



418.01 Placement Process - Children of American Indian Ancestry (Indian Child Welfare Act) (ICWA)



Batthula, Sharath B
Application Analyst II

CHAPTER 4, Adoption and Birth Parent Services

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NOTE: The provisions of MEPA/Title VI do not apply to children of American Indian ancestry if the child at issue is covered under ICWA. If an American Indian child is not a member of or is not eligible for membership in a Federally recognized tribe, the provisions of MEPA apply in full.

Adoption Specialist

1. Determines if ICWA applies. ICWA covers foster care (both voluntary and involuntary), termination of parental rights, pre-adoptive and adoptive placements of children who are enrolled members of a recognized Indian tribe or eligible to be enrolled. ICWA defines an Indian child as "...any unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." The tribe must be a federally recognized tribe. Confirms with the foster care worker that the tribe has been notified, which should have been done as soon as enrollment/eligibility for enrollment was suggested. However, if it has not been done, notifies tribe. For help in obtaining contact information for a particular tribe,

go to <http://www.angelfire.com/pa/COTRAIC> or <https://www.statelocalgov.net/> (select Tribal Governments), or contact (as of October 2002) general Bureau of Indian Affairs information, 202-208-3710, Tribal Leaders Directory, 202-208-3711;

2. If the child falls within the ICWA, the placement must be made in accordance with ICWA (if the tribe assumes jurisdiction over the child, DSS will probably not be responsible for placement and/or selection of an adoptive home). Any court action, especially termination of parental rights and/or relinquishments, must be done in accordance with ICWA's statutory provisions; and

3. If tribe declines jurisdiction, places the child for adoption in accordance with the Indian Child Welfare Act.

Referenced Documents

Revision Comments

NOTE added to clarify how MEPA/VI provisions affect children of American Indian ancestry.

