Foster home placement-Parental preferences-Foster parent contact with birth parents encouraged

RCW 13.38.180 Placement preferences

25 USC § 1915 Placement of Indian children

Policy

When there is reason to know children are or may be Indian children and they are or may be placed in an out-of-home placement or are experiencing or may experience a placement move, caseworkers must follow federal and WA State ICWA placement preferences criteria and applicable Tribal/State Memoranda of Agreement (MOA).

Procedures

1. Caseworkers must for children who are or may be Indian children and are being placed in out-of-home care or experiencing a placement move:
    1. Follow the Child Welfare Placement Moves policy when moving children from a relative or suitable person's home.
    2. Placement Preference Criteria
        1. Follow the federal and WA State ICWA placement preferences criteria and applicable Tribal/State Memoranda of Agreement unless:

1. It’s an emergent placement and efforts to find or place them according to the placement preferences were unsuccessful.
2. The child's tribe identifies a different preferred placement or order of placement preference.
3. The court finds good cause to deviate from the placement preferences.

2. Follow WA State ICWA placement preferences:
    1. In emergent placements whenever possible and all non-emergent placement decisions, in the following descending order of priority, after seeking input from any known tribes, unless the courts find good cause to deviate:
        1. Extended family member.
        2. Foster home licensed, approved, or specified by the child's tribe.
        3. Indian foster home licensed, approved, or specified by an authorized non-Indian licensing authority.
        4. Child foster care agency approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.
        5. Non-Indian child foster care agency approved by the child's tribe.
        6. Non-Indian family that is committed to:
            1. Promoting and allowing appropriate extended family visitation.
            2. Establishing, maintaining, and strengthening the child's relationship with their tribes.
            3. Participating in the cultural and ceremonial events of the child's tribe.
    2. Placement decision involving legally-free children, in the following order of priority after seeking input from any known tribes unless the courts find good cause to deviate:

1. Extended family members.
2. Indian family of the same tribe as the child.
3. Indian family that is of a similar culture to the child's tribe.
4. Other Indian family.
5. Other family who can provide a suitable home for an Indian child. Suitability is determined either in consultation with the:
    1. Indian child's tribe.
    2. Local Indian Child Welfare Advisory Committee (LICWAC), if applicable.

3. Seek input about placement preferences from:
    1. Parents and Indian custodians.
    2. Children or youth
    3. The child's tribe, if known.
4. Follow child welfare policies, including:
    1. Child Welfare Out-of-Home Placements
    2. Child Welfare Placing with and Supporting Relatives and Suitable Persons
    3. Family Time, and Sibling and Relative Visits
    4. Placements with Unlicensed Relatives or Suitable Persons
    5. Family Team Decision Making Meetings
5. Place children in placements that are not on the WA State ICWA placement preferences only after the court has found good cause.
    1. Request a finding of good cause from the courts to deviate from the WA State ICWA placement preferences or the tribe's preferred placement by:
        1. Consulting with the assistant attorney general (AAG) to determine whether a good cause finding will be required

2. Discussing the case with the supervisor and AAG to decide whether to pursue a finding of good cause. This decision cannot be based on the:
    1. Socioeconomic status of any placement compared to another placement.
    2. Ordinary bonding or attachment that was established from time spent in a non-preferred placement that was made in violation of ICWA.
2. Be prepared to testify to the placement preferences and, if applicable, the basis for deviating from the WA State ICWA placement preferences and tribal placement preferences.

6. Provide adoption attorneys, in adoption cases, with all relevant documentation related to WA State ICWA placement preferences and the need for a good cause finding.
7. When an Indian child is not placed in a preferred placement or the tribes disagree with the placement complete the following:
    1. Continue efforts to locate a placement that aligns with the placement preferences.
    2. Follow the Child Welfare Placing with and Supporting Relatives and Suitable Persons policy to:
        1. Initiate the extended relative search process.
        2. Seek suitable short and long-term placements by:
            1. Coordinating with the parents, Indian custodian, tribes, and any known extended family to identify potential placements in compliance with the WA State ICWA placement preferences.
            2. Referring the case to Local Indian Child Welfare Advisory Committee (LICWAC) as outlined in the LICWAC policy if the tribe has not responded.
    3. Coordinate with the LD worker if there is a licensing issue, e.g., capacity, and determine if it is possible to place a child in a placement that aligns with RCW 13.38.180. If there are no child safety

concerns, follow the Licensing State Foster homes policy to request either a:

1. Relative Non-Safety Exemption
2. LD Administrative Approval
3. Waiver

4. Inform:
    1. Caregivers:
        1. The placement is temporary and the child will be moved if a placement that meets placement preference requirements is identified.
        2. They cannot assume to become a permanent placement for the child.
    2. The parents, courts, and caregivers of the continued efforts to comply with the placement preferences via the Shared Planning Meetings and Court Reports policy.

8. Follow the Child Welfare Placement Moves policy if a move is identified.
    1. Consult with the AAG if a Family Team Decision Making Meeting determined a placement move is needed. If so, request approval from the court to move the child as soon as practicable.
    2. Verify required activities in the Placing with and Supporting Relatives and Suitable Persons policy are completed.
    3. Document the following in FamLink case notes:
        1. Efforts made to:
            1. Place a child who is or may be an Indian child, per WA State ICWA placement preferences and tribal placement preferences.
            2. Contact with the tribe to:
                1. Determine the tribe's preferred placement.
                2. Discuss good cause to deviate from the WA State ICWA placement preferences

2. The basis for not placing a child in a placement with WA State ICWA placement preferences, if applicable when there is reason to know they are or may be an Indian child.

2. LD workers must, when receiving a home study application for children who are or may be Indian children and are being placed in out-of-home care, follow these Child Welfare policies:

    1. Completing the Home Study
    2. Licensing State Foster Homes

Resources

25 CFR Part 23 – Indian Child Welfare Act

25 CFR § 23.132 How a determination of "good cause" to depart from placement preferences is made

A Parent's Guide to Relative Search (located on the CFWS Program DCYF CA intranet page)

Protocol for Completing Relative Search Requests (located on the CFWS Program DCYF CA intranet page)

Child Welfare Completing the Home Study policy

Child Welfare Licensing State Foster Homes policy

Child Welfare Family Time, and Sibling and Relative Visits policy

Child Welfare Out-of-Home Placements policy

Child Welfare Placement Moves policy

Child Welfare Placing with and Supporting Relatives and Suitable Persons policy

Child Welfare Shared Planning Meetings policy

Creating and Monitoring Your Relative Search Request (located on the CFWS Program DCYF CA intranet page)

Guidelines for Reasonable Efforts to Locate Children or Parents (located on the CFWS Program DCYF CA intranet page)

Local Indian Child Welfare Advisory Committees (LICWAC) policy

Tribal Inquiry policy

Tribal/State Memoranda of Agreement (MOA)

2.50.1 Providing Confidential Records to Tribes

2.50.1 Providing Confidential Records to Tribes julie.pettit Fri, 06/14/2024 - 09:51

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on protecting and safeguarding the privacy and confidential information of children when there is reason to know they are or may be Indian children and their families whom the Department of Children, Youth, and Family (DCYF) serves.

