

RESOURCES



CHILDREN AND FAMILY SERVICES TRAINING CENTER

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Rebuilding
Trust One
Family at a
Time

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[ND Supreme Court](#)
Court Improvement Program
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Note: This document should not be considered legal advice, and should be used only for informational purposes.

INDIAN CHILD WELFARE ACT

SUPPORTING POSITIVE
OUTCOMES FOR NATIVE
AMERICAN FAMILIES



WHAT IS ICWA?

ICWA is a set of Federal regulations and guidelines that apply to state child welfare cases and court proceedings involving Indian children who are members or eligible to be members of a Federally Recognized Tribe.

IS ICWA BASED ON RACE?

The foundation of ICWA is based on the political relationship between sovereign Tribal Nations and the United States of America. ICWA applies only to Indian Children who are dual citizens: an enrolled or enrollable citizen of a Tribal Nation and a citizen of the United States.

WHY THE NEED FOR A SPECIAL LAW?

Federal, State, and private agency policies and practices over many generations have resulted in the "wholesale separation of Indian children from their families." ICWA requires a higher standard of care when working with Indian families to prevent the unwarranted removal of Indian children from their families and their Tribe's culture and traditions.

HOW DOES THE LAW WORK?

ICWA requires that every effort be made to maintain or quickly reunify an Indian child to their family. If a removal occurs, "Active Efforts" must be made to bring the family back together. These efforts must be affirmative of the goal of maintaining or reunifying the family, active, thorough, and timely. This means the agency must do everything possible to help the family resolve the issues that led to unsafe circumstances, including offering services that are sensitive to the family's culture. ICWA also supports placing an Indian child into an ICWA Preferred Placement: (1) relatives, (2) a Tribal family, (3) and Indian family, (4) a Tribally approved institution.

HOW CAN YOU PROTECT YOUR CHILDREN?

ICWA is law that works to protect children and families. Learn the law and advocate on your own behalf. All laws come with rights and responsibilities: do your part to ensure the safety and survival of your family. Be brave and allow others to help and support you and your family in times of need.

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