



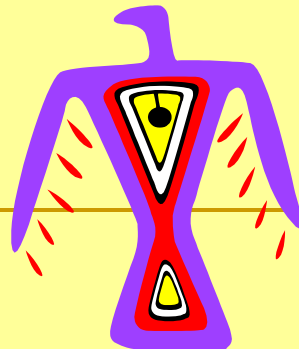
Pennsylvania Indian Child Welfare Handbook

Developed By

The Pennsylvania Child Welfare Training Program
University of Pittsburgh, School of Social Work

What is the Indian Child Welfare Act?

- Federal legislation
- Went into effect in 1978
- Recognizes the government-to-government relationship
- Gives Tribal Courts authority to adjudicate child custody cases involving children of the tribe
- Establishes minimum standards for child custody cases involving Indian children

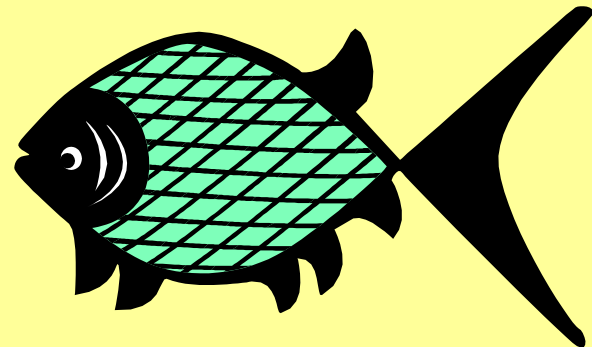


Congressional Declaration of United States Policy

“Congress hereby declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.”

What is a child custody case?

- As defined by ICWA are:
 - ❑ ***Foster care placement;***
 - ❑ ***Termination of parental rights;***
 - ❑ ***Pre adoptive placement or;***
 - ❑ ***Adoptive placement.***



Who is considered an Indian child?

- Unmarried and;
- Under age 18;

And



- A member of an Indian tribe or;
 - Is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.
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How do I know if a child is a member or eligible?

- Ask the parents if they or their child are members of a tribe or could be eligible for membership.
- Each tribe determines membership.
- Notify tribe that child may be eligible.

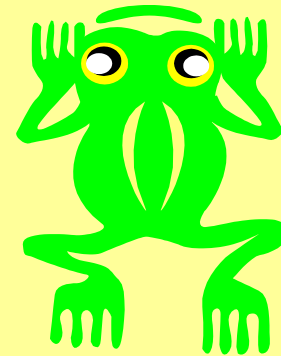


Jurisdiction

- The child's tribe has the right to intervene at any point in child custody proceedings
 - Tribes have jurisdiction over child custody proceedings of children residing on reservation
 - Tribes may petition for transfer of the child custody proceeding
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Parent and Tribe are Unknown?

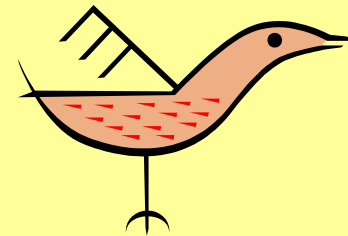
- Contact the Secretary of the Interior
- Mailing Address:
Department of the Interior
1849 C Street, N.W.
Washington DC 20240
Phone: 202-208-3100
E-Mail: webteam@ios.doi.gov



Time Frames for Hearings

■ Placement or TPR hearings

- at least ten days after receipt of notice;
- twenty additional days to prepare for such proceeding.



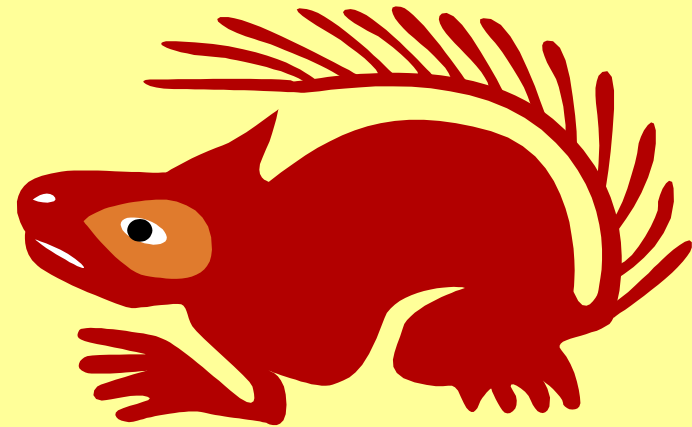
Placement

- Active efforts
- Clear and convincing evidence
- Serious emotional or physical damage
- Qualified expert witness testimony



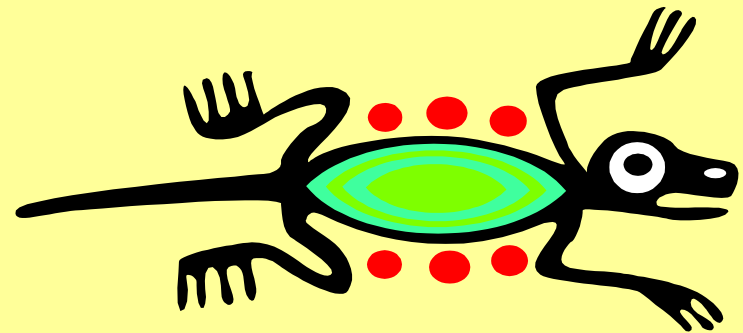
Qualified Expert Witness

- Tribal members
- Lay experts
- Professional persons



Foster care placement preferences

- Extended family
- Foster home approved tribe
- Indian foster home
- Institutional placement



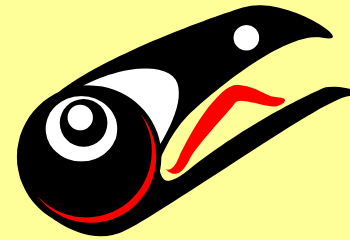
Termination of parental rights

- Beyond a reasonable doubt
- Serious emotional or physical damage
- Qualified expert witness testimony



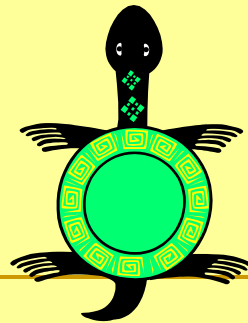
Adoptive placement preference

- Extended family;
- Child's tribe;
- Other tribes;
- Non-American Indian family.



Voluntary child custody proceedings

- Withdrawn at any time
- Voluntary consent to termination of parental rights
- Consent for adoption
- Consent to termination of parental rights or to adoption



ICWA Does Not Apply

- A temporary placement arrangement, such as Voluntary Placement Agreement
 - Custody awarded to a parent as part of a divorce proceeding
 - Most delinquency proceedings
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