Scope

This policy applies to child welfare (CW) employees.

Laws

RCW 13.50.100 Records not relating to commission of juvenile offenses-Maintenance and access-Release of information for child custody hearings-Disclosure of unfounded allegations prohibited

RCW 26.44.030 Reports-Duty and authority to make-Duty of receiving agency-Duty to notify-Case planning and consultation-Penalty for unauthorized exchange of information-Filing dependency petitions-Investigations-Interviews of children-Records-Risk assessment process

RCW 74.04.060 Records, confidential-Exceptions-Penalty

25 U.S.C. § 1912c Pending court proceedings: Examination of reports or other documents

42 U.S.C. § 671 State plan for foster care and adoption assistance

42 U.S.C. § 5106a Grants to States for child abuse or neglect prevention and treatment programs

Policy

1. Caseworkers must provide the following to tribes:
    1. When they are not participating in court hearings but request to be involved in cases where DCYF and the tribes have a child in common:
        1. Case records pertaining to children when there is reason to know the children are or may be Indian children as described in the Procedures section.
        2. Case records pertaining to children:
            1. Identified as Indian children by a federally recognized tribe.
            2. Affiliated with Canadian First Nations or non-federally recognized tribes and authorized by their parents, otherwise only case records pertaining to them as described in the Procedures section.
    2. Discovery case records, in collaboration with discovery workers, if applicable, when any tribe or Canadian First Nation intervenes or participates in court-involved cases.

Procedures

CW employees must:

1. Provide known tribes with case records pertaining to children when:
    1. They have been verified as being Indian children.
    2. There is reason to know children are or may be Indian children during:
        1. Court proceedings when tribe has been made a party to the case by the court or allowed to participate in the case by the court according to any limitations imposed by the court.
        2. Child Protective Services (CPS) investigations, or when Family Assessment Response (FAR) services are being provided, prior to a court proceeding, or when tribes are not participating in a court proceeding that:
            1. Can be used to verify the children's' tribal membership as determined by tribes.
            2. Assist the tribes in participating as a partner in the investigations and case planning.

3. Fulfills the active efforts requirement.

3. Children are affiliated with a non-federally recognized tribe or Canadian First Nation after either:

    1. The tribe has been made a party to the case by the court according to any limitations imposed by the court.

    2. Their parents or guardians have signed their approval on the Consent DCYF 14-012 or Authorization DCYF 17-063 forms. If parents or guardians refuse to sign a consent form, provide only those records that are necessary to work with the tribe to:

        1. Locate relatives or other placement resources, including the:

            1. Children's' first and last names, genders, ages, grades in school, and special needs, if applicable.

            2. Parents' names.

            3. Name of the court, hearing date, and location.

        2. Provide services or support to the children or families, including the:

            1. Children's first and last names, genders, and ages.

            2. Parents' names.

2. Follow:

    1. The timeframes for providing information pertaining to the children to tribes in the following policies:

        1. Intake

        2. Child Protective Services and Family Assessment Response

        3. Dependency Cases

    2. The DCYF Administrative 7.01 Employee Safety and Security and Child Welfare Bloodborne Pathogens and Other Potentially Infectious Diseases policy when disclosing information pertaining to bloodborne pathogens.

    3. DCYF Administrative policies:

    1. 13.04 Protecting Privacy and Confidential Information, when disclosing private and confidential information.
    2. 13.05 Public Records Request and Disclosure, when responding to public disclosure requests on closed cases, including requests from the tribes.
    3. 13.06 Records Management and Retention Procedures, when managing and retaining case records pertaining to children who are or may be Indian children.
3. Send case records to the tribes in either hard copy via mail stamped confidential, secured fax, or secure email, as outlined in the DCYF Administrative 12.04 Acceptable Use of Information Technology Resources and the Internet policy.
4. Follow the Child Welfare Documentation policy for documenting all ICW related communications and activities into FamLink including:
    1. Efforts to provide case records to the tribes.
    2. Uploading signed Consent DCYF 14-012 or Authorization DCYF 17-063 forms.

Forms

Authorization DCYF 17-063

Consent DCYF 14-012

Resources

25 CFR Part 23 – Indian Child Welfare Act

Child Protective Services and Family Assessment Response policy

Child Welfare Bloodborne Pathogens and Other Potentially Infectious Diseases policy

Child Welfare Documentation policy

DCYF Administrative 7.01 Employee Safety and Security policy (located on the DCYF intranet)

DCYF Administrative 12.04 Acceptable Use of Information Technology Resources and the Internet policy (located on the DCYF intranet)

DCYF Administrative 13.04 Protecting Privacy and Confidential Information policy

DCYF Administrative 13.05 Public Records Request and Disclosure policy (located on the DCYF intranet)

DCYF Administrative 13.06 Records Management and Retention Procedures policy (located on the DCYF intranet)

Dependency Cases policy

Intake policy

Washington State Office of the Attorney General

2.50.10 Requests and Payments for Interstate Compact on the Placement of Children (ICPC) for Indian Children

2.50.10 Requests and Payments for Interstate Compact on the Placement of Children (ICPC) for Indian Children julie.pettit Fri, 06/14/2024 - 10:04

Original Date:

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance when there are requests or payments for out-of-state placement for children when there is reason to know they are or may be Indian children through Interstate Compact on the Placement of Children (ICPC).

Laws

Chapter 13.38 RCW Indian Child Welfare Act

Chapter 26.34 RCW Interstate Compact on Placement of Children

Scope

This policy applies to child welfare employees.

Policy

ICPC Requests for Out-of-State Placement for Children Who Are or May be Indian Children

1. DCYF employees must contact Headquarters (HQ) ICPC when Indian children are in DCYF placement care and authority (PCA).
2. Office of Tribal Relations must assist tribes in contacting HQ ICPC for children who are under tribal jurisdiction.

Procedures

1. ICPC Requests for Out-of-State Placement
   When children are or may be Indian children and:
    1. In DCYF PCA:
        1. Caseworkers requesting out-of-state placement, must:
            1. Submit the completed ICPC packet, including the ICPC Placement Request 100A DCYF 15-092 form to HQ ICPC.
            2. Adhere to the following policies, when determining placement:
                1. Child Welfare Interstate Compact on the Placement of Children Placed Out-of-State
                2. Placement Preferences.
        2. HQ ICPC receives requests for out-of-state placement, they must follow Child Welfare ICPC Placed Out-of-State policy.
    2. Washington State federally recognized tribes request out-of-state assistance or payment to place out-of-state under ICPC, e.g., foster care, group care, or other services:
        1. Regional ICW program consultants must inform tribes that their cover letter must indicate they agree to follow the DCYF ICPC policies and Articles of ICPC.
        2. When DCYF is:
            1. Making payments for placements:
                1. Regional ICW program consultants must:
                    1. Verify tribal payment only cases are established prior to contacting HQ ICPC when the tribes are requesting payments.

