

INDIAN CHILD WELFARE ACT SEARCH GUIDE 2021



pennsylvania
STATEWIDE ADOPTION AND
PERMANENCY NETWORK

ACKNOWLEDGEMENTS

The Pennsylvania Statewide Adoption and Permanency Network (SWAN) developed the Indian Child Welfare Act (ICWA) Search Guide to assist agencies with early ICWA identification and compliance. SWAN is a program of the Pennsylvania Department of Human Services. SWAN gratefully acknowledges the support of:

National Indian Child Welfare Association

United States Department of the Interior, Bureau of Indian Affairs

Pennsylvania Department of Human Services, Office of Children, Youth and Families

The SWAN Legal Services Initiative

Judge John J. Romero, Jr., Albuquerque, NM

Victoria Sweet, National Council of Juvenile and Family Court Judges

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Pennsylvania Statewide Adoption and Permanency Network (2021). *Indian Child Welfare Act Search Guide*. Harrisburg, PA. Retrieved from <https://swantoolkit.org/>.

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TABLE OF CONTENTS

Introduction	3
Brief History of ICWA	3
Overview of ICWA Application	5
What is an ICWA Search?	6
Why Perform an ICWA Search?	6
Preparing For an ICWA Search	7
Important Considerations Before Performing an ICWA Search.....	9
<i>Know the Time Requirements</i>	8
<i>Notice Requirements</i>	10
<i>Verification of Tribal Membership</i>	11
<i>Verification Sources</i>	11
ICWA Diligent Search Process.....	13
<i>Checklist of Diligent Search Sources</i>	13
<i>Other Websites or Helpful Online Search Engines</i>	14
<i>Challenging Searches</i>	15
What to Do With Search Information.....	16
References	18
Attachments	19

Note: America’s indigenous people refer to themselves in many different ways. While “American Indian” and “Indian” are widely used and accepted terms, they are not inclusive of “Alaska Native” and can be controversial. We have chosen to refer to America’s indigenous people as “Indian” because the Indian Child Welfare Act, Guidelines and Regulations use the term “Indian” to refer to American Indians and Alaska Natives. We recommend that users inquire as to, and respect, a client’s self-identification when dealing with ICWA cases.

INTRODUCTION

The Statewide Adoption and Permanency Network (SWAN) created this guide to help children and youth agencies across the United States comply with federal laws, regulations, and guidelines¹ when working with an Indian child or family. Child welfare professionals may need to perform a comprehensive search to identify and locate potential tribal connections in order to allow the tribe to determine eligibility and placement under the Indian Child Welfare Act (ICWA). It is imperative that an ICWA Search begin immediately upon discovery of possible ICWA involvement or tribal membership eligibility. **This search guide is to be used in conjunction with the law (25 U.S.C. § 1901–1952) and as a supplemental tool in the full Diligent Search process. More information about the full Diligent Search process can be found in the SWAN LSI *Diligent Search Packet*.**

BRIEF HISTORY OF ICWA

From the late 1800s to the mid-1970s, policies of the federal government and prevailing attitudes of superiority and paternalism resulted in a negative impact on Indian families. By the 1960s, there was a growing awareness that Indian families were disintegrating at an alarming rate; consequently, state social service departments were removing Indian children from their homes and communities, and missionaries and social workers were placing Indian children in non-Indian foster and adoptive homes. Studies in 1969 and 1974 from the Association of American Indian Affairs showed that 25 percent to 35 percent of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions.

There also was a tremendous lack of understanding of Indian culture and child-rearing practices, which isolated Indian children not only from their families and communities, but from their culture and identity as well. These practices had a huge impact across the country and were so severe, they threatened the future existence

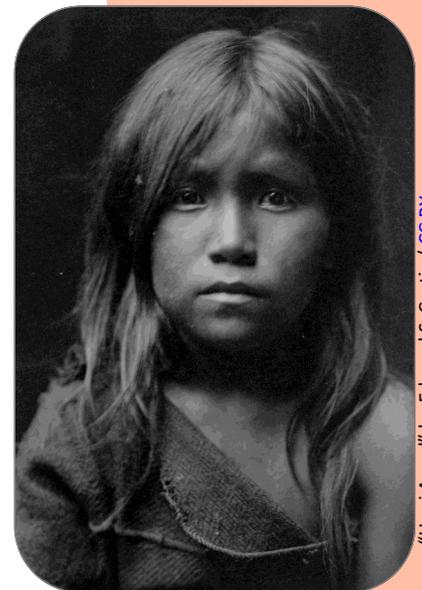
¹ This guide only references federal requirements for search practice. Please be aware that your state may have instituted laws, policies or checklists with additional requirements beyond ICWA.

of many tribal communities. Moreover, the trauma experienced by Indian children and families went unresolved, thus preventing them from healing.

This problem led advocates to push for greater protection of Indian children in child welfare matters. In 1978, Congress enacted the Indian Child Welfare Act (ICWA) to prevent the breakup of Indian families, protect the best interests of Indian children, and promote and ensure the stability and security of Indian tribes and their families. ICWA establishes the minimal federal standards for the removal of Indian children from their homes and establishes the role of tribal government.

