

## DEPARTMENT OF SOCIAL SERVICES

## CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

August 21, 2009

## M E M O R A N D U M

<b><u>What's Inside:</u></b> Indian Child Welfare Act Policy Revision
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TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: PAULA NEESE, DIRECTOR

SUBJECT: INDIAN CHILD WELFARE ACT (ICWA) POLICY REVISION AND INTRODUCTION OF ICWA CHECKLIST (CD-123), INDIAN ANCESTRY QUESTIONNAIRE (CD-116), ICWA INFORMATIONAL BROCHURE (CD-133) AND ICWA COMPLIANCE FLOWCHART AVAILABLE ON CD INTRANET

## DISCUSSION:

The purpose of this memorandum is to inform staff of an update to the Child Welfare Manual [Section 4 Chapter 19 Subsection 1](#) regarding the Indian Child Welfare Act (ICWA). The updated policy clarifies each of the statutory requirements which must be met to comply with the ICWA. Also included is the ICWA Checklist, CD-123, the Indian Ancestry Questionnaire, CD-116, and the ICWA Informational Brochure, CD-133.

The [ICWA Informational Brochure, CD-133](#), was developed by Christine Steele, CSWII from Adair County CD. The brochure is intended to briefly inform families, in a simple and concise manner, of their rights under ICWA in the case the family has American Indian Heritage. This brochure may be appropriate to place in "Parent Packets" utilized by workers when a child comes into Alternative Care, if the worker so chooses. The brochure will be available on E-forms, with the option for specific county office information to be posted as needed.

The [ICWA Checklist, CD-123](#), is to be completed by the Children's Service Worker (CSW) **anytime a child is determined to be unsafe in the home and removal is requested**. The CSW shall utilize the ICWA Checklist to document whether or not the family has Indian heritage. If the child is determined to have no Indian heritage, only Steps 1 and 2 shall be completed on the form. If it is determined that the family has Indian heritage, the CSW will complete the form to the point of the hearing notifications. The CSW will continue documentation on this form for the duration of the case. The CSW and the family will then complete the [Indian Ancestry Questionnaire, CD-116](#). The Questionnaire shall provide the CSW with information needed to ensure the case is managed in compliance with ICWA. These forms, once completed, will be maintained in the child's record.

The [Indian Child Welfare Act \(ICWA\) Compliance Flow Chart](#) has been developed and placed on the Children's Division Intranet site. The CSW may access this flow chart as a resource to ensure the case is compliant with the laws of ICWA.

<b>NECESSARY ACTION</b>	
<ol style="list-style-type: none"> <li>1. Review this memorandum with all Children's Division staff.</li> <li>2. Review revised Child Welfare Manual chapters as indicated below.</li> <li>3. All questions should be cleared through normal supervisory channels and directed to:</li> </ol>	
<b>PDS CONTACT</b> Melody L. Barker, PDS 573-751-0311 Melody.L.Barker@dss.mo.gov	<b>PROGRAM MANAGER</b> Amy Martin 573-751-3171 Amy.L.Martin@dss.mo.gov
<b>CHILD WELFARE MANUAL REVISIONS</b> <a href="#">Section 4 Chapter 19 Subsection 1 Indian Child Welfare Act of 1978</a>	
<b>FORMS AND INSTRUCTIONS</b> <a href="#">CD-116</a> <a href="#">CD-123</a> <a href="#">CD-133</a>	
<b>REFERENCE DOCUMENTS AND RESOURCES</b> <a href="#">Indian Child Welfare Act (ICWA) Compliance Flow Chart</a>	
<b>RELATED STATUTE</b> <a href="#">Indian Child Welfare Act of 1978 (P.L. 95-608)</a>	
<b>ADMINISTRATIVE RULE</b> N/A	
<b>COUNCIL ON ACCREDITATION (COA) STANDARDS</b> AD4.1 (7 <sup>th</sup> Edition Standards) <a href="#">PA-KC3, PA-KC4, PA-KC6, PA-KC8, PA-KC9, PA-FC1, PA-FC4, PA-FC8, PA-FC9, PA-FC13, PA-FPS4, PA-CPS4, PA-CPS5, PA-CPS8, PA-CPS9, PACPS10, PA-CPS11, PA-CPS12, PA-AS7, PA-AS8</a> (8 <sup>th</sup> Edition Standards)	
<b>CHILD AND FAMILY SERVICES REVIEW (CFSR)</b> <a href="#">Permanency 2, Item 14</a>	
<b>PROTECTIVE FACTORS</b> N/A Parental Resilience Social Connections Knowledge of Parenting and Child Development Concrete Support in Times of Need	

Social and Emotional Competence of Children

**FACES REQUIREMENTS**

N/A