2. Assist tribes in sending the completed ICPC packet, including the ICPC Placement Request 100A DCYF 15-092 form, to HQ ICPC.

2. HQ ICPC must review and determine if receiving state will accept an ICPC request and notify the regional ICW program consultants if the request were accepted.
3. Regional ICW program consultants must complete the following for:
    1. Accepted request, follow ICPC Placed Out-of-State policy.
    2. Not accepted request, consult with the Office of the Attorney General.

2. Not making payments for placements and the tribe would like to utilize the ICPC process:
    1. Regional ICW program consultants must verify with HQ ICPC if the receiving state would accept the request.
    2. HQ ICPC must:
        1. Determine if receiving state will accept an ICPC request.
        2. Notify the Regional ICW program consultants.
        3. Submit the ICPC request to the receiving state, following the tribal Placement Preferences.
    3. Regional ICW program consultants must, if a packet is:
        1. Accepted:
            1. Assist tribes in sending the completed ICPC packet, including the ICPC Placement Request 100A DCYF 15-092 form, to HQ ICPC.
            2. Follow ICPC Placed Out-of-State policy.
        2. Not accepted, notify the regional ICW program consultants and the tribes.

2. When an ICPC request is approved for out-of-state placement or payment through the ICPC for children who are or may be Indian children, child welfare employees must follow the Child Welfare ICPC Out-of-State policy.
3. Follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

The Interstate Compact on the Placement of Children Placement Request DCYF 15-092

Resources

Child Welfare Documentation policy

Child Welfare Interstate Compact on the Placement of Children Placed In Washington State policy

Child Welfare Interstate Compact on the Placement of Children Placed Out-of-State policy

ICPC Packet Checklist and contact information (located on the ICPC page on the DCYF Intranet)

2.50.20 Local Indian Child Welfare Advisory Committees (LICWAC)

2.50.20 Local Indian Child Welfare Advisory Committees (LICWAC) julie.pettit Fri, 06/14/2024 - 10:36

Original Date: October 27, 1976

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on establishing, participating in, and supporting the process for Local Indian Child Welfare Advisory Committees (LICWACs). The purposes of the LICWACs are:

- To promote case planning for children in Department of Children, Youth, and Families (DCYF) placement care and authority when:

    - There is reason to know they are or may be Indian children or have reported ancestry with a non-federally recognized tribe or Canadian First Nation.
    - The case meets specific criteria.
- To encourage the preservation of the Indian family, tribe, heritage, and identity of Indian children served by the DCYF.

Scope

This policy applies to child welfare (CW) employees.

Laws

RCW 4.92.060 Action against state officers, employees, volunteers, or foster parents-Request for defense

RCW 4.92.070 Actions against state officers, employees, volunteers, or foster parents-Defense by attorney general-Legal expenses

Chapter 13.38 RCW Indian Child Welfare Act

RCW 13.50.100 Records not relating to commission of juvenile offenses-Maintenance and access-Release of information for child custody hearings-Disclosure of unfounded allegations prohibited

RCW 26.44.030 Reports-Duty and authority to make-Duty of receiving agency-Duty to notify-Case planning and consultation-Penalty for unauthorized exchange of information-Filing dependency petitions-Investigations-Interviews of children-Records-Risk assessment process

RCW 74.04.060 Records, confidential-Exceptions-Penalty

Executive Order 12-04 Amending the Use of Community Protection Teams

25 U.S.C. §1901-1923 Indian Child Welfare Act

Policy

1. DCYF must seek legal representation from the Office of the Attorney General for LICWAC members if they become involved in tort actions as a result of their LICWAC membership activities.
2. Regional administrators (RAs) or their designees must, in collaboration with the Office of Tribal Relations (OTR):
    1. Establish and maintain at least one LICWAC within their region.

2. Designate a LICWAC liaison.

3. LICWAC liaisons must:

    1. Coordinate the LICWAC applicant and membership processes.

    2. Collaborate with the LICWACs to establish the time, place, frequency, and conduct of the LICWAC meetings.

    3. Verify required LICWAC cases are staffed in a timely and regular manner at a frequency determined by the LICWAC.

    4. Provide support to CW employees and the LICWAC members prior to, during, or after the LICWAC meetings.

4. Caseworkers must:

    1. Provide support to the LICWAC liaisons prior to, during, and after the LICWAC meetings.

    2. Resolve disagreements between DCYF and the LICWACs in collaboration with their LICWAC liaison:

        1. At the supervisory level, where possible.

        2. As outlined in the Impasse Procedures policy, disagreements not resolved at the supervisory level.

Procedures

1. Maintaining LICWACs
   When maintaining LICWACs, RA's or their designees must:

    1. Work with Indian tribal governments and Recognized American Indian Organizations (RAIO) served by that region to mutually determine the number and locations of the LICWACs within their region.

    2. Maintain at least one LICWAC within their region, in collaboration with the Office of Tribal Relations (OTR).

    3. Contact the OTR if there are disagreements about the number of LICWACs in their region.

2. LICWAC Membership
   When selecting LICWAC members and alternates, RAs or their designees, in collaboration with OTR and LICWAC Liaisons:

1. Must:
    1. Contact tribal governments and RAIOs when needed to request individuals to serve as LICWAC members or alternates when there is a vacancy.
    2. Select members or alternates who:
        1. Are recommended by the tribal governments or RAIOs.
        2. Have no history of founded CPS findings unless of certificate of parental improvement has been issued.
        3. Have a personal or professional history demonstrated by a resume, curriculum vitae, letter of reference, etc., of:
            1. Protecting the identity and rights of Indian children.
            2. Familiarity with the local and regional services available to Indian children and families that can be utilized when tribes have not intervened in a case.
        4. Are not DCYF employees.
    3. Verify with the Torts Division of the Office of the Attorney General that the recommended LICWAC members and alternates are not involved in tort actions against DCYF.
2. May:
    1. Select the LICWAC members or alternates who are Bureau of Indian Affairs, Indian health service employees or other community members if they are recommended by a tribal government or RAIO.
    2. Permit the LICWAC members to serve in multiple regions.
    3. End an individual's LICWAC membership if they:
        1. Resign.
        2. Are no longer suitable to serve on the committee, after seeking input from the LICWAC and recommending tribe or RAIO.
        3. Breach confidentiality requirements.
        4. Violate volunteer requirements.