ICWA is one of the oldest and perhaps least understood pieces of federal legislation surrounding child welfare. It differs from most federal child welfare laws because when the legislation was introduced, funding was not a consideration. It is more similar to a treaty between nations, as it recognizes the government-to-government relationship that exists between the United States and federally recognized Indian tribes.

Congress, through ICWA, expressed its clear preference for keeping Indian children with their families, deferring to tribal judgment on matters concerning the custody of tribal children, and placing Indian children who must be removed from their homes within their own families or Indian tribes. Congress found “that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe,” 25 U.S.C. § 1901(3).



“Hopi Angel” by Edward S. Curtis / [CC BY](#)

OVERVIEW OF ICWA APPLICATION

The Indian Child Welfare Act (ICWA) has had the most far-reaching impact of any child welfare law. It was enacted in 1978 to regulate placement proceedings involving Indian children, including Alaska Natives, who are unmarried and under the age of 18 (25 U.S.C. § 1901 et. seq.). In February 2015, the Bureau of Indian Affairs (BIA) released the *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings*, Fed. Reg., Vol. 80, No. 37, p. 10146, (Guidelines), for state courts that provide guidance on Indian child custody proceedings, specifically adding Diligent Search as an important part of “active efforts,” Section a.2.(5). The Guidelines outline the minimum standards to which state courts must adhere. In May 2016, the Department of the Interior released new federal regulations to strengthen implementation of ICWA, 25 CFR§ 23.1-23.144. These regulations went into effect on December 8, 2016.

A child who is a member of or eligible for membership² in a **federally recognized** tribe and is the biological child of a tribal member has the right to protection under ICWA. This law permits the tribe to be involved in court proceedings and requires testimony from an expert witness familiar with Indian culture before a child can be removed from his or her home. ICWA requires that the child be placed with a family member, another member of the tribe or another Indian family, unless no ICWA-preferred placement can be found. The state is required to notify the tribe when an Indian child is the subject of a child custody proceeding and, if possible, prior to any court proceedings. Therefore, a Diligent Search is imperative to locate the Indian child’s parents, extended family members, and tribe(s) for assistance and potential placement. Each tribe determines its own eligibility criteria and should be contacted if there is reason to know of Indian heritage. If a child is a member of a non-federally recognized tribe, ICWA provisions generally **do not** apply.³

The BIA’s Guidelines and the new regulations will assist state courts and child welfare agencies in determining whether an ICWA Search is required, as well as outline the necessary steps to complete the search process.

² *A Guide to Compliance with the Indian Child Welfare Act* provides an excellent overview for how to determine if the child is a tribal member or eligible for membership and outlines the steps to be taken through this identification process. (See page 2.) Use this ICWA search guide to assist you with these steps.

³ Please check your individual state’s law. Some states have passed laws that require ICWA standards to be applied to state-recognized tribes.

WHAT IS AN ICWA SEARCH?

An ICWA Search is a search completed to identify and locate potential tribal connections to allow the tribe to determine eligibility and possible placement resources under the Indian Child Welfare Act (ICWA). ICWA applies whenever an Indian child is the subject of a state child custody proceeding. There are no exceptions. Agencies and state courts **must** inquire as to whether the subject child is or could be an Indian child at **every hearing**.

If there is any “reason to know”⁴ that the child is an Indian child, then he or she must be treated as such until determined otherwise.

WHY PERFORM AN ICWA SEARCH?

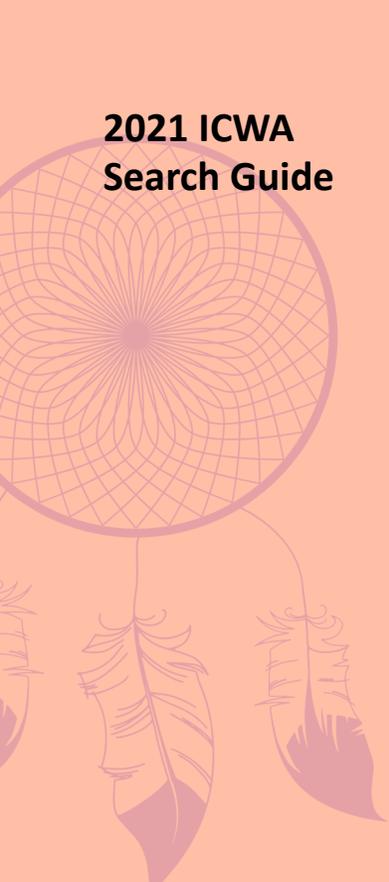
Early identification encourages proper implementation of ICWA from the beginning, thereby preventing delayed discoveries of ICWA application as much as possible. It ensures that proper notice is provided to tribal members so that they have an opportunity to intervene or change jurisdiction over the proceeding, if necessary. ICWA mandates that agencies must conduct “active efforts” when the earliest possibility of Indian eligibility is questioned and until the proceeding is commenced. In order to comply with the requirement of active efforts, a Diligent Search also must be conducted to identify and notify the Indian child’s family members for consideration to meet the needs of an Indian child, cultural connections, and possible placement.



