

ICWA Inquiry and Noticing Manual

(Revised 08/28/20)

- [Forms](#)
- [Introduction](#)
- [Policy](#)
- [Definition of an Indian Child](#)
- [Role of Assigned Social Worker](#)
- [Role of ICWA Noticing Specialists](#)
- [Initial Inquiry](#)
- [Inquiry and Adoptions](#)
- [Reason to Believe vs. Reason to Know](#)
- [Contacting a Federally Recognized Tribe for Further Inquiry](#)
- [Court Report Documentation](#)
- [Membership in Non-Federally Recognized Tribe](#)
- [ICWA Inquiry Worksheets](#)
- [Use of ICWA-030](#)
- [Required ICWA Notice Recipients](#)
- [Inquiry with Multiple Tribes](#)
- [Required Attachments to the ICWA-030](#)
- [When Notice to Tribes is No Longer Necessary](#)
- [Multiple Parents Procedure for ICWA Noticing](#)
- [Follow-Up Inquiries Requested from the Tribe\(s\) or BIA](#)
- [Tribal Contact Information](#)
- [Federally Recognized Tribes in San Diego County](#)
- [ICWA Case Managers for San Diego County Tribes](#)
- [Alignment with SET](#)

[APPENDIX 1](#)

Confidentiality Statement

[APPENDIX 2](#)

Sample Tracking Logs

[APPENDIX 3](#)

Sample Questions to Ask Parents

Forms

The following forms are referenced in this file:

- [ICWA-010\(A\)](#) Indian Child Inquiry Attachment (CWS/CMS Template)
- [ICWA-020](#) Parental Notification of Indian Status (CWS/CMS)
- [ICWA-030](#) Notice of Child Custody Proceeding for Indian Child (CWS/CMS Court Section)
- [JUV-267](#) Parent's ICWA Form
- [JUV-268](#) Child's ICWA Form

Introduction

The Indian Child Welfare Act (ICWA) is a federal law enacted on November 8, 1978, which:

- Recognizes that an alarmingly high percentage of Indian families were broken up by the involuntary and often unwarranted removal of their children from their custody and the placement of those children in non-Indian foster and adoptive homes and institutions.
- Establishes minimum standards for the placement of Indian children in foster or adoptive homes to prevent the breakup of Indian families and to ensure that the unique values of Indian culture are recognized by nontribal public and private agencies and state administrative and judicial bodies.
- Requires that Indian children NOT be removed from the custody of their parents or Indian custodian on an emergency basis unless removal is necessary to prevent imminent physical damage or harm to the child.
 - An Indian custodian is any Indian person who has legal custody of an Indian child under tribal law or custom or under State law or to whom temporary physical care, custody, and control has been transferred by the parent of such child; (25 U.S.C. §1903(6)). See Protocol for Working with Indian Families, Children and Tribes.
- Requires that Indian children NOT be placed in out-of-home care unless a court finds, by clear and convincing evidence including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child

In order to be in compliance with state and federal law, there are specific requirements the Agency and Court must follow in order to determine whether a child is an Indian child under the ICWA. When the Agency and Court have reason to know a child is an Indian child, formal notice of the proceedings must be sent to the child's tribe(s) via the ICWA-030 form. See [Reason to Believe vs. Reason to Know](#).

The purpose of this Noticing and Inquiry Manual is to provide specific instructions to:

- Conduct ICWA inquiry to determine a child's Indian heritage and tribal membership status.
- Complete and send ICWA notice (ICWA-030) to the tribe(s) and other parties when there is reason to know the child is an Indian child as defined by ICWA.

Policy

California law (WIC § 224.2 (a)) states that SWs and the court have an **affirmative and ongoing** duty to inquire whether a child is or may be an Indian child.

A crucial aspect and first step of the ICWA noticing process is thorough inquiry by the assigned SW to determine if the child has or may have Indian heritage or tribal membership status. SWs are advised to utilize the questions outlined in Appendix 3 of this manual or to use the ICWA-030, JUV-267, and JUV-268 as a guide. The list of sample questions is not exhaustive and SW will utilize engagement skills to inquire about Native American ancestry and tribal membership status with parents, relatives and/or tribes.

Policy (cont.)

Inquiry regarding Native American heritage and possible tribal membership status must be conducted for every family served by CWS during initial contact (including the Child Abuse Hotline) and ongoing contact with the reporting party, child/youth, and families, especially when the child has been removed from the home or removal is imminent. Initial inquiry includes, but is not limited to, asking the child (if age-appropriate), parents, legal guardian, Indian custodian, extended family members and others who have an interest in the child, and the party reporting child abuse or neglect whether the child is, or may be, an Indian child and whether the residence or domicile of the child, parent(s), or Indian custodian is on an Indian reservation or in an Alaska Native village. (WIC § 224.2 (b); Cal. Rules of Court, rule 5.481(a)(1)). The SW must thoroughly document this inquiry, which includes completing and attaching the ICWA-010(A) form when a petition is filed.