5. Do not follow DCYF policies.

3. LICWAC Applicant Process
   Once receiving the names and contact information of prospective members selected by RAs, the LICWAC liaisons must:
   1. Verify that the prospective LICWAC members:
      1. Complete the following forms:
         1. Volunteer Application DCYF 15-186
         2. LICWAC Confidentiality Agreement DCYF 09-126
      2. Do not have any CPS founded findings in FamLink.
   2. Notify the RA and OTR if prospective members have founded findings in FamLink.
4. LICWAC Member Trainings
   1. LICWAC liaisons must:
      1. Provide orientation training, in coordination with the LICWAC coordinator, to the LICWAC members when they join the LICWAC.
      2. Coordinate with The Alliance and OTR to provide annual trainings to the LICWAC members that include the following topics:
         1. LICWAC functions and procedures.
         2. Confidentiality requirements, as outlined in RCW 74.04.060 and RCW 13.50.100.
         3. Federal and State ICWA and other Washington laws impacting Indian children and families.
         4. Mandatory reporting of abuse or neglect.
         5. Brief overview of any changes to CW policies and procedures.
         6. Volunteer liability, including any coverage through the Department of Labor and Industries and Office of the Attorney General representation.
5. LICWAC Meetings
   1. OTR must host bi-annual meetings with LICWAC members to:

1. Gather feedback about the LICWACs, their processes and procedures, and strengths and areas for improvement.
2. Share LICWAC best practices.
3. Discuss DCYF child welfare and Indian Child Welfare policy changes, if necessary.

2. Prior to LICWAC meetings:
    1. LICWAC liaisons must:
        1. Coordinate with caseworkers to schedule timely and regular LICWAC meetings for cases involving:
            1. An Indian child if the tribe is not participating in the case.
            2. A child when there is reason to know they are or may be an Indian child and there are no known tribes identified.
            3. An Indian child when a federally recognized tribe that has intervened in the case has requested LICWAC involvement.
            4. A child with reported ancestry with a non-federally recognized tribe or Canadian First Nation when either:
                1. One parent has signed a Consent for Release of Information DCYF 14-012.
                2. Both parents are absent and have not participated in the case for 60 days from the original placement date and DCYF has made diligent efforts to locate the parents.
        2. Review information received from the caseworkers and verify:
            1. The previous LICWAC recommendations are included, if applicable.
            2. There are signed consent forms from children using the Protected Health Information Decision Tree DCYF CWP_0006 form to determine the age of consent.

3. Notify the LICWAC members of the meeting at least seven calendar days in advance.
4. Provide records to the LICWAC members. This includes collaborating with the LICWAC members to determine what records they need, e.g., court, provider, or GAL reports, to prepare for the LICWAC meetings and a timeline for providing them.
5. Invite the following to participate in the LICWAC meetings at least seven calendar days in advance:
    1. Parents, guardians, and Indian custodians
    2. Children, based on their age, developmental level, and facts of the case as determined by the assigned caseworker
    3. Foster parents, relatives, or support persons, as agreed by the assigned caseworker and LICWAC members
    4. Indian child's tribal representatives
    5. A representative of any tribe requesting that a LICWAC be held
    6. Attorneys, as agreed by the assigned caseworker and LICWAC members
    7. Guardians ad Litem
    8. Caseworker's supervisor
6. Arrange alternative methods of participation for all participants, when available, e.g., conference calls, video conferencing.
7. Notify the LICWAC members of meeting cancellations.

2. Caseworkers must:
    1. Notify the child's known tribes about the LICWAC meetings and invite them to participate.
    2. Provide relevant case-related information to the LICWAC liaison.

3. LICWAC Meeting Cancellations
    1. Notify the LICWAC liaisons that the tribe is participating in the case, when applicable, and indicate the LICWAC meeting is not necessary.
    2. Email their supervisor or designee for approval if they need to reschedule the meeting with an explanation of the reasons. If:
        1. Approved, contact the LICWAC liaison to reschedule.
        2. Denied, continue with the LICWAC meeting.
3. Supervisors must determine whether to approve or deny a caseworker's request to reschedule the meeting.

3. During LICWAC meetings
    1. Caseworkers must:
        1. Present an oral review of cases to the LICWACs using the Shared Planning Meetings DCYF 14-474 form and other related case records.
        2. Describe efforts to:
            1. Contact the tribes and verify the child's status as an Indian child.
            2. Place the child with family or according to placement preferences, when the child is affiliated with a federally recognized tribe.
            3. Provide the child and their families with culturally relevant services and active efforts, when the child is affiliated with a federally recognized tribe.
            4. Reunify the family.
    2. LICWAC liaisons must, at each meeting:
        1. Offer the LICWAC members who are present the opportunity to designate a chairperson.

2. Invite LICWAC members to provide additional information related to the child's tribal heritage or Indian ancestry.
3. Verify:
    1. There are at least three LICWAC members present to achieve a quorum. In the event a LICWAC member cannot attend and prevents a quorum, the LICWAC may proceed or a LICWAC member from a different region may be invited by the LICWAC liaison or caseworker to create a quorum.
    2. LICWAC meetings begin with:
        1. An explanation of the LICWAC process and confidentiality requirements if there are new members or a new DCYF employee.
        2. A reminder that LICWAC members are required to declare if they have a personal or professional relationship with the child or family, or if they have any other conflicts of interest before the cases are presented. If any conflicts of interest are identified, the LICWAC liaison must inform the member they are no longer able to participate in the meeting regarding those cases.
        3. The current volume of the child's hard file or electronic file is available for the LICWAC members' review, if requested. Records must include, but are not limited to:
            1. Psychological reports
            2. Medical reports
            3. Counseling reports
            4. Professional correspondence, not including attorney-client privileged communications
            5. Police reports

6. Pictures
7. Verification of Indian child status
8. Indian Identity Request DCYF 09-761
9. Court reports
10. Court orders from the last six months

4. Coordinate with the LICWAC members to:
    1. Make recommendations if the child:
        1. Is an Indian child or there is reason to know the child is or may be an Indian child:
            1. Regarding:
                1. The child's:
                    1. Safety, well-being, and permanency.
                    2. Membership in a tribe if known.
                2. The provision of culturally relevant services available.
                3. How assistance will be provided to the parents in establishing tribal membership, if applicable.
            2. And comply with:
                1. Placement Preferences policy, including whether the court has found good cause to the contrary.
                2. DCYF making active efforts, per RCW 13.38.130, to prevent the breakup of the Indian family and the efforts made so far.
                3. The child's culture.

2. Has reported ancestry with a non-federally recognized tribe or Canadian First Nation, regarding:
    1. Locating a relative or other tribal placement for children.
    2. Obtaining services or resources for children and families.
    3. Culturally relevant services.
2. Follow the Child Welfare Notification to Foreign Consulates policy if the child has membership in a Canadian First Nation.
3. Identify and recommend resources for children who are or may be Indian children and children who have reported ancestry with a non-federally recognized tribe or Canadian First Nation to:
    1. Meet their cultural and specific needs.
    2. Identify gaps in resources to meet their cultural and specific needs.
4. Include the LICWAC Recommendations in the Shared Planning Meeting DCYF 14-474 form.

