

## 11. Placement of an Indian child

DHS follows the Indian Child Welfare Act (ICWA) when involved with the family of an Indian child. Prior to placing an Indian child in a substitute care placement, child welfare staff are required to make active efforts to prevent the break-up of the family, and must be prepared to show to the court that efforts to keep the family together were unsuccessful.

### **Procedure**

When child welfare must obtain a substitute care placement for an Indian child, the following actions are required:

- Make diligent efforts to find a substitute caregiver according to the priorities outlined in Child Welfare Policy I-E.2.1, Placement of Indian Children.
- Contact the Indian child's tribal social services department to obtain any placement preferences established by tribal resolution different from those prescribed below. If a tribal resolution is established, work with the tribe to find appropriate placement for the child.
- Contact any statewide or local branch office listings of available Indian homes, and other Indian tribes or Indian organizations with available placement resources. If unsure of contact information, contact the child welfare ICWA manager.
- When placing an Indian child take active efforts to meet these placement priorities:
  1. Least restrictive (which means most homelike and in which an Indian child's special needs can be met);
  2. In reasonable proximity to the Indian child's home;
  3. Placement preferences in the following order, in absence of good cause to the contrary:
    - a. A member of the Indian child's extended family,
    - b. A foster home certified, licensed, approved or specified by the Indian child's tribe,
    - c. An Indian foster home certified, licensed or approved by an authorized non-Indian licensing authority, or
    - d. An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs.
- When a member of the Indian child's extended family is identified, follow the procedures for child-specific certification and place the Indian child.
- When a foster home is identified that is certified, licensed, approved or specified by the Indian child's tribe, or licensed or approved by an authorized non-Indian licensing authority, follow the placement procedures for foster home placement and place the Indian child.
- When a substitute caregiver cannot be found that meets any of the above priorities, provide detailed documentation in FACIS case notes why such substitute care placement was

not available and consult with the supervisor on appropriate substitute care placement options. Follow substitute care placement procedures described in this manual for selecting the substitute care placement option for the Indian child.

- Notify the Indian child's parents prior to any change in a substitute care placement.
- When an Indian child's tribe or a member of the U.S. Department of Interior requests records on the substitute care placement of an Indian child, the substitute care placement information must be provided to the Indian child's tribe or member of the Department of Interior.
- Document all contacts with the Indian child's or Indian parents' tribe and include the name, address, title, telephone number of the person contacted and the results of each contact in FACIS case notes.
- Document all contacts with the Indian child's extended family in attempts to develop substitute care placement resources in FACIS case notes.
- File copies of all correspondence with tribal staff in the case record.

### **S** The Supervisor's Role

- Approve the substitute care placement of an Indian child before the caseworker places the child.
- Provide ongoing consultation and oversight of the substitute care placement of an Indian child.