



MISSOURI DEPARTMENT OF SOCIAL SERVICES
CHILDREN'S DIVISION
Indian Child Welfare Act Checklist

CASE NAME:

This checklist was developed to ensure that specific information required by ICWA is collected and documented, as well as to guide the worker through the various mandates of ICWA. ICWA provides legal protections designed to prevent the breakup of Indian families, and may provide important rights and benefits to the Indian family. This checklist may also serve as supporting documentation of the worker's effort to ensure ICWA policies were followed.

Step 1

Inquire at Intake or at the 24 hour meeting as to whether the child or child's parents are American Indian or Alaskan Native.

Yes there is Indian ancestry

Tribe

No Indian ancestry

Date of Inquiry:

If there is Indian ancestry or it is believed that there is Indian ancestry:

Child is under 18 years old

Child is unmarried

A member or eligible to become a member of a federally recognized tribe

Biological child of a tribal member

Step 2

Family completed the Indian Ancestry Questionnaire, even if family denies Indian Ancestry.

Date of Completion

Who was asked and their relationship to child?

IF IT IS DETERMINED THAT CHILD HAS NO INDIAN ANCESTRY, STOP HERE, ICWA DOES NOT APPLY. IF THE FAMILY INDICATES INDIAN ANCESTRY, CONTINUE.

Step 3

The rules of ICWA mandate that certain placement preferences be considered and they are listed below in the order of preference. Document attempts to obtain the preferences set forth by ICWA.

Members of child's extended family

Who?

Other members of the Indian child's tribe

Who?

Other Indian Family

Who?

Placed with non-Indian family who agrees to support and maintain child's cultural identity.

Who?

Other. Explain.

Step 4

Establish contact with tribe.

To access Tribal Registry contact information, go to <http://www.ncai.org/tribal-directory.htm>

Name of Tribe(s) Contacted

Will Tribe accept jurisdiction? Yes No If answer is no, why not?

If the answer is 'Yes', and the court is in agreement and parents not opposed, **close the case and transfer all records to the tribe.** If no, continue.

If applicable, on what date were child's records transferred to the tribe?

Step 5

If child is not enrolled but eligible to enroll in tribe, assist the family with enrollment process. The Tribe may assist with what is needed for tribal enrollment.

Enrollment Date:

Tribe:

Step 6

Consider the child's return to tribal custody as concurrent plan to achieve permanency

Yes No

Date of FST when decision made:

ICWA mandates that a "Qualified Expert Witness" be involved at any Protective Custody or Termination of Parental Rights Hearings that involve an Indian child. This expert should have extensive knowledge of prevailing social and cultural standards and child-rearing practices within the tribal community. This expert can evaluate the family circumstances and assist in developing a case plan that uses tribal and Indian community resources. The family's tribal community would be the best resource for identifying a Qualified Expert Witness.

Step 7

Qualified Indian Expert Witness requested for Protective Custody hearing

Name of Witness:	Date Contacted:
What qualifies this person as an Indian Expert Witness?	

ICWA mandates that notice, with a "return receipt request", must be provided to certain parties when an agency is seeking foster care placement, guardianship, or termination of parental rights of an Indian child. The worker must ensure that notice is provided to the Indian child's parents or legal guardian, the Indian custodian of the child, the Indian child's tribe via the tribal chairperson, all federally recognized tribes of which the child may be a member or eligible to be a member, or the Area Director of the Bureau of Indian Affairs (BIA) if identity or location of the parent, Indian custodian or the tribe cannot be determined. No hearing may be held until at least ten (10) days after the receipt of notice by the parent, Indian custodian, the tribe or the BIA.

Step 8

Notice, with return receipt request, sent regarding Protective Custody Hearing

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 9

Notice, with return receipt request, sent regarding Adjudication Hearing

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 10

Notice, with return receipt request, sent regarding Dispositional Review Hearing

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 11

Notice, with return receipt request, sent regarding Permanency Hearing

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 12

Notice, with return receipt request, sent regarding Post Permanency Hearing

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 13 **Notice, with return receipt request, sent regarding Termination of Parental Rights Hearing**

<input type="checkbox"/> Father	Date sent:	<input type="checkbox"/> Father cannot be located
<input type="checkbox"/> Mother	Date sent:	<input type="checkbox"/> Mother cannot be located
<input type="checkbox"/> Tribe	Date sent:	
<input type="checkbox"/> Indian Custodian, if applicable	Date sent:	
<input type="checkbox"/> Bureau of Indian Affairs, if applicable	Date sent:	

Step 14 **Qualified Indian Expert Witness requested for Termination of Parental Rights Hearing**

Name of Witness:	Date Contacted:
What qualifies this person as an Indian Expert Witness?	