4. After the LICWAC meetings:
    1. Caseworkers must:
        1. Fully implement the recommendations, unless they do not agree and there is an impasse.
        2. Present the recommendations during shared planning meetings.
        3. Include the LICWAC recommendations in the Comprehensive Family Evaluation.
        4. Invite the LICWAC members and the LICWAC liaison to future shared planning meetings, when applicable.

5. Provide the ICW Legal Unit and the assistant attorney general any new information about reason to know gathered during the LICWAC meeting.

2. LICWAC liaisons must notify the area administrator if there is an impasse and follow the Impasse Procedures policy.
3. Area administrators must follow the Impasse Procedures policy if notified of an impasse.

Forms

Consent for Release of Information DCYF 14-012

Family Ancestry Chart DCYF 04-220

Indian Identity Request DCYF 09-761

LICWAC Confidentiality Agreement DCYF 09-126

Shared Planning Meeting DCYF 14-474

Volunteer Application DCYF 15-186 (located in the Forms repository on the DCYF intranet)

Resources

Child Welfare Notification to Foreign Consulates policy

Impasse Procedures policy

LICWAC Brochure

Placement Preferences policy

Protected Health Information Decision Tree DCYF CWP_0006

WAC 110-110-0060 Local Indian child welfare advisory committee—Purpose

WAC 110-110-0070 Local Indian child welfare advisory committee—Membership

WAC 110-110-0080 Local Indian child welfare advisory committee—Functions

WAC 110-110-0090 Local Indian child welfare advisory committee—Meetings

WAC 110-110-0100 Local Indian child welfare advisory committee—Confidentiality

2.50.30 Payment for Services for Children in Tribal Custody

2.50.30 Payment for Services for Children in Tribal Custody julie.pettit Fri, 06/14/2024 - 13:06

Original Date: September 12, 2016

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance when tribes are requesting payment for services for Indian children who are in the custody of a Washington State federally recognized Indian tribe. Services include:

- Preventative and in-home services when tribes complete their own Child Protective Services (CPS) Family Assessment Response (FAR) interventions.
- Child and Family Welfare Services (CFWS).
- Family Voluntary Services (FVS).

Laws

RCW 13.38.030 Findings and intent

RCW 74.13.031 Duties of department-Child welfare services-Children's services advisory committee.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees.

Policy

DCYF will process payments for services when requested by Washington State federally recognized tribes when Indian children:

1. Are in their custody.
2. Subject to the same eligibility standards and rates of support to other children and youth for whom DCYF purchases care.

Procedures

1. Intake workers must create an intake for open and closed case when Washington State federally recognized Indian tribes request services. For:
    1. Payment only services, assign the intake to the appropriate local DCYF office to be assigned to a tribal payment only (TPO) worker.
    2. Placement services for Indian children in a DCYF tribal licensed, unlicensed, or suitable person placement:
        1. Document the tribal placement preferences, if applicable.
        2. Assign the intake to the appropriate local DCYF office TPO worker.
2. TPO workers must complete the following when assigned to TPO cases:
    1. Follow the Providing Confidential Records to Tribes policy when providing tribes with case records related to offered services to the family.
    2. Verify service providers send all relevant documentation directly to the tribe.
3. When TPO cases are opened for:
    1. Payment only services:
        1. TPO workers must:
            1. Create a legal record in FamLink, including placement and care authority (PCA) as "Tribe with an IV-E Agreement" or "Tribe without an IV-E Agreement, when the tribe has an open dependency case.
            2. Request the following from the tribes and upload in FamLink, if received, the tribal court orders:
                1. For all placements in out-of-home care.
                2. From each review hearing.
            3. Consult with the Office of Tribal Relations (OTR) regional Indian Child Welfare (ICW) consultant if the tribe does not respond with the tribal court order within 60 calendar days.
            4. Complete service referrals in FamLink and send to the supervisor for approval. If
                1. Approved, submit referrals to the contracted providers with a copy to the tribal worker.

2. Denied:
    1. Inform the tribe and include the reason for denial.
    2. Follow the Impasse Procedures policy if there is a disagreement.
2. Supervisors must review service referrals for approval.
    1. If approved, return to the TPO worker.
    2. If not approved, return to the TPO worker with the reason for denial.

2. Placement and service payments:
    1. TPO workers or designees must:
        1. Send the Child Information/Placement Referral DCYF 15-300 form received from the tribe to the placement coordinator if a tribe requests a foster home placement.
        2. Complete the following if the tribe identifies the placement and:
            1. Needs a provider number:
                1. Obtain the Child Welfare Provider and Placement Request DCYF 10-065 form or required information from the tribe.
                2. Create the provider in FamLink.
                3. Email a copy of sections 19 and 20 of the Child Welfare Provider and Placement Request DCYF 10-065 form or a Provider File Action Request (PFAR) DCYF 06-097 form to the SSPS Provider File Unit.
                4. Enter placement information into Child Location within three calendar days of placement.
            2. Has the provider number, complete the placement information in Child Location within three calendar days.

3. Verify the Initial/Kinship License Request for Tribes DCYF 10-056 form has been emailed to the Kinship Admin Support if a tribe requests a license for placement of a child in relative or suitable person placement.
4. Complete the following if the child changes placement including return home or they are in an unlicensed relative or suitable person placement:
    1. Enter the placement change into Child Location within three calendar days of placement.
    2. Notify the Licensing Division (LD) worker if the placement has an initial license.

2. Regional placement desk coordinators must complete the following once the Child Information/Placement Referral DCYF 15-300 form is received:
    1. Identify the placement.
    2. Send supporting documentation, e.g., any medical or behavior treatment, to the:
        1. Tribal worker
        2. Caregiver
        3. TPO worker
3. TPO workers or designees must complete the following as soon as they learn an Indian child is placed out of the home:
    1. Create a legal record in FamLink, including PCA as "Tribe with an IV-E Agreement" or "Tribe without an IV-E Agreement."
    2. Request tribal court orders from the tribes and upload, if received:
        1. For all placements:
            1. In out-of-home
            2. That are in in-home care

3. Final court order regarding tribal permanency or Termination of parental rights

2. From each six-month review hearing. If the tribe does not respond within 60 calendar days consult with the regional ICW consultant.

3. Caregiver Support Level Tool 15-007 form by:
    1. Coordinating with tribes to determine how the tool will be completed, per the Child Welfare Caregiver Support Level and Foster Care Rate Assessment Determination policy.
    2. Following the regional process for either:
        1. Completing the tool on behalf of the tribe.
        2. Reviewing the tool completed by the tribe.
    3. Inputting the information into the Foster Care Assessment tab under the Placement icon in FamLink.
    4. Reviewing the Caregiver Support Level Tool DCYF 15-007 form every six months for re-assessment or assist the tribe when they re-assess by:
        1. Using the Caregiver Support Level Tool Guide CWP_0038 publication.
        2. Referring to the Foster Care Rate Assessment WACs 110-50-0400 through 110-50-0550.
4. Provide Washington State federally recognized Indian tribes with case records related to the Indian child and services provided.
5. Verify service providers are sending all relevant documentation directly to the tribes.
6. Consult with:
    1. IV-E specialists to determine IV-E eligibility.