⁴In determining when a party may have “reason to know” that a child is an Indian child, it can be detected by one of the following ways:

- Any party informs the agency or court that the child is an Indian child.
- Discovered information suggesting that the child is an Indian child.
- Child gives the agency or court reason to know he/she is an Indian child.
- Domicile or residence of the parents is in on an Indian reservation.
- Agency employee or officer of the court has knowledge that the child is an Indian child.

2021 ICWA Search Guide



An ICWA Search is completed for:

- Compliance with the federal Indian Child Welfare Act of 1978, 25 U.S.C. § 1901–1952.
- Compliance with the Bureau of Indian Affairs’ *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings*, 2015. *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings*: Notice 80 Fed. Reg. 37 (February 25, 2015), pp. 10146-10159. 2015.
- Compliance with 2016 federal *ICWA Regulations*, 25 CFR 23.1-23.144.
- Tribal engagement.
- To comply with state and federal legislation with regard to mandated Diligent Search efforts to locate family.

PREPARING FOR AN ICWA SEARCH

There are many preliminary steps that can be taken prior to beginning an ICWA Search. It is important that professionals don’t overlook these seemingly minor steps, as they can provide vital information.

1. Review case file, all documents.
2. Speak with caseworker, supervisor, and/or family to discuss whether there is reason to know the child may be eligible for tribal membership.
3. Determine if the suspected tribe is a federally recognized tribe. **[Attachment A]**
4. Confirm tribal membership eligibility.
5. Become familiar with the following **definitions** as provided in the federal regulations (25 CFR 23 .2), relative to the search process:

Active Efforts – Affirmative, active, thorough, and timely efforts intended primarily to maintain and reunite an Indian child with his or her family.

Diligent Search – A search conducted to locate parents, relatives or other potential permanency resources or connections for a child who is receiving services from or who is in the custody of a child welfare agency.⁵

Indian – any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a regional corporation as defined in 43 CFR part 1606.

Indian Child – any unmarried person who is under age 18 and either: (1) a member or citizen of an Indian tribe; or (2) eligible for membership or citizenship in an Indian tribe and the biological child of a member or citizen of an Indian tribe.

Indian Custodian – Any Indian who has legal custody of an Indian child under applicable tribal law or custom or under applicable state law, or to whom temporary physical care, custody, and control has been transferred by the parent of such child. An Indian may demonstrate that they are an Indian custodian by looking to tribal law, tribal custom, or state law.

Indian Tribe – Any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).

Parent – Any biological parent or parents of an Indian child or any Indian who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include an unwed father where paternity has not been acknowledged or established.

Reservation – Indian country as defined in 18 U.S.C. § 1151, and any lands not covered under that section, title to which is held by the United States in trust for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the United States against alienation.

Tribal Court – Court with jurisdiction over child custody proceedings and which is a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe vested with authority over child custody proceedings.



IMPORTANT CONSIDERATIONS BEFORE PERFORMING AN ICWA SEARCH

Know the Time Requirements

Agencies and state courts must inquire at every proceeding, including emergency removal⁶ and shelter care, as to whether the subject child is or could be an Indian child and eligible for membership. Once eligibility in a federally recognized tribe is determined, certain time constraints must be met for serving notice to the parent, Indian custodian, and the tribe⁷⁻⁸.

If eligibility is known, notification of any legal proceedings must be provided as early as possible by registered or certified mail, return receipt requested⁹. In any involuntary proceeding in a state court, the party seeking foster care of or the termination of parental rights to an Indian child, shall notify the parent or Indian custodian and the Indian child's tribe about the pending proceedings and the right to intervene. Failure to notify the tribe may result in the reversal of a court decision. If the tribe does not respond to the notice attempt, or does not wish to intervene in the proceeding, the agency must continue to send notices to the tribe for **every proceeding**¹⁰.

A proceeding may not begin until the following time periods have passed:

1. Ten days after each parent or Indian custodian has received notice of that particular child-custody proceeding, in accordance with 25 U.S.C. § 1912(a); 25 CFR 23.111;
2. Ten days after Indian child's tribe has received notice of that particular child-custody proceeding, in accordance with 25 U.S.C. 1912(a); 25 CFR 23.111;
3. Up to thirty days after the parent or Indian custodian has received notice of that particular child-custody proceeding, in accordance with 25 U.S.C. § 1912 (a); 25 CFR 23.111, if the parent or Indian custodian has requested an additional 20 days to prepare for the proceeding; and

⁶ State courts must expeditiously initiate child custody proceedings subject to ICWA. Temporary emergency custody cannot be continued for more than 30 days without meeting ICWA requirements or "extraordinary circumstances." The emergency removal must terminate as soon as the imminent physical damage or harm no longer exists or as soon as the tribe exercises jurisdiction. 25 U.S.C. §1922.

