

**DSS ADMINISTRATIVE LETTER
CHILD WELFARE SERVICES CWS-AL-03-11**

TO: COUNTY DIRECTORS OF SOCIAL SERVICES

ATTENTION: CHILDREN'S SERVICES PROGRAM ADMINISTRATORS, MANAGERS AND SUPERVISORS, CHILDREN'S SERVICES SOCIAL WORKERS

DATE: June 1, 2011

SUBJECT: CONSENT TO EXPLORE AMERICAN INDIAN HERITAGE (DSS-5335) AND FOSTERING CONNECTIONS/TRIBAL RELATIVE SEARCH (DSS-5336)

EFFECTIVE DATE: June 15, 2011

I. INTENT

The purpose of this letter is to introduce two new forms, which are the product of legislation and collaboration between county departments of social services (DSS) and community stakeholders. The forms are the *Consent to Explore American Indian Heritage* ([DSS-5335](#)) and the *Fostering Connections | Tribal Relative Search* ([DSS-5336](#)). They will be used for assisting county DSS agencies in identifying children with American Indian heritage and serve as a tool for building a relationship with the tribe.

II. BACKGROUND

North Carolina is home to eight American Indian tribes, which are all recognized by our state including the Eastern Band of Cherokee; a federally recognized tribe. Although the federal Indian Child Welfare Act (ICWA) does not apply to all children and families from state recognized tribes, current state law and policy encourages partnership between child welfare agencies and state-recognized tribes.

[G.S. §143B-139.5A](#), entitled: *An Act to Require Collaboration Between the Division of Social Services, the Commission on Indian Affairs, and the NC Directors of Social Services Association on Indian Child Welfare Issues*, states that these agencies should collaborate to develop a process to assist in identifying Indian children. In developing this process representative from the NC Indian Child Welfare Task Force, a standing committee of the Commission on Indian Affairs collaborated and agreed upon the creation of [DSS-5335](#) and [DSS-5336](#) to assist in identifying Indian children. These forms should assist county DSS agencies to identify Indian children early in a case and begin building a relationship with the tribe.

III. INSTRUCTIONS

For all cases "Substantiated" or found to be "In Need of Services" the CPS Assessment worker shall inquire about a parent/caretaker's Indian ancestry. The [DSS-5335](#) and the [DSS-5336](#) require social workers to ask questions about state, as well as federal tribal ancestry. The [DSS-5335](#) will be filled out with a parent/caretaker who has indicated that he/she has heritage in an Indian tribe. The [DSS-5336](#) will be used when the parent/caretaker is either absent or unwilling to cooperate with the agency *and* the agency has collateral information that the child(ren) may have heritage in an Indian tribe.

IMPORTANT: One of these two forms is to be used in every Substantiated case or case found to be In Need of Services where DSS has received information (either directly from a parent/caretaker/relative or from a collateral source, such as a teacher, doctor, or therapist) that the child(ren) may have American Indian ancestry, whether in a federally or state recognized tribe.

A separate form should be used with each parent/caretaker in the case. However, the form can include multiple children's names. Please review the, [DSS-5335](#) and [DSS-5336](#); and if you have questions please contact your CPR or Emily Jackson at 919-334-1094 or at emily.jackson@dhhs.nc.gov.

Sincerely,



Kevin Kelley, Interim Chief
Child Welfare Services

Attachments: [DSS-5335](#)
[DSS-5336](#)

cc: Sherry S. Bradsher
Jack Rogers
Kathy Sommese
Child Welfare Services Team Leaders
Children's Services Program Representatives
Local Business Liaisons