2. Guardianship Assistance Program (GAP) gatekeepers to determine eligibility for subsidy for:
    1. GAP
    2. Extended Guardianship Assistance Program (EGAP)
3. Regional Extended Foster Care (EFC) leads if there are questions about eligibility for EFC.
4. OTR regional ICW consultants if there are questions about other payment processes.

7. Follow the Child Welfare Placing in Child Placing Agency (CPA) Certified Foster Homes policy and submit a completed Child Placing Agency (CPA) Authorization DCYF 10-402 form to a Financial and Business Services Division (FBSD) fiscal analyst if an Indian child is placed with a CPA.

4. FBSD fiscal analysts must process placements and payments in FamLink once the Child Locator app is completed.

4. TPO workers must:
    1. Adhere to the following child welfare policies:
        1. Administrative Approvals when either:
            1. A policy indicates an administrative approval is required.
            2. An exception to a policy is needed.
            3. Reimbursement or supports is needed for a licensed caregiver beyond what the foster care rate assessment or policy allows.
        2. Child Care to authorize child care and complete service referrals in FamLink when receiving tribal requests for child care.
        3. Out-of-Home Placements when the Indian child is in DCYF PCA.
        4. Extended Foster Care (EFC) Program when Indian children are placed in extended foster care.
        5. Guardianships when Indian children are placed in either of these guardianships, chapter:

        1. 13.36 RCW
        2. 11.130 RCW
    6. Placing in Child Placing Agency (CPA) Certified Foster Homes when using in-state child placing agencies.
    7. Concrete Goods when approving concrete goods requests. Review opened services and placements to prevent overpayments every six months.
2. Close TPO cases when:
    1. Tribes request or confirm service payments are no longer necessary by verifying:
        1. Services are completed and closed.
        2. Payments are cleared.
    2. Tribal court is no longer involved, and a court order is received by closing the following in FamLink:
        1. Placements and services
        2. Payments
        3. Legal
5. FBSD fiscal analysts must process service and placement payments.

Forms

Caregiver Support Level Tool DCYF 15-007 (located in the Forms repository on the DCYF intranet)

Child Information/Placement Referral DCYF 15-300

Child Placing Agency (CPA) Referral DCYF 10-402 (located in the Forms repository on the DCYF intranet)

Child Welfare Provider and Placement Request DCYF 10-065 (located in the Forms repository on the DCYF intranet)

Initial/Kinship License Request for Tribes DCYF 10-056

Provider File Action Request (PFAR) DCYF 06-097

Resources

Caregiver Support Level Tool Guide CWP_0038 publication

Child Welfare Administrative Approvals policy

Child Welfare Behavior Rehabilitation Services (BRS) policy

Child Welfare Caregiver Support Level and Foster Care Rate Assessment Determination policy

Child Welfare Child Care policy

Child Welfare Concrete Goods policy

Child Welfare Extended Foster Care (EFC) Program policy

Child Welfare Guardianship Assistance Program (GAP) and Extended Guardianship Assistance Program (EGAP) policy

Child Welfare Guardianships policy

Child Welfare Out-of-Home Placements policy

Child Welfare Placing in Child Placing Agency (CPA) Certified Foster Homes policy

DCYF 7.01 American Indian policy (located on the DCYF intranet)

Evidence Based Practices-Description and Directory (located on the Child Welfare Providers page on the DCYF intranet)

Foster Care Rate Assessment WACs 110-50-0400 through 110-50-0550

Invoice and Adoption Support Pay Calendar for Deadline Dates

Providing Confidential Records to Tribes policy

Service Guide and Service Referral processes (located on the FamLink Knowledge Web on the DCYF intranet)

2.50.40 Impasse Procedures

2.50.40 Impasse Procedures julie.pettit Fri, 06/14/2024 - 11:21

Original Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

Purpose

The purpose of this policy is to provide guidance when there is reason to know children are or may be Indian children and either of the following occur:

- The tribes and Department of Children, Youth, and Families (DCYF) agree to use impasse procedures.
- There is no agreement on a case between DCYF and either of the following, the:
    - Tribes
    - Local Indian Child Welfare Advisory Committee (LICWAC)

Scope

This policy applies to child welfare (CW) and Licensing Division (LD) employees.

Laws

Chapter 43.376 RCW Government-to-Government Relationship with Indian Tribes

Policy

CW and LD employees must:

1. Resolve disagreements between DCYF and the tribes or LICWAC at the lowest supervisory level possible.
2. Follow impasse procedures if it is requested by tribes, LICWAC, or DCYF and the disagreement cannot be resolved through alternative dispute resolution procedures, including, but not limited to, procedures in the Tribal/State Memoranda of Agreement.

Procedures

1. CW and LD employees must follow the DCYF Administrative 10.03.01 Tribal Consultation policy when consultation is needed for topics not related to shared cases involving DCYF and the tribes or LICWACs.
2. If the tribes, LICWAC, or DCYF disagree about situations that include, but are not limited to, case or placement planning or LICWAC recommendations, CW and LD employees must attempt resolution in the following order:
    1. Discuss the disagreements and how to resolve them with their supervisor.

2. Coordinate with the tribes or LICWAC and consider scheduling a shared planning meeting that includes their supervisor.
3. Request their area administrator (AA) or designee to coordinate with the appropriate tribal personnel to:
    1. Resolve the disagreements.
    2. Schedule an impasse meeting, if agreements cannot be resolved.

3. Conducting Impasse Meetings
    1. When AAs or their designees receive DCYF, LICWAC or tribal impasse meeting requests, they must:
        1. Schedule an impasse meeting:
            1. Immediately, if there is imminent risk of serious harm to the children.
            2. Within five business days, if there is no imminent risk of serious harm to the children.
        2. Invite the following individuals:
            1. Tribal designees, including, but not limited to, the tribal:
                1. Caseworker
                2. ICW department supervisor
                3. General manager or director
                4. Council members
                5. Attorney
            2. DCYF designees, including, but not limited to, the:
                1. Caseworker
                2. Supervisor
                3. Office of Tribal Relations (OTR) designee
                4. Assistant Attorney General (AAG) with expertise in ICW issues, if necessary

5. Other appropriate DCYF employees, e.g., licensing, adoption, R-GAP gatekeeper

3. LICWAC designees, when applicable.

3. Consider asking OTR or an agreed upon facilitator or mediator to facilitate the meeting.
4. Review LICWAC recommendations, if applicable, and relevant records and identify any possible solutions.
5. If no agreement is reached with the AA or the tribes choose not to participate, inform the regional administrator (RA) and:
    1. Request a second impasse meeting.
    2. Send them case-related documentation.