⁷ It is important to be aware that individual tribes may request alternatives to eligibility inquiries.

⁸ Notice is also sent to the Bureau of Indian Affairs if the identity or location of the tribe, parent, or Indian custodian cannot be determined.

⁹ The Department also encourages notification means such as phone or email in addition to, but not as a replacement for, notification requirements.

¹⁰ A tribe can intervene at any point in the proceeding, and therefore has the right to notice of all proceedings related to the matter.

4. Up to thirty days after the Indian child’s tribe has received notice of that particular child-custody proceeding, in accordance with 25 U.S.C. § 1912 (a); 25 CFR 23.111, if the Indian child’s tribe has requested an additional 20 days to prepare for the child-custody proceeding.

A termination of parental rights proceeding may not be held until at least 10 days after notice is received by the Indian custodian, parent, and tribe. While the tribe is determining if the child is eligible for membership, the agency must continue notification efforts.

Notice Requirements

Notice of legal proceedings must be sent by registered mail, return receipt requested, to the relevant parties according to the schedule below. File the notice in the case file and with the court, and keep all receipts.

WHO RECEIVES NOTICE?	WHEN CAN A HEARING TAKE PLACE? ¹¹
Parent/Indian custodian	At least 10 days after receipt of notice by parents or Indian custodian, or after 30 days if 20 additional days are requested by the parents or Indian custodian to prepare for the proceedings; OR
The child’s tribe (if child is affiliated with, or eligible for, membership in more than one tribe, all tribes should receive notice)	At least 10 days after receipt of notice by the tribe, or after 30 days if the tribe requests an additional 20 days to prepare or the proceeding; OR
The Bureau of Indian Affairs (only if identity/location of the tribe and/or parent, or Indian custodian cannot be determined)	No fewer than 15 days after receipt of notice by the Bureau of Indian Affairs

Note: No termination of parental rights proceeding may be held until **at least ten days after notice is received** by the Indian custodian, parent and Tribe. Notification must continue while the Tribe is determining if the child is eligible for membership. Notification is required for a TPR proceeding, even if notice was previously given for the child’s foster care proceeding.

¹¹ Please be aware of your state’s notice requirements for each child welfare court proceeding. Rules of Juvenile and Orphans’ Court Procedure differ by state.

Verification of Tribal Membership

If there is reason to know the child is an Indian child, the court must confirm that the agency used active efforts to work with all tribes to verify of which tribe the child is a member. **Only the Indian tribe(s)** of which it is believed a biological parent or the child is a member or eligible for membership **may make the determination** whether the child is a member of the tribe(s), is eligible for membership in the tribe (s), or whether a biological parent of the child is a member of the tribe(s)¹². 25 U.S.C. § 1901-1952, 25 CFR § 23.108.

When engaging in active efforts, professionals should speak with the parent, family member or custodian to inquire about any pertinent information that may connect the child to Indian ancestry of any kind.¹³ The court or agency shall seek verification of membership by contacting either the designated agent to serve the ICWA notice or contact the tribe directly and identify the appropriate person for contact. If the identity of the child’s parents, Indian custodian, or the tribe(s) cannot be ascertained, notice of the child custody proceeding must be sent to the appropriate Bureau of Indian Affairs (BIA) regional director as listed in 25 CFR § 23.11 (b) or www.bia.gov. The BIA will not make a determination of tribal membership but may, in some instances, be able to identify tribes to contact. 25 CFR §23.111(e).

Verification Sources

In 1893, by an act of Congress, a commission was established to negotiate agreements with the Choctaw, Creek, Chickasaw, Seminole, and Cherokee Indian tribes. This commission became known as the Dawes Commission. The Commission maintains records of memberships initiated between 1898 and 1914 in those “Five Civilized Tribes.” This information can be obtained by searching the Dawes Rolls in the [National Archives](#).

Note that other tribes and other time requirements for service of notice may require a more involved search, as more than 500 tribes are federally recognized. On October 4, 2021, U.S. Department of the Interior, Bureau of Indian Affairs (BIA), updated the list¹⁴ of Tribal Chairman for service of notice of proceedings under the Indian Child Welfare Act. Names, addresses, phone numbers and email addresses of the designated tribal agents for service of notice can be found [here](#).

¹² The Regulations and Guidelines require agencies and state courts to inquire at **every** proceeding, including emergency removal and shelter care, as to whether the subject child is or could be an Indian child or eligible for membership. Therefore, a diligent search is imperative to locate the parents, extended family members, and the Tribe(s), for assistance and potential placement.

¹³ Please use the Notice of Custody Proceeding for Indian Child template (Attachment 2) to provide notice of hearing and additional information for all parties. This form does not replace the required legal documents, such as the Petition, Motion, or Court Order.