Therefore, SWs must ask about Indian heritage and tribal membership eligibility at any initial interview with a parent/guardian, relative, Indian custodian, or child (if age-appropriate). If the interviews provide reason to **believe** the child might be an Indian child, the SW will conduct further inquiry. If further inquiry provides reason to **know** the child is an Indian child, the SW will initiate the ICWA noticing process.

ICWA does not apply to cases where no party is seeking to remove an Indian child from their parents' custody. However, the Agency has a duty to inquire whether a child in dependency proceedings (including Family Maintenance proceedings) is or may be an Indian child (WIC §224.2 (a)). Where it is known/there is reason to know the child is an Indian child under ICWA, the SW will contact the Indian child's tribe in a Family Maintenance case, as the tribe may be able to assist with prevention efforts, provide a support network, and connect the family with additional resources. Additionally, if circumstances change during the case and it appears any party may seek removal of the Indian child from the parents' custody, formal ICWA notice to the tribe is required and the provisions of ICWA will apply.

Definition of an Indian Child

The ICWA and corresponding California laws define an "Indian child" as an unmarried person under the age of 18 who:

- is a member of a federally-recognized Indian tribe; or
- is eligible for membership in a federally recognized Indian tribe **and** is the biological child of a member of a federally recognized Indian tribe (25 U.S.C. §1903; WIC §224.1 (a)).

California law also describes an Indian child as an unmarried person who is 18 years of age or over, but under 21 years of age, who is a member of an Indian tribe or eligible for membership in an Indian tribe and the biological child of a member of an Indian tribe, and who is under the jurisdiction of the dependency court unless that person or their attorney elects not to be considered an Indian child for the purposes of the Indian child custody proceedings (WIC §224.1 (b)).

The definition of "Indian tribe" includes federally recognized Alaska Native villages.

It is important to note that ICWA focuses on "membership," not "enrollment" or "registration." Information that the child is neither enrolled nor eligible for enrollment is **not** determinative of a child's Indian status until and unless the tribe confirms **in writing** that enrollment is a prerequisite for membership under tribal law or custom. (WIC §224.2 (h)).

Definition of an Indian Child (cont.)

Because each tribe is a sovereign nation, each tribe determines its own membership criteria. Some tribes may not require a person to "enroll" or "register" before that person is considered a tribal member. For these reasons, SWs or ICWA noticing specialists should ask tribes during further inquiry whether a person is a "member" or "eligible for membership" in the tribe, not whether a person is "enrolled" or "registered." If the SW or ICWA Noticing Specialist receives a response from the tribe referring to the family's enrollment or registration status, the SW or ICWA Noticing Specialist must follow up to obtain an additional written statement from the tribe clarifying whether enrollment or registration is a prerequisite for membership in that tribe.

Children may be members of a tribe or eligible for membership and become member of a tribe, even if one or both parents are not members. Thus, the SW typically has reason to know the child is an "Indian child"—at least until the tribe makes the ultimate membership determination—whenever a parent or other person with an interest in the child informs the SW that the parent or the child **is** a member of a tribe or **is** eligible for membership in a tribe, or when other information gathered indicates such membership or eligibility for membership in a tribe. (See WIC § 224.2, (d)(1)-(6).) All claims should be explored thoroughly during the inquiry process so CWS and the Juvenile Court can determine whether there is reason to know the child is an Indian child and ICWA notice is required

It is also important to note that the Indian tribe makes the final determination about the child's tribal membership status, not the Agency or the Court.

Role of assigned SW

The assigned SW is responsible to:

- Review prior CWS/CMS history for any additional information regarding Indian tribe affiliation.
 - Conduct ICWA inquiry with the reporting party, child, parents/guardians, Indian custodian, tribe(s) identified and any available family members using the inquiry questions listed in Appendix 3 and the ICWA-030, JUV-267, and/or JUV-268.
 - Document results of the inquiry in CWS/CMS contacts and Court Reports
 - Complete the ICWA-010(A) if submitting a Detention Hearing Report (DHR)
 - Provide completed JUV-267, JUV-268 and/or any draft ICWA-030 to the ICWA Noticing Specialist.
 - Communicate with the ICWA Noticing Specialist and collaborate to make sure the ICWA-030 is properly completed and sent when formal ICWA notice is required
 - Attach all ICWA notice documents to the Court Report
 - Use due diligence to contact all noticed tribes via email, phone, fax, and/or mail when notices have been sent and the tribe has not responded. Document the results in CWS/CMS and Court Reports.
 - Follow up with and report to the court the results of the ICWA inquiry and notice(s) (e.g., tribes' letter responses). Submit all letters and responses from the tribes to the Court **even if** an ICWA finding has already been made.
 - Conduct ICWA inquiry with any newly located parents or relatives using the inquiry questions in Appendix 3 of this Noticing Manual and the ICWA-030, JUV-267, and/or JUV-268.
 - Promptly provide any new ICWA information to the court, such as results of the ICWA inquiry for newly located parents or relatives or new information from a parent or relative.
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**Role of assigned SW
(cont.)**

When assigned a new case, review the case file Minute Orders to determine if the court has made an ICWA finding. If the court has not yet made an ICWA finding, the assigned SW is responsible to request the finding and obtain any additional ICWA documentation necessary for the court to make the finding.

