

# Indian Child Welfare Act (ICWA)

## Background Notes

The Indian Child Welfare Act of 1978 is Federal Law that governs the removal and out-of-home placement of Indian children. The law was enacted after recognition by the federal government that Indian children were being removed from their homes and communities at a much higher rate than non-Indian children. In addition, Indian children were often moved far away from their families and forced to disregard their language and their culture of origin. It is **imperative** that you inquire with each family that you encounter about Native American ancestry. If it is believed that a child is enrolled in a Tribe or is eligible for enrollment in a Tribe, ICWA will apply to the case. ICWA requires active efforts to prevent the breakup of the Indian family. This is different than the reasonable efforts requirements for removal of non-Indian children. If ICWA applies the child's Tribe must be contacted immediately for consultation in case planning. The Tribe can determine a placement preference if the child must be placed.

## Tasks / Assignments:

- Review the DHS website on ICWA.  
<http://www.dhs.state.or.us/policy/childwelfare/icwa/icwa.htm>.
- There is a great deal of useful information on the website. Be sure to read the Principles and Expectations regarding Active Efforts.
- Identify the ICWA Liaison(s) in your branch. Talk with them about the difference between reasonable efforts and active efforts. Find out which Tribes you will be dealing with most often and who the contact people are.
- Ask the ICWA liaison or your Supervisor if you can shadow a worker who is working with an Indian family. Observe the cultural norms of the family. Is the child placed with a family member? If not, how does the worker help the child to maintain his/her cultural ties? What kinds of services are the parents engaged in? Are they culturally appropriate? What are the active efforts that the caseworker is making?

*Discoveries:*

