

## Indian Child Welfare Act Compliance Checklist

	NO	YES	N/A	Date Completed	Person Contacted or other notes
<b>DETERMINATION OF INDIAN ANCESTRY</b>					
<b>1. Inquiry about Indian ancestry</b>					
(a) Have both parents been identified?					
(b) Have attempts to locate absent/missing parent begun?					
(c) Have both parents or guardian and child, if age appropriate, been asked if child is American Indian or have American Indian ancestors?					
(d) Have both parents been asked if they are members of a federally recognized tribe?					
(e) Are child and parents' race and ethnicity documented in case record?					
(f) If suspected of having Indian heritage, is child being treated as ICWA case until ruled out?					
(g) Has Notice of Inquiry Under the Indian Child Welfare Act been sent to the Tribe(s)?					
<b>2. Identification of Indian Child</b>					
(a) Is child a member of a federally recognized tribe?					
(b) Has documentation of membership been received from tribe?					
(c) If not a Tribal member, is child the child of a member and eligible for membership?					
(d) Has documentation of eligibility for membership been received from tribe?					
(e) Is child eligible for membership in more than one tribe?					
<b>3. Identification of Tribal membership is NOT established</b>					
(a) Have all possible Tribes and Bureau of Indian Affairs been contacted?					
(b) Have all steps been taken to established Indian ancestry and eligibility for tribal membership been documented in case file?					
<b>TRIBAL NOTIFICATION</b>					
1. Has Notice Required By The Indian Child Welfare Act (25 USC 1912) been sent by registered mail?					
2. Has return receipt of delivery of Notice Required By The Indian Child Welfare Act (25 USC 1912) been requested?					
3. Is there documentation of Tribal contact, address and phone numbers for notification of court proceedings and scheduled reviews?					
4. Has contact been made with the Tribe to determine if child resides on the reservation or is a ward of the tribal court?					
<b>TRANSFER OF JURISDICTION</b>					
1. Does the tribal court have exclusive jurisdiction over the case because the child resides on the reservation or is a ward of the tribal court?					
2. Has the tribe or Indian custodian or parent petitioned for a transfer of jurisdiction?					
3. Was this transfer request granted?					
4. If yes, is there documentation of transfer of case to tribal court?					
5. Is a copy of transfer of Jurisdiction Order in case file?					
6. Is there documentation of Tribe decision to maintain exclusive or transfer jurisdiction, but allow child to remain in DSS placement?					
<b>TRIBAL INTERVENTION</b>					
1. Does the Tribe want to be involved in case?					
2. Is there documentation of extent of Tribal desired involvement?					

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<b>EFFORTS TO PREVENT THE BREAKUP OF INDIAN FAMILY</b>					
1. Is there participation of Tribal representative at the early point in case planning?					
(a) Does the child's service plan reflect active efforts to reunify the Indian family?					
(b) Is Tribe given access to any reports or documents filed with the court upon which the court's decision may be based?					
2. Has tribal representative with knowledge of prevailing social and cultural standards within tribal community been located?					
(a) Has the family's circumstance been assessed?					
(b) Has a case plan been developed with parent/guardian that utilizes tribal and Indian community resources?					
3. If needed, has financial assistance, food stamps, housing, etc., been provided?					
4. Has extended family members been contacted as a resource for the child?					
5. Has a visitation plan to keep child in close contact with parents, siblings, and other relatives been developed, if child is in an out of home placement?					
<b>PLACEMENT PREFERENCES</b>					
1. Has the Tribe been contacted to determine if it has established an order of placement preference by resolution?					
2. Have the Tribe and parent/guardian been notified prior to any change in child's placement?					
3. Does the placement meet the placement preference requirement of ICWA as specified by child's Tribe?					
4. Is the foster care or pre-adoptive placement in reasonable proximity to child's home and the least restrictive setting with most appropriate family?					
<b>5. For foster or pre-adoptive placement</b>					
(a) Is the placement with a member of child's extended family?					
(b) Is the foster home licensed and approved by Indian child's tribe?					
(c) Is the Indian foster home licensed and approved by non Indian licensing authority?					
(d) Is the children's institution approved by the Tribe or operated by an Indian organization which has a program suitable to meet the child's needs?					
(e) Did the trial court for good cause allow a different placement for the child?					
<b>6. For adoptive placement</b>					
(a) Is the placement with a member of child's extended family?					
(b) Is placement with other members or the child's Tribe?					
(c) Is placement with another Indian family of similar Indian heritage?					
(d) Is placement with another Indian family?					
(e) Did the trial court for good cause allow a different adoptive placement for this child?					
7. Was Tribe contacted and utilized to assist in identification of a tribally approved out of home placement for the child?					
8. Were efforts made to place the Indian child in an Indian home?					
9. If an Indian child was placed in a non-Indian home, did the court modify the order of ICWA placement preference showing good cause?					
10. Does documentation exist showing each placement and the efforts to comply with the mandates of ICWA placement preference?					