NOTE: The duty of ICWA inquiry continues throughout the life of the case and any new inquiry results should be included in every status review hearing report, even if the Court has made an ICWA finding.

**Role of ICWA
Noticing Specialist**

Due to the intricate and time-consuming demands of ICWA inquiry and noticing, an ICWA Noticing specialist is assigned to each Region.

Responsibilities of the ICWA Noticing Specialist, in collaboration with the case-carrying SW, include:

- Follow up with parents, Indian Custodians, legal guardians, relatives and/or tribe(s) about any questions or missing information regarding Indian heritage and tribal membership status.
 - Enter written contacts in CWS/CMS for any communication with parents, legal guardians, Indian custodians, relatives, tribes or other collaterals.
 - Complete the ICWA-030 and send per the guidelines outlined in this Noticing Manual.
 - Contact the Indian tribe if there are questions or a delay in the tribe's response.
 - Give the assigned SW the original completed ICWA-030, all certified mailing receipts, return receipts, and response letters.
 - Maintain tracking log for ICWA notice and inquiry activities.
 - Maintain copy of completed ICWA notice documents in an approved system (e.g., file, S drive).
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Initial Inquiry

California law (WIC § 224.2 (a)) states that SWs and the court have an **affirmative and continuing** duty to inquire whether a child is or may be an Indian child. The duty to inquire begins with the initial contact, including the party reporting child abuse or neglect at the Hotline. Because of historic reasons to distrust government agencies, Native American parents and families may hesitate to disclose Indian ancestry; initiate inquiry with reassuring statement.

- Always inquire about Indian heritage and tribal connections during the first contact with the parents, legal guardians, Indian custodian, relatives or tribe(s) when collecting demographic information.
 - A completed Indian Child Inquiry Attachment ICWA-010(A) is required when screening a petition with CC. The information on the form is based on interviews with the parents and other persons with information about the child's Indian ancestry.
 - If the parent indicates they are or may be a member of a tribe or have Indian heritage, the SW will have them complete the JUV-267. Return the completed worksheet to the ICWA Noticing Specialist.
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Initial Inquiry (cont.)

- Missing parents:
 - When a parent is located, the SW should request a Special Hearing as soon as possible.
 - SW will inquire about Indian heritage and tribal membership status, complete an ICWA-010(A) form regarding the located parent's Indian status, and provide the parent with the ICWA-020 court form.
 - SW will attach the completed ICWA-010(A) regarding the located parent's Indian status to the next court report.

See [Appendix 3](#) for sample questions to ask parents and/or relatives to determine Indian heritage and tribal membership status. When a parent/relative claims Indian heritage or tribal membership status, SWs should also use the JUV-267, JUV-268, and/or the ICWA-030 as resources for gathering the necessary information as soon as possible for ICWA noticing, if ICWA noticing is determined to be necessary.

This list of sample questions is not exhaustive and SW will utilize engagement skills to inquire about Native American ancestry and tribal membership status with parents or relatives.

Inquiry and Adoptions

Adoption does not change the need for thorough ICWA inquiry. If a parent was adopted but believes their biological family had Indian heritage or tribal membership, or if the child was adopted but their biological family had Indian heritage or tribal membership, further inquiry and notice must be done. ICWA notice must be sent if, after inquiry, there is reason to know the child is an Indian child. Similarly, if Indian parents adopt a non-Indian child, the child could still be considered a tribal member if the tribe recognizes adoptive relationships, and inquiry with the parents' tribe must be completed.

A new ICWA 010(A) must be completed and submitted to the Court prior to finalizing an adoption. See Placement Paperwork and Finalization. The SW will review the case file and any prior ICWA inquiry and associated court findings that have been made. If ICWA inquiry was completed earlier in the case and the SW has determined that inquiry was thorough, the SW will complete the new ICWA 010(A) and indicate the name of the SW who made the prior ICWA inquiry. If the SW determines that the prior ICWA inquiry was not done thoroughly, consult with CC.

Reason to Believe vs. Reason to Know

Effective January 1, 2019, California Assembly Bill 3176 (A.B. 3176) made significant changes to the governing ICWA statutes with the goal of achieving ICWA compliance and improved outcomes for Indian families and children in the California child welfare system. CWS continues to maintain an affirmative and continuing duty to inquire about a child's Indian status. The focus of inquiry is to determine if the child is or may be an Indian child as defined by ICWA. (See [Definition of Indian Child](#)). If you have questions about "reason to believe" and "reason to know," consult with CC. Although not exhaustive, the table below provides examples of reason to know and reason to believe:

Reason to Believe vs.
Reason to Know
(cont.)