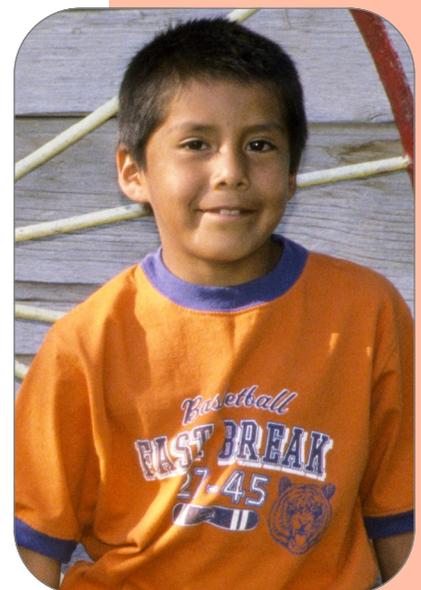
¹⁴ Please note that the BIA may update this list periodically. If this should happen, the provided link will become outdated.

A listing of federal and state recognized tribes can be found [here](#).

The BIA provides an interactive map of the various federally recognized regions to help narrow your search. This map is located on their [website](#). Many tribes are not federally recognized but are, however, state recognized. This link should be checked periodically for informational updates. While ICWA provisions do not apply to these tribes, the information below could be useful for locating relatives or kinship resources. Information about these tribes can be found at:

- [National Conference of State Legislatures—Federal and State Recognized Tribes](#)
- [Wikipedia— State-recognized Tribes in the United States](#)

The National Council of Juvenile and Family Court Judges provides additional resources and a useful checklist on their [website](#).



ICWA DILIGENT SEARCH PROCESS

The BIA's *2016 ICWA Regulations* require a worker to engage in "active efforts" to maintain and reunite an Indian child with his or her family or tribal community. Active efforts to prevent removal should begin from the moment the possibility arises that an agency case or investigation may result in the need for the Indian child to be placed outside the custody of either parent or Indian custodian. (25 U.S.C. §1912 (d), 25 CFR § 23.2). Thus, a worker must conduct, or cause to be conducted, a Diligent Search¹⁵ to identify, notify and engage representatives of the Indian child's tribe. (25 CFR 23.2 § (4)). These representatives could assist in the search for the Indian child's extended family members or a qualified Indian expert, provide positive cultural connections for the child, and provide possible placement opportunities. 25 CFR 23.2(3)(4).

Checklist of Diligent Search Sources

1. Check internal county files and database systems.
2. Check fee-based online database resources provided by your agency (e.g., Accurint® or Westlaw People Finder Report).
3. Contact the local Public Benefits office (e.g., Welfare or Department of Human Services).
4. Contact the state Bureau of Child Support Enforcement Office or their automated Paternity Tracking System.
5. Contact the local Social Security Administration and Domestic Relations Offices.
6. Contact the Department of Motor Vehicles Office.
7. Contact county public records departments in the area of the subject's last known address.
8. Contact U.S. Postal Service.
9. Search county jails, as well as, state and federal prison facilities. Check state and federal prison inmate locators.
10. Contact local Clerk of Courts office for criminal history information. Also, search specific state and national websites for criminal history information specific to your search.
11. Check local voter's registration office for public records.
12. Check public libraries for archived newspapers, obituaries and additional information.
13. Check local shelters in the subject areas of your search.

¹⁵ Pennsylvania's SWAN Legal Services Initiative (LSI) *Diligent Search Packet* provides a detailed outline of the Diligent Search process, complete with instructions, sample forms, and a thorough checklist to support search documentation. This packet can be found at <https://swantoolkit.org/toolkit/09-lsi-legal-services/diligent-search/>.

Other Websites And Helpful Online Search Engines

1. General Search Engines:

- www.google.com
- www.bing.com
- www.yahoo.com
- www.dogpile.com
- www.zabasearch.com
- www.spokeo.com
- www.fastpeoplesearch.com
- www.familytreenow.com
- www.nawc.org/state-utility-regulation/
- www.statelocalgov.net
- www.anywho.com

2. Social Networking Sites:

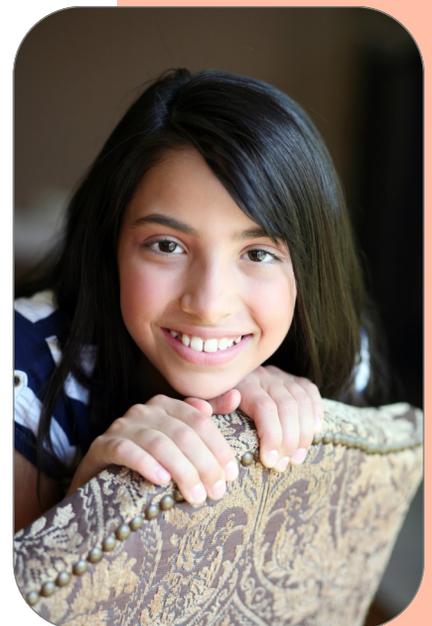
- www.facebook.com
- www.twitter.com
- www.instagram.com
- www.snapchat.com
- www.linkedin.com