2. When RAs receive requests for impasse meetings, they must:
    1. Coordinate with the AA or designee and LICWAC or the tribe, as applicable, to schedule an impasse meeting.
    2. Conduct impasse meetings as outlined in Procedures 3.
    3. If no agreement is reached with the RA or the tribes choose not to participate, inform the CW Field Operations (FO) assistant secretary and:
        1. Request an impasse meeting.
        2. Send them case-related documentation.
3. When the CW FO assistant secretary receives requests for impasse meetings, they must:
    1. Conduct impasse meetings as outlined in Procedures 3.
    2. If no agreement is reached with the CW FO, inform the DCYF secretary and:
        1. Request an impasse meeting.
        2. Send them case-related documentation.
4. When the DCYF secretary receives requests for impasse meetings, they must:

1. Conduct impasse meetings as outlined in Procedures 3.
2. Consult with the LICWAC designee when the impasse involves a LICWAC recommendation, and the caseworker and supervisor in the other situations
3. Must attempt resolution, and if not possible, make the final decision.

4. DCYF employees must follow the Child Welfare Documentation policy and document impasse meeting decisions and the basis for their decisions in FamLink case notes.

Resources

Child Welfare Documentation policy

Child Welfare Shared Planning Meetings

DCYF Administrative 10.03.01 Tribal Agreement policy

Local Indian Child Welfare Advisory Committee (LICWAC) policy

Washington State 1989 Centennial Accord

2.50.50. Transferring Cases to Tribal Court

2.50.50. Transferring Cases to Tribal Court julie.pettit Fri, 06/14/2024 - 12:10

Original Date: September 1, 1991

Revised Date: July 1, 2024

Sunset Review Date: July 31, 2028

Approved by: Tleena Ives, Office of Tribal Relations Director

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Purpose

The purpose of this policy is to provide guidance on how to transfer dependency, 13.36 guardianship, or termination of parental rights cases to tribal court when the children are Indian children and the case transfers are either:

- Requested by the tribes.
- Accepted by the tribes after they are requested by the parents or children.

Scope

This policy applies to caseworkers.

Laws

RCW 13.38.080 Transfer of jurisdiction

25 USC § 1911 Indian tribe jurisdiction over Indian child custody proceedings

Policy

1. When children are Indian children and there is a request at any point in the case to transfer a dependency, chapter 13.36 RCW guardianship, or termination of parental rights case, caseworkers must collaborate with the:
    1. Known tribes, parents, and the Assistant Attorney General (AAG) to facilitate the case transferring to tribal court.
    2. Children, when developmentally appropriate,

Procedures

When a request is received to transfer an Indian child's case to tribal court, caseworkers must:

1. Contact the:
    1. The tribe to verify the child is a member or eligible for membership in the tribe to which the case would be transferred. If they:
        1. Are a member or eligible for membership, continue with the transfer process.
        2. If they are not a member or eligible for membership, consult with the AAG if the tribe continues to request transfer.
2. Coordinate with the:
    1. Tribe to confirm their position on a case transfer and assist as needed if the transfer was requested by the child or parent.
    2. AAG if the tribe requests the transfer and send the tribe:
        1. Motion for Order Transferring Jurisdiction to Tribal Court, JU 11.0900
        2. Order re Transferring Jurisdiction to Tribal Court, JU 11.0920
3. Complete the following after receiving the state court order transferring jurisdiction from the AAG:

1. Offer to schedule and facilitate a transfer case staffing with the tribe.
2. Follow the Providing Confidential Records to Tribes policy and collaborate with the Discovery Unit or designee to provide the tribe with all case documentation as soon as possible.
3. Once the tribal court accepts jurisdiction, either:
    1. Close the case.
    2. Open as a tribal payment only case.

4. Follow the Child Welfare Documentation policy and document all ICW related communications and activities.

Forms

Motion for Order Transferring Jurisdiction to Tribal Court, JU 11.0900

Order re Transferring Jurisdiction to Tribal Court, JU 11.0920

Shared Planning Meeting DCYF 14-474

Tribal Court's Order Accepting/Declining Jurisdiction, JU 11.0960

Resources

25 CFR Part 23 – Indian Child Welfare Act

25 C.F.R. §§ 23.115-119 How are transfers for transfer of proceedings made

Child Welfare Documentation policy

Federal Register

Parents' Guide to CPS DSHS 22-484

Providing Confidential Records to Tribes policy

Washington State Federally Recognized Indian Tribes: Tribal Social Services Directors and Tribal Lead Social Worker

Washington State Tribes Intake and After Hours Field Response Contact Information

2.60 Definitions

2.60 Definitions julie.pettit Fri, 06/21/2024 - 11:44

Active Efforts means affirmative, active, thorough, complete, and timely efforts intended primarily to maintain or reunite children who are or may be Indian children with parents, Indian custodians or legal guardians. See 25 C.F.R. § 23.2; RCW 13.38.040(1). Active Efforts:

- Are:
    - A higher standard than reasonable efforts and therefore require DCYF to provide more support, engagement, and services than reasonable efforts.
    - Distinct because it's inclusive of due diligence.
    - Provided to the maximum extent possible in a manner consistent with the prevailing social and cultural conditions and way of life of children's tribes.
    - Conducted in partnership with children and their parents or guardians, extended family members, Indian custodians, and tribes.
    - Tailored to the facts and circumstances of the case.
- Involve engaging, assisting, and supporting parents or Indian custodians throughout the life of a case including accessing services and fulfilling the steps of a case plan and court order, if applicable, and actively working with parents to address barriers to the parents' or Indian custodian's success.
- Include detailed documentation of all services, support, and engagement.

Best Interests of Indian Children is defined in RCW 13.38.040(2) and refers to the use of practices in accordance with the federal Indian child welfare act, and other applicable laws, that are designed to accomplish the following:

- Protect the safety, well-being, development, and stability of the Indian child.
- Prevent the unnecessary out-of-home placement of the Indian child.
- Acknowledge the right of Indian tribes to maintain their existence and integrity which will promote the stability and security of their children and families.
- Recognize the value to the Indian child of establishing, developing, or maintaining a political, cultural, social, and spiritual relationship with the Indian child's tribe and tribal community.
- Prioritize the placement of the Indian child in a proceeding where out-of-home placement is necessary per the placement preferences defined in Chapter 13.38 RCW.

Canadian First Nations is a reference to:

- Individuals who most often have Indian status under Canadian law as a part of a recognized community. They are also called First Peoples or Aboriginal.
- Communities or bands recognized under Canadian law.