	Definition/Examples	Required Action
Reason to believe	<ul style="list-style-type: none"> The parent says an extended family member is a member of a tribe and names the tribe. The parent believes they are eligible for membership in a tribe but does not remember the name of the tribe. The parent identifies a relative who would have more information or provides any details they remember about the tribe(s), such as geographic location. The parent believes they have Indian heritage and identifies the tribe(s). The parent is not sure whether anyone in the family is a tribal member, but the parent identifies a relative who would have more information about their tribal membership status. 	<p>The SW will conduct further inquiry regarding the possible Indian status of the child by:</p> <ul style="list-style-type: none"> Interviewing the parents, Indian Custodian and extended family members, and any other person who may reasonably be expected to have information about the child’s tribal membership status or eligibility of membership Contacting the Bureau of Indian Affairs and the California Department of Social Services (CDSS) for assistance in identifying all the tribes in which the child might be a member or eligible for membership and/or for assistance in contacting those tribes as necessary Contacting the identified tribe(s) for more information about the child’s membership/citizenship status or eligibility. See Contacting a Federally Recognized Tribe for Further Inquiry
Reason to know	<ul style="list-style-type: none"> Any person having interest in the child, including the child, an officer of the court, a tribe, an Indian organization, a public or private agency, or a member of the child’s extended family informs the court that the child is an Indian child; The residence of the child, the parents, or Indian custodian is on a reservation or in an Alaskan village; 	<ul style="list-style-type: none"> The SW will complete the ICWA 030. If there is reason to know the child is an Indian child, the court must treat the child as an Indian child unless and until the court determines that the child does not meet the definition of an Indian child and ICWA notice by registered or certified mail return receipt requested must be sent (WIC 224.2 (i)(1)).

Reason to Believe vs. Reason to Know (cont.)

	Definition/Examples	Required Action
Reason to Know (cont.)	<ul style="list-style-type: none"> Any participant in the proceeding, officer of the court, Indian tribe, Indian organization, or agency provides information indicating the child is an Indian child; The child gives reason to know they are an Indian child; It is known that the child is or has been a ward of a tribal court; Either parent or the child possess an identification card indicating membership or citizenship in an Indian tribe (WIC 224.2 (d)(1)-(6)). 	

Contacting a Federally Recognized Tribe for Further Inquiry

Contacting a federally recognized tribe will, at minimum, include contact by phone, fax or email. Contact with the tribe will include sharing information identified by the tribe as necessary for the tribe to make a membership eligibility determination. The SW will also provide the status of the child and the case and provide verbal notice of the hearing date (WIC 224.2 (e)(3)).

When contacting a federally recognized tribe to conduct further inquiry, the SW will:

- Contact the designated tribal agent for receipt of ICWA notices. The BIA publishes a list of tribes’ designated tribal agent for service of ICWA notices in the Federal Register each year available at www.bia.gov
- For a tribe without a designated tribal agent for service of ICWA notice, contact the tribe to be directed to the appropriate person for ICWA inquiries. If ICWA notice is required, the notice must be sent to the tribal chairperson if the tribe does not have a designated tribal agent for service of ICWA notice listed in the Federal Register. (WIC 224.3(a)(2).)
- If there is no contact information for a tribe, or the tribe fails to respond to written inquiries, seek assistance in contacting the tribe from the local BIA or regional office or the BIA’s Central Office in Washington, DC .

Court Report Documentation

The SW must include information in the Court Report under “Indian Child Welfare Act Status” regarding efforts to conduct further inquiry with tribes, extended family and others with information about the child’s Indian status. The SW must include the following:

- tribe and Designated Tribal Agents name, per Federal Register
- extended family member or other persons name and relationship to the child
- dates and method of contact (phone, fax or email) to conduct further inquiry. All attempts will be documented in order to demonstrate due diligence efforts to inquire.

Membership in Non-Federally Recognized Tribe

If the family provides information indicating the child or parent(s) are members of a non-federally recognized tribe and names the tribe, the SW will:

- Indicate in Court Report that ICWA does not apply, as the tribe is not federally recognized.
- Follow the Spirit of ICWA guidelines (see Protocol for Working with Indian Families, Children and Tribes).

ICWA Inquiry Worksheets

The JUV-267 (Parent’s ICWA Inquiry Worksheet) and JUV-268 (Child’s ICWA Inquiry Worksheet) were created in August 2016 in an effort to obtain basic information needed for ICWA notice in a more timely and efficient manner. The procedure and forms were adopted by the Court in May 2017 and SWs may provide these forms directly to the parent or child (if age-appropriate). The JUV 268 may also be provided to a relative, Indian custodian, or other person who possesses more information about the child’s tribal membership status and Indian heritage. The completed form should be submitted to the ICWA Noticing Specialist.

The courtroom procedure regarding these forms is as follows:

Step	Who	Action
1	Parent’s Attorney	<ul style="list-style-type: none">• Request client complete the ICWA-020.• Client to complete the JUV-267 if there is an indication that they do, or may, have Indian heritage/tribal membership.• Provide copies of the ICWA-020 and the JUV-267 to the court, all parties/attorneys, and the assigned SW or Court Officer.• Go to Step 3.
2	Minor’s Attorney	<ul style="list-style-type: none">• May request a family member complete the JUV-268.• Provide copies of the JUV-268 to the court, all parties/attorneys, and the assigned SW or Court Officer.• Go to Step 3.