3. Local telephone and online phone directories

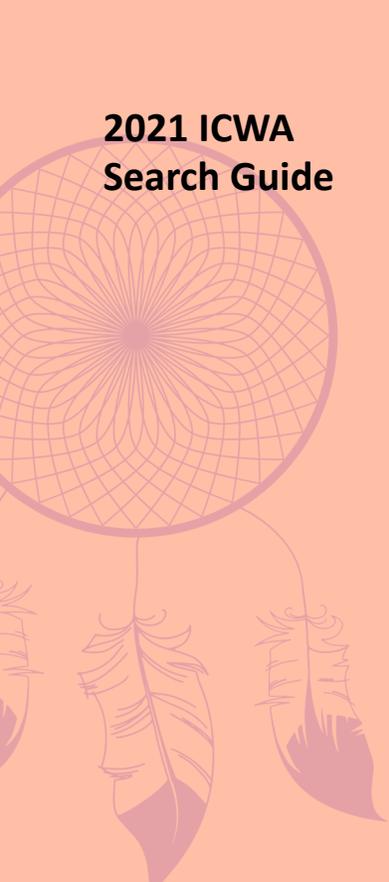
- Free
 - ◇ www.whitepages.com
 - ◇ www.anywho.com
- Paid
 - ◇ www.ussearch.com
- International
 - ◇ www.infobel.com
 - ◇ www.wayp.com
 - ◇ www.phonebookoftheworld.com
 - ◇ www.paginasamarillas.com/Latinoamerica

4. Check newspapers for death announcements, court records, police reports and additional information for the subject of the search.

- www.newspapers.com



2021 ICWA Search Guide



- www.newseum.org/todaysfrontpages
- www.onlinenewspapers.com
- www.legacy.com

Challenging Searches

1. Military

- Request military records, check National Archives and Records Administration website to download a military record request form (SF-180 Form).
- Contact your local Veteran's Affairs office.

2. International

- ICWA only applies to federally recognized tribes in the United States; however, in order to comply with other laws such as Fostering Connections, identification and notification efforts still apply.
- The Pennsylvania SWAN LSI *Diligent Search Packet* provides detailed search guidelines to assist with international searches. (See Section 8)

WHAT TO DO WITH SEARCH INFORMATION

1. Contact

- A. Once the potential **tribe is identified**, contact the tribe directly to request information. In your correspondence, include all information currently available that may aid in establishing Indian heritage. A sample Letter to the Tribe is attached in this guide for your reference. **[Attachment C]**
- B. The BIA publishes a list of designated tribal agents for service of ICWA notice in the Federal Register annually at www.bia.gov. If the identified tribe does not have an agent listed, notice may be sent directly to the tribe's office. If a fax number is available, this may yield faster results than mailing. Responses may take weeks.
- C. Prior to December 8, 2016, if a worker **could not identify a tribe**, but there was reason to know of Indian heritage, the worker contacted the Secretary at:

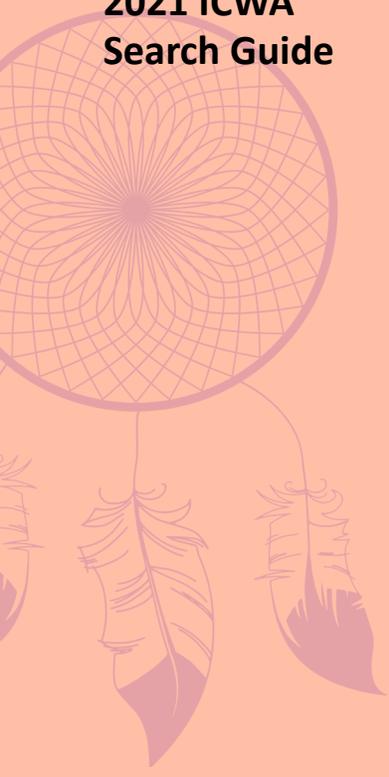
Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240
Phone: 202-208-3100
Email: webteam@ios.doi.gov
- D. After December 8, 2016, if a worker cannot identify a tribe, but there is reason to know of Indian heritage, the worker must contact the appropriate regional director for the jurisdiction where the child-custody proceedings are, as listed in 25 CFR 23.11 (b) (1)-(12).

2. ICWA's Placement Preferences

- A. Diligent Search efforts should also be used to comply with ICWA's placement preferences. ICWA outlines that this should include, at a minimum:
 - Contact with tribe's social service program.
 - Search of state and county lists of foster homes.
 - Contact with other tribes and Indian organizations with available placement resources. *A Guide to Compliance with the Indian Child Welfare Act*, p. 8.



2021 ICWA Search Guide



- B. ICWA placement preferences apply regardless of tribal involvement in the case or if the tribe can identify a preferred placement home. Id.
- C. Order of preference:
- Member of child’s extended family.
 - Foster home licensed, approved, or specified by the Indian child’s tribe.
 - Indian foster home licensed or approved by an authorized non-Indian licensing authority.
 - Institution for children approved by an Indian tribe or operative by an Indian organization which has a program suitable to meet the child’s special needs. (25 U.S.C. § 1915 (b)(4), 25 CFR 23.131).
 - Court must, where appropriate, also consider preference of the Indian child or Indian child’s parent. 25 CFR 23.131 (d).
- D. Documentation
- Document all steps taken, all information obtained and the dates of information.
 - ICWA’s active efforts requirement states that a worker must specifically document all efforts made. Additionally, if unsuccessful, the case record must include why they were not successful.
 - Diligent Search efforts are to be used throughout the life of a case to assure contact was made with tribal members and Indian families.