Cultural Agreements are forms of agreement negotiated between tribes and Indian children's guardianship caregivers or adoptive parents. These agreements outline actions taken by the adoptive parents or guardians to ensure Indian children are connected to their tribal community, culture, and government, e.g., keeping children up to date on tribal news and happenings, having children attend tribal ceremonies and cultural camps, keeping connections with relatives, etc.

Due Diligence means active and persistent efforts, e.g. performing regular telephonic, email, mail, or fax outreach activities to fulfill the requirements of the Tribal Inquiry and Indian Child Welfare Act (ICWA) Notice to Tribes policies. For:

- Known tribes:
    - Identify and work with all the tribes of which there is reason to know the child may be a member or eligible for membership.
    - Verify whether the child is in fact a member or eligible for membership.
- Unknown tribes, contact the Bureau of Indian Affairs office.

Domicile for a parent or Indian custodian means 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. 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. *See* 25 C.F.R. § 23.2.

Federal Indian Child Welfare Act (ICWA) is a federal law enacted in 1978. This law recognizes the importance of maintaining a child's connections with his or her extended family, Indian tribe and its culture when an Indian child is the subject of a child custody proceeding. The law sets minimum standards for the removal of Indian children from their families and for terminating parental rights, addresses tribes' exclusive and concurrent jurisdiction, establishes priorities for placement of Indian children in foster or adoptive homes, and requires official notice of juvenile dependency, guardianship, and termination of parental rights proceedings to the tribe of an Indian child. 25 U.S.C. 1901 *et seq*.

Federally Recognized Tribes mean any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native Village. 25 U.S.C. 1903(8)

Government-to-Government Relationship means the recognition of, and respect for, the sovereign status of Washington state and the inherent sovereign status of federally recognized Indian tribes. This relationship enhances and improves communications between the two governments and facilitates the resolution of issues. Chapter 43.376 RCW

Indian Children means any unmarried and unemancipated persons who are under age eighteen and are, as determined by the Indian child's tribe, one of the following:

- Members of an Indian tribe.
- Eligible for membership in an Indian tribe.
  25 USC § 1903 (4); 25 CFR § 23.2 and RCW 13.38.040(7) (12)

Indian Child's Tribes means (a) Indian tribes in which an Indian child is a member or eligible for membership. RCW 13.38.040(10)

Indian Custodians are any Indian individuals who have legal custody of an Indian child under applicable Tribal law or custom or under applicable State law, or to whom temporary physical care, custody, and control has been transferred by the parent of such child. An Indian may demonstrate that he or she is an Indian custodian by looking to Tribal law or Tribal custom or State law. 25 U.S.C. § 1903(6)

Indian Tribes mean any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska Native Village. 25 U.S.C. § 1903(8)

Known Tribes means when there is reason to know children have tribal heritage or Indian ancestry from either a:

- Specific tribe or tribes, e.g., Swinomish Indian Tribal Community, Pueblo of Acoma, Blue Lake Rancheria, Choctaw Nation, Native Village of Scammon Bay
- Tribal or cultural group, e.g., Lakota, Tlingit, Paiute, Yupik, Aleutian, Athabaskan

Local Indian Child Welfare Advisory Committees (LICWAC) are committees designed to ensure protection of the Indian identity of Indian children, their rights as Indian children, and the maximum utilization of available Indian resources for Indian children. To ensure the realization of this intent, information about each current and future case involving Indian

children for whom DCYF has a responsibility must be referred to LICWAC on an ongoing basis when a federally recognized tribe has not responded, is unavailable, or requests LICWAC involvement according to procedures which recognize the privacy rights of the families. The purposes of LICWACs are to:

- Promote social service planning for Indian children;
- To encourage the preservation of the Indian family, tribe, heritage, and identity of each Indian child served by the DCYF;
- Assist in obtaining participation by representatives of tribal governments and Indian organizations in departmental planning for Indian children for whom the department has a responsibility.

Memoranda of Agreements are documents used to clarify roles and responsibilities and enhance coordination and cooperation between DCYF and federally recognized tribes in providing appropriate child welfare services to children who are or may be Indian children.

Non-federally Recognized Tribes means any tribe, Band, or other organized group or community of Indians that has not been recognized as eligible for services provided to Indians by the Secretary of the Interior.

Qualified Expert Witnesses (Contracted) are qualified individuals with a Department of Enterprise Services statewide or DCYF contract to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. These individuals must be qualified to testify as to the prevailing social and cultural standards of the Indian child's Tribe.

Qualified Expert Witnesses (Tribally Designated) are qualified individuals designated by the tribe to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe.

Reason to Know Children Are or May Be Indian applies when children are or may:

- Be a citizen or a member of a federally recognized tribe as identified by that tribe.
- Be eligible for citizenship or membership in a federally recognized tribe.
- Have tribal heritage or Indian ancestry in a federally recognized tribe or there is an indication of it. This includes but is not limited to, instances where information is received from any person involved in the case or discovered indicating that the child or parent have or may have:

- Tribal affiliation, heritage, ancestry, descendancy, or lineage. The name of a specific tribe is not necessary.
- Been a ward of a tribal court.
- Previously accessed services at a tribal clinic or Indian Health Board clinic or Indian boarding school.
- Is domiciled or a resident on a reservation or Alaska Native village.
- Is affiliated with an Alaska Native Corporation.

Tribal Courts mean courts run by a tribal government with jurisdiction over child custody proceedings. These may be:

- A court of Indian offenses.
- A court established and operated under the code or custom of any federally recognized Indian tribe.
- Any other administrative body of a federally recognized Indian tribe that is vested with authority over child custody proceedings.

Tribal Group means groups of individual federally recognized tribes that are or were historically interconnected, e.g., Sioux and its representing sixteen federally recognized tribes.

Tribal Heritage or Indian Ancestry means an individual has American Indian or Alaska Native affiliation, heritage, ancestry, descendancy, or lineage; or identifies their race or ethnicity as being American Indian or Alaska Native. This is different from being a member or citizen of a Tribe.

Tribal Jurisdiction means when a tribe's authority to adjudicate, or decide, a dependency, termination of parental rights, guardianship, pre-adoptive, adoptive, customary adoption or any other child custody proceeding.

Tribal Sovereignty means that a tribal government has the power to make and enforce laws, and to establish courts and other forums for resolution of disputes. The sovereignty that American Indian Tribes possess is inherent and existed before the founding of the United States.

Unknown Tribes means when there is reason to know children have native ancestry or Indian heritage, but no specific tribe or tribes or cultural groups, have been identified after follow-up questioning. This includes references to state or geographic regions.

Washington State Indian Child Welfare Act (WICWA) is a Washington State law enacted in 2011. This law recognizes the importance of protecting the essential tribal relations and best interests of Indian child by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety, or welfare of the children, or the interests of their tribe. The law supplements the federal ICWA and was a step in clarifying existing laws and codifying existing policies and practices regarding Indian child welfare. Chapter 13.38 RCW