**ICWA Inquiry Project
(cont.)**

Step	Who	Action
3	Court	<ul style="list-style-type: none"> • Review the ICWA-020, JUV-267 and JUV-268 • Request any needed clarification on the forms provided by parent or family member. • Make orders for further inquiry and/or ICWA notice as appropriate • Defer ICWA finding. • Set next court date.
4	County Counsel	<ul style="list-style-type: none"> • Request any needed clarification on forms provided by parent or family member. • Ensure any clarification/changes/additions to the ICWA information is communicated on the record. • Ensure Court Officer has all clarification/changes/additions written in Court Summary if SW not present at the hearing.
5	Court Officer	<ul style="list-style-type: none"> • Send Court Summary and copy of the JUV-267 and/or JUV-268 to assigned SW. • Send either by email or County mail.
6	Assigned SW	<ul style="list-style-type: none"> • Review JUV-267 and/or JUV-268 forms. • Contact parents or other family members to obtain additional information needed to complete ICWA-030. • Review completed ICWA-030 with parent if possible. • Give JUV-267 and/or JUV-268 forms and ICWA-030 to ICWA Notice Specialist (see Procedure for ICWA Noticing in this manual for specific documents needed).
7	Regional ICWA Notice Specialist	<ul style="list-style-type: none"> • Obtain JUV-267 and JUV-268 forms, ICWA-030 and other documents needed to complete further ICWA inquiry and/or noticing. • Complete ICWA notice process if ICWA notice is required.

Use of ICWA-030

The ICWA-030 is the Judicial Council form used to:

- Request confirmation from the tribe(s) of the child's tribal membership or eligibility for membership when there is reason to know the child is an Indian child.
- Notice identified tribes and parties of dependency proceedings involving an Indian child.

Completion of the ICWA-030 requires:

- Completion in the child's CWS/CMS file. For instructions, see Desk Guide Notice for Indian Child.
- All sections be completed. Do not leave any sections or question blank. If the parent or relative has been questioned but does not know the information, enter "The parent or relative (include person's name) does not have information."
- Pursuant to WIC §224.3, ICWA notice must be sent to all parties and other required ICWA notice recipients by **certified mail, return receipt requested**.

Required ICWA Notice Recipients

The following parties are REQUIRED to receive the ICWA-030:

- Child's parents or legal guardians, which include biological, adoptive, and presumed parents.

NOTE: The inclusion of contact information of any adult or child that would otherwise be required to be included in the ICWA notice shall not be required if that person is at risk of harm as a result of domestic violence, child abuse, sexual abuse, or stalking (WIC §224.3 (f)). SWs should list any such information as "Confidential" in the ICWA-030, and should not leave the boxes blank. The SW should include a statement in the ICWA section of the next court report that "Some information in the ICWA-030 was listed as confidential pursuant to WIC § 224.3, subdivision (f)."

- A separate ICWA-030 is to be mailed separately to each parent. If there are concerns about one parent obtaining the address of the other parent, write "Confidential Address" in the address line.
 - Child's Indian custodian, if the child is living with an Indian person who has legal custody of the child under tribal law or custom or under state law, or if the parent asked the Indian custodian to take care of the child.
 - Each of the federally recognized tribe(s) identified through the ICWA inquiry. The notice is sent to the tribe's designated tribal agent for service of ICWA notice listed in the Federal Register. If no agent is listed, then notice is sent to the tribal chairperson.
 - Bureau of Indian Affairs (BIA), Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825
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Inquiry with Multiple Tribes

If the parent or person claiming Indian heritage or tribal membership is unable to provide the specific name of their tribe, then all tribes with the stated tribal affiliation must be contacted via phone, fax and/or email to conduct further inquiry regarding the possible Indian status of the child. For example, if they state they are Apache but they do not know their specific Apache tribe, then all Apache tribes must be contacted for further inquiry.

The [BIA website](#) contains a list of “Designated Tribal Agents for Service of Notice-Listing of Tribes by Historical Affiliation” to assist social workers with identifying all the tribes within a particular affiliation, e.g. Apache, Cherokee.

The SW must conduct further inquiry regarding the possible Indian status of the child as soon as possible.

Required Attachments to the ICWA-030

The following documents must be attached to the ICWA-030:

- **Confidentiality Statement** - A confidentiality notice written on HHSA/CWS letterhead. Confidentiality notice wording is in [Appendix 2](#).
- **Child’s Birth Certificate** - A copy of the child’s birth certificate. If child’s birth certificate is not available, attach a copy of the 04-19 Recorders’ Office Application (CWS/CMS template). Refer to Birth Certificates for additional information.
- **Petition** - A copy of the most recent WIC 300 petition.
- **Paternity finding** - copy of Minute Order that establishes paternity if there is one.
- **Enrollment/member card** - **provide a copy** if available.
- **Other Information** – any other identifying information for the child’s relatives which might be of assistance in determining the child’s Indian status, and which is not already included in the relative information boxes on the ICWA-030.
- **SASE** - Self-addressed, stamped envelope that includes the ICWA Notice Specialist or SW’s worker name.