REFERENCES

- ⇒ [PA Statewide Adoption and Permanency Network Legal Services Initiative, *Diligent Search Packet* \(2021\).](#)
- ⇒ [Federal Indian Child Welfare Act of 1978, 25 U.S.C. §1901 et.seq.](#)
- ⇒ [Guidelines for State Courts and Agencies in Indian Child Custody Proceedings: Notice 80 Fed. Reg. 37, A.2\(5\) \(December 2016\).](#)
- ⇒ [Federal ICWA Regulations, 5 U.S.C. 301; 25 U.S.C. 2, 9, 1901-1952.](#)
- ⇒ [Office of Public Affairs - Indian Affairs, Guide to Tracing Your American Indian Ancestry. 7.](#)
- ⇒ [Title IV-E of the Social Security Act, 42 U.S.C. 671\(a\)\(15\).](#)
- ⇒ [National Indian Child Welfare Association, A Guide to Compliance with the Indian Child Welfare Act.](#)



ATTACHMENTS

Attachment A — Indian Ancestry Questionnaire

Attachment B — Notice of Child Custody Proceeding for Indian
Child

Attachment C — Sample Letter to Tribe

ATTACHMENT A

INDIAN ANCESTRY QUESTIONNAIRE

The Indian Child Welfare Act (25 U.S.C. § 1901 et seq.) provides legal protection designed to prevent the dissolution of Indian families and may provide important rights and benefits to you and your child(ren). Please provide as much information as possible, even if eligibility or membership is not established.

1. Your name: _____

2. Relationship to children: _____

3. Name(s) of children: a. _____

b. _____

c. _____

d. _____

4. Do you have information, documentation, or belief that ANY of your children may have Indian ancestry? _____ (If no, please skip to no. 7 to sign and date the form.)

5. Describe any known Indian ancestry. If you know the name of any tribe or tribes in which the child(ren), their parents or grandparents may be members or have right to membership, provide as much information as you can. Include which side of the family any Indian ancestry is on. Please attach additional pages if necessary.

6a. _____

Child

_____ Full name (include maiden name) of relative with Indian ancestry

_____ Tribe

_____ Relationship to child

_____ Reservation, pueblo or village

_____ Birth date of relative

ATTACHMENT A, continued

b. _____
Child

_____ Full name (include maiden name) of
relative with Indian ancestry

_____ Relationship to child

_____ Birth date of relative

_____ Tribe

_____ Reservation, pueblo or village

c. _____
Child

_____ Full name (include maiden name) of
relative with Indian ancestry

_____ Relationship to child

_____ Birth date of relative

_____ Tribe

_____ Reservation, pueblo or village

d. _____
Child

_____ Full name (include maiden name) of
relative with Indian ancestry

_____ Relationship to child

_____ Birth date of relative

_____ Tribe

_____ Reservation, pueblo or village

7. I have answered this questionnaire truthfully and to the best of my knowledge.

Signature

Date

Printed Name

ATTACHMENT B

CONFIDENTIAL

NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

Attorney or Party without Attorney

Name: _____
Address: _____
Telephone Number: _____
E-mail Address (Optional): _____
Attorney For (If applicable): _____
State Bar No. (If applicable): _____

Court Use Only

XXXX COURT OF [STATE], COUNTY OF: _____
Address: _____
Branch Name: _____
Telephone No.: _____

CASE NAME: _____ CASE NO.: _____

THIS IS A NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

TO *(Check all that apply)*

Parents or legal guardians Indian custodians Tribes* BIA Regional Director

THAT based on the petition, a copy of which is attached to this notice, a child-custody proceeding under the Indian Child Welfare Act (25 U.S.C. §§ 1901 et seq) has been initiated for the following child: *(a separate notice must be filed for each child)*

Name: _____

Date of Birth: ___/___/___ Place of Birth: _____

FOR the following proceeding: *(Check all that apply)*

Juvenile Dependency Delinquency Declaration of Freedom from Control of Parent
 Adoption Custody Guardianship Termination of Parental Rights
 Voluntary relinquishment of child by parent

WITH potential consequences of this proceeding are: *(Describe here)* _____

A HEARING WILL BE HELD on:

Date: _____ Time: _____ Location: _____ Room: _____

Type of Hearing: _____

Address and telephone number of court: _____

TRIBES

The child is or may be a member (or the child of a member) of the following Indian Tribes: *(List each)*

*Notice to the Tribe must be sent to the Tribe's chairman or designated agent for service of ICWA notices.