When Notice to the Tribes is No Longer Necessary

When there is reason to know that an Indian child is involved, notice will continue to be sent to the required ICWA notice recipients for every hearing, unless and until it is determined that the ICWA does not apply to the case.

If a tribe has acknowledged that the child is a tribal member or is eligible for membership, or if a tribe has intervened in the proceeding, then future hearing notices to that tribe need not include the attachments, listed above.

Multiple Parents Procedure for ICWA

If **multiple parents (fathers or mothers)** are named/identified for a child, the SW will complete a separate ICWA-030 for each parent when there is reason to know the child is an Indian child. The SW should ensure it is clear on the ICWA-030 which parents are the biological parents, as that information may be critical for the tribe's membership determination. If it appears that one of the parents is neither the adoptive parent nor the biological parent of the child (e.g. another type of presumed father), contact CC for assistance in determining when ICWA notice should be sent and for which parents.

If there are multiple children within a family and multiple parents then a separate ICWA-030 should be completed for each child or children who do not share all the same parents.

Procedure for ICWA Noticing

SWs and ICWA Noticing Specialists will follow the procedure below:

Step	Who	Action
1	Assigned SW	<ul style="list-style-type: none"> • Immediately upon assignment to the case, determine whether parent, child or relative has claimed Indian heritage or tribal membership. • Conduct additional interviews with clients and/or relatives to obtain additional information about the family's Indian heritage and tribal membership status. <p>NOTE: Providing the parent with the ICWA Inquiry Worksheet or the ICWA-030 to fill out does not relieve the SW of their duty of inquiry. The SW must follow-up to get the information back from the parent if it is not obtained during the interview.</p> <ul style="list-style-type: none"> • Review CWS/CMS for any prior history regarding the family that contains the demographic information requested on the ICWA-030, e.g., check to see if grandparents, aunt, uncle had CWS involvement and if any relative information is available such as names, DOB's, relationships, phone numbers, etc. • Update all client and collateral notebooks as additional information is obtained during ICWA inquiry. • Consult with CC as needed if unsure whether there is "reason to know" requiring ICWA notice. • Provide all information gathered to the ICWA Specialist and request ICWA Specialist complete the ICWA noticing if there is reason to know the child is an Indian child. • Provide Specialist with following documents: <ul style="list-style-type: none"> ○ Copy of birth certificate or copy of completed 04-19 Vital Records request ○ Copy of Tribal enrollment or member card of child and or other relative, if available ○ Copy of Indian Preference document, if available ○ Copy of Field Worksheet (Face Sheet) ○ Copy of genogram ○ Paper ICWA-030 filled out as completely as possible ○ Copy of petition ○ Paternity judgment order if one exists • Assign ICWA Specialist as secondary on CWS/CMS case.

Procedure for ICWA Noticing (cont.)

Step	Who	Action
2	ICWA Specialist	<ul style="list-style-type: none"> • Enter information obtained into client notebooks- mother’s ancestors in the mother’s notebook, father’s ancestors in the father’s notebook • Verify that information on birth certificate matches child’s client notebook. If it doesn’t match, change on ID page to name on birth certificate and notify assigned SW. Enter other names on Name tab • Conduct further inquiry if information is missing or not clear • Enter tribal information in parent’s client notebook • Record Tribal membership status in child’s notebook on ICWA tab (will usually be pending verification) • Open existing hearing notebook in Court Management section of CWS/CMS • On Notice page of Hearing enter Notice Type of ICWA– Indian Child Proceeding • Select all parents, Tribes, BIA as recipients of the Notice • To locate correct tribe and address use most recent list of “Designated Tribal Agents for Service” from Federal Register. If there is no agent listed, notice must be sent to the tribal chairperson. <p>NOTE: Some tribes may ask the Agency to send notice to a different address and/or person. The Agency can accommodate the tribe’s request, but it MUST still send notice to the address and person listed for the tribe on the Federal Register in order to comply with the law (ICWA). If the notice is sent to an additional address and/or person, document the tribe's request in CWS/CMS and the court report, including specifically where and to whom the tribe requested the notice be sent.</p> <p>The following websites may also be helpful for locating all the federally recognized tribes associated with a particular tribal affiliation, BIA and Child’s World.</p> <ul style="list-style-type: none"> • If assistance is needed with local tribes, contact ICWA Case Managers for San Diego County Tribes listed in this manual. • If assistance is needed with non-local tribes, contact the BIA. • Create ICWA-030, review information, make corrections as needed. • Save and print document, then close.

Procedure for ICWA Noticing (cont.)