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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Under the Indian Child Welfare Act:

- The parent or Indian custodian has the right to intervene in the proceedings.
- The child’s Indian tribe has the right to intervene at any time in a State court proceeding for the foster care placement of or termination of a parental right.
- If the Indian parent(s) or, if applicable, Indian custodian(s) is unable to afford counsel based on a determination of indigency by the court, counsel will be appointed to represent the parent or Indian custodian where authorized by State law.
- The parent, Indian custodian, and Tribe have the right to be granted, upon request, a specific amount of additional time (up to 20 additional days) to prepare for the proceedings due to circumstances of the particular case.
- The parent, Indian custodian, and Tribe have the right to petition the court for transfer of the proceeding to tribal court under 25 U.S.C. 1911, absent objection by either parent: Provided, that such transfer is subject to declination by the tribal court.

INFORMATION ON THE CHILD

- a. The child’s birth certificate is: attached unavailable
- b. A copy of the Tribal registration card of the child the parent is attached
- c. Biological relative information is listed below.

(Indicate if any information is unknown or does not apply. Do not use the abbreviation "N/A")

Biological Mother	Biological Father
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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INFORMATION ON THE CHILD (CONTINUED)

Mother's Biological Mother (Child's Maternal Grandmother)	Father's Biological Mother (Child's Paternal Grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Mother's Biological Father (Child's Maternal Grandfather)	Father's Biological Father (Child's Paternal Grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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INFORMATION ON THE CHILD (CONTINUED)

Mother's Biological Grandmother (Child's Maternal Great-grandmother)	Mother's Biological Grandmother (Child's Maternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Mother's Biological Grandfather (Child's Maternal Great-grandfather)	Mother's Biological Grandfather (Child's Maternal Great-grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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INFORMATION ON THE CHILD (CONTINUED)

Father's Biological Grandmother (Child's Paternal Great-grandmother)	Father's Biological Grandmother (Child's Paternal Great-grandmother)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Father's Biological Grandfather (Child's Paternal Great-grandfather)	Father's Biological Grandfather (Child's Paternal Great-grandfather)
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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INFORMATION ON THE CHILD (CONTINUED)

Indian Custodian Information	Indian Custodian Information
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

INFORMATION ON THE CHILD (CONTINUED)

(Answer "yes", "no", or "unknown")

- a. Biological father is named on birth certificate ____
- b. Biological father has acknowledged parentage ____
- c. There has been a judicial declaration of parentage ____
- d. There are other alleged fathers ____ (If yes, name here: _____)

PARTIES NOTIFIED

Relationship to Child	Name	Address	Telephone Number

ATTACHMENT B, continued

CASE NAME:	CASE NO.:
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The following optional questions may also be helpful:

Has the child or any of the child's biological family members ever:

- a. Attended an Indian school? _____
If so, provide details here: _____
- b. Received medical treatment at an Indian health clinic or Health Service hospital? _____
If so, provide details here: _____
- c. Lived on federal trust land, on an Indian reservation, or in an Alaska Native village? _____

Other relative information (e.g., aunts, uncles, first and second cousins, stepparents)

Name/relationship to child	Current and former address	Birth date and place	Tribe and location

DECLARATION OF ACCURACY (to be completed by petitioner)

I am the petitioner. I have given all the information I have about the relatives and, if applicable, the Indian custodian, of the child who is the subject of the child-custody proceeding named on this form. I declare under penalty of perjury that the foregoing and all attachments are true and correct.

Name (printed) _____

Signature _____ Date _____

Name (printed) _____

Signature _____ Date _____

DECLARATION OF MAILING (to be completed by social worker)

I certify that a copy of this notice with a copy of the petition identified on page 1 of this notice was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, Tribe, or agency as indicated above. Each envelope was sealed and deposited with the U.S. Postal Service at [location] _____ on [date] _____.

Name (printed) _____

Title (printed) _____

Signature _____ Date _____

ATTACHMENTS

[END OF FORM]

ATTACHMENT C

SAMPLE LETTER TO TRIBE

[DATE]

[] Tribe Washington Office
ATTN: [Insert Title]
126 C Street NW
Washington, DC 20001

Dear [Insert Title]:

I am writing on behalf of [] County Children and Youth Services, _____, Pennsylvania, regarding the case of _____, a child born _____, in _____. We have received information indicating that the above-named juvenile or one or both of [his/her] parents are possibly members of the [Cherokee Nation] Tribe. The parents are _____, DOB _____, and _____, DOB _____ (maiden name, _____). The purpose of my letter is to ascertain whether _____ is a member of the Tribe or is eligible to be a member by virtue of the membership of one or both of [his/her] parents so that we can comply with the Indian Child Welfare Act.

Please respond to me within 10 days of receipt of this letter with verification or denial that any of the individuals mentioned above are members of the [] Tribe.

Respectfully,

[Title], [] County Office of Children and Youth Services

cc: [] Tribe
Department of the Interior

SWAN Prime Contractor
Diakon/Voce
471 JPL Wick Drive
P.O. Box 4560
Harrisburg, PA 17111-0538

lsiwarmline@diakon-swan.org
www.diakon-swan.org