Step	Who	Action
2 (cont.)	ICWA Specialist	<p>NOTE: ICWA-030(A) will automatically be generated when more than four tribes receive notice. If an additional ICWA-030 is required click http://www.courts.ca.gov/documents/icwa030.pdf.</p>
3	ICWA Specialist and SW	<ul style="list-style-type: none"> • Review completed ICWA-030 document for accuracy and make corrections as needed. • SW to review ICWA-030 with parent if at all possible and document this in CWS/CMS contact and Court Report • SW to sign original ICWA-030 after reviewing for accuracy. • Provide copy to Judicial Electronic Library System (JELS) Clerk to upload into JELS as a separate document from the court report.
4	JELS Clerk	<ul style="list-style-type: none"> • Upload a copy of the ICWA 030 to JELS and distribute to all parties.
5	ICWA Specialist and/or Clerk	<ul style="list-style-type: none"> • Person who mails notices out—either Specialist or clerk—completes Certificate of Mailing. • Make needed copies of ICWA-030 and attachments • Address and send ICWA-030 and attachments to all required recipients- parents/legal guardians, Indian Custodians, tribes and BIA. • Attach certified mail receipt, and return receipt for every envelope sent to the required recipients. • Write the ICWA Noticing Specialist worker # and client initials on return receipts.

Procedure for ICWA Noticing (cont.)

Step	Who	Action
6	ICWA Noticing Specialist and/or Clerk	<ul style="list-style-type: none"> • Send notices and return receipts bundled with the SW worker # to USPS through County mail. • Complete County mailing log. • USPS should return white receipts or tracking/ mailing log with stamp indicating when notices were sent by the Post office. • Use a tracking sheet (see example in Appendix III) to track: <ul style="list-style-type: none"> ○ Signed return receipts (green cards) received from Tribes ○ Letters from Tribes indicating if child is an Indian child under ICWA (see Definition of an Indian Child above) • Enter into ICWA page results of tribal letters • When a tribe indicates that child is an Indian child notify SW, PSS and CC immediately.
7	SW	<ul style="list-style-type: none"> • If the child is an Indian child under ICWA see Protocol for Working with Indian Families, Children and Tribes, as the case may require immediate actions regarding ICWA placement preferences, contacting the tribe and securing qualified expert witness testimony. • With ICWA Notice Specialist assistance, prepare ICWA-030 and attachments to Court Report as follows: <ul style="list-style-type: none"> ○ Staple white receipts (allowing court to view both sides) to a plain white piece of paper ○ Staple return receipts (green cards) to a white piece of paper ○ Attach page(s) of white receipts, green cards and all Tribal letters to Court Report ○ Make sure the original receipts, cards and letters are attached to the Court's (Judge's) copy of the report • Attach copies of these documents to all copies of the Court Report.

Follow-up Inquiries Requested From the Tribe(s) or BIA

If a tribe or the BIA requests more information to make a membership or eligibility determination, the SW is expected to make every attempt to obtain the information and provide it to the tribe/ BIA by certified letter **within five business days**. The same information must also be sent to all other tribes that were originally noticed, whether or not they have already responded about the child's membership status in their tribe.

Tribal Contact Information

The [Federal Register](#) is the official list. If there is an address difference between the CDSS register and the Federal Register, **use the list of Designated Agents for Service in the Federal Register.**

NOTE: As tribes tend to be in random order on this list, use the find/search feature (Ctrl + F) to locate the needed information.

The CDSS Tribal List can be accessed on the [CDSS website](#).

How to locate tribe(s) on the CDSS List:

- Go to the “Edit” Tool Bar and choose “Find.”
- Type in the tribal affiliation/band or state and click the “Find” button.
- Click “Find Next” to get to the next tribal affiliation/band.

Federally-Recognized Tribes in San Diego County

The following are the federally recognized Indian tribes located in San Diego County. The full names listed for the tribes below are as they appear in the Federal Register:

- Barona Band of Diegueño Mission Indians
- Campo Band of Diegueño Mission Indians
- Ewiiapaayp Band of Kumeyaay Indians
- Iipay Nation of Santa Ysabel
- Inaja Band of Diegueño Mission Indians
- Jamul Indian Village
- La Jolla Band of Luiseño Indians
- La Posta Band of Diegueño Mission Indians
- Los Coyotes Band of Cahuilla & Cupeño Indians
- Manzanita Band of Diegueño Mission Indians
- Mesa Grande Band of Diegueño Mission Indians
- Pala Band of Mission Indians
- Pauma Band of Luiseño Mission Indians
- Rincon Band of Luiseño Mission Indians
- San Pasqual Band of Diegueño Mission Indians
- Sycuan Band of the Kumeyaay Nation
- Viejas Band of Diegueño Mission Indians

ICWA Case Managers for San Diego County Tribes

If the child and/or their family may be eligible for membership and/or are members of a local tribe, staff will contact the local ICWA case managers:

- to assist SW with contacting the tribe(s)' designated agent for service of ICWA notice to verify the child's tribal membership status
 - to contact the tribe regarding an upcoming court hearing
 - for further information on appropriate resources to meet the “active efforts” requirement if there is reason to know the child is an Indian child as defined by ICWA.
-

**ICWA case managers
for San Diego County
tribes (cont.)**

Use the table below to determine which Agency and/or person to contact regards to the case:

Name of Tribe	Contact
<ul style="list-style-type: none"> • Barona Band of Diegueño Mission Indians • Campo Band of Diegueño Mission Indians • Ewiiapaayp Band of Kumeyaay Indians • Jamul Indian Village • La Posta Band of Diegueño Mission Indians • Viejas Band of Diegueño Mission Indians 	<p>Southern Indian Health Council, Inc. (619) 445-1188</p> <p>Kumeyaay Family Services</p> <p>Aaron Laff , Program Director (619) 445-1188 ext. 263</p>
<ul style="list-style-type: none"> • Inaja-Cosmit Band of Diegueño Mission Indians • La Jolla Band of Luiseño Indians • Los Coyotes Band of Cahuilla & Cupeño Indians • Mesa Grande Band of Diegueño Mission Indians • Pauma Band of Luiseño Mission Indians • Rincon Band of Luiseño Mission Indians • San Pasqual Band of Diegueño Mission Indians 	<p>Indian Health Council, Inc.:</p> <p>Tribal Family Services</p> <p>Karan Kolb, Director (760) 749-1410 x 5324</p>
<ul style="list-style-type: none"> • Iipay Nation of Santa Ysabel 	<p>Iipay Nation of Santa Ysabel's Social Services Department</p> <p>Linda Ruis, Director (760) 765-1106</p>
<ul style="list-style-type: none"> • Pala Band of Mission Indians 	<p>Pala Social Services Department: Season Goodpasture, Director (760) 891-3542</p>
<ul style="list-style-type: none"> • Sycuan Band of the Kumeyaay Nations 	<p>Brenda Gilman-Bagwell, Tribal Representative (619) 445-0707</p>
<ul style="list-style-type: none"> • Manzanita Band of Diegueño Mission Indians 	<p>Angela Santos, Tribal Representative (619) 766-4930</p>

Alignment with SET

This policy aligns with the SET [Value 1](#), guiding principle of recognizing and appreciating the family's culture and SET [Value 5](#), maintaining a strong relationship with the legal system and continually assessing that a child's/youth's legal and personal rights are being met. It also aligns with SET Value 4, sharing our responsibility to tribal partners through noticing in order to effectively follow procedures to carefully coordinate the care of American Indian and Alaskan Native children.

APPENDIX 1

DECLARATION

(To be completed, dated and signed in all cases by each petitioner named in companion petition.)

I am the petitioner or we are all of the petitioners in this proceeding. In response to items 5-9 of this form, I/We have given all information I/We have about the relatives and, if applicable, the Indian custodian, of the child names in item 1 of this form.

I/We declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

Date:

(TYPE OR PRINT NAME)

(SIGNATURE)

APPENDIX 2

Below are examples of tracking systems for ICWA notice. It is easiest to copy these headings into an Excel Worksheet.

Sample 1

Child's Name	Parent's Name	Case #	Tribe(s)	Worker	Assignment Date	Due Date	Court Finding

Sample 2

Case Petition #	Child's Name	SW	Notice Recipients	Date Sent	Tribe Rec'd Date	Receipt Rec'd Date	Response Rec'd Date	Receipt #	Returned Date	Comments

APPENDIX 3

Below are sample questions to ask parents and/or relatives to determine Indian heritage and tribal membership status. When a parent/relative claims Indian heritage and/or tribal membership status, SWs should also use the JUV-267 and JUV-268 and/or the ICWA- 030 as resources for gathering the necessary information for ICWA noticing as soon as possible.

1. Are you (*parent*) or your child a member of an Indian tribe or an Alaska Native community? *If the answer is no go to #4. If the answer is yes, ask the following questions:*
 - In what tribe(s)/band(s)/Alaska Native village(s) do you have membership?
 - Do you have an Enrollment card or number or an Indian Identification Card from a Tribe?
 - Have you ever received a Certificate Degree of Indian Blood (CDIB) from the Secretary of the Interior or the Bureau of Indian Affairs?
 - Do you have or have you ever received an Indian preference or Indian Identification card document from a tribe?

2. Is anyone in your family a member of a tribe? *If the answer is yes, ask the following questions:*
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - Does that person have an Enrollment number/Indian Identification Card/CDIB/Indian Preference card/Indian Identification card?

3. Is any family member/ancestor on the following rolls?
 - 1906 Final Roll?
 - Roll of 1924?
 - California Judgment Roll?

(If the answer is yes, obtain the relative's full name, maiden name, relationship to the child, and enrollment number, if known.)

4. If you or your family members are **not** members of a federally recognized tribe, do you (*parent*) or your child have Native American, Alaska Native, or American Indian ancestry?
 - From what tribe(s)/band(s)/Alaska Native village(s) do you or your child have ancestry?
 - How did you come to know this information regarding your or your child's ancestry?
 - Who would have more information regarding ancestry?

5. Is there anyone in your family who may have more information about the child's Native American, Alaska Native, or American Indian heritage?
 - What is that person's full name and contact information?
 - What is their relationship to the child?

6. Has anyone in your family lived on a reservation, Rancheria or in a predominantly Indian community?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - When did they live there?
 - What is the name/address of the reservation?

7. Has anyone in your family attended an Indian school?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - Name/location of school?

- Dates attended?
8. Has anyone in your family received medical care at an Indian Health Clinic because they have American Indian, Native American and/or Alaska Native ancestry?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - Name/location of clinic?
 9. Has anyone in your family ever received other benefits or services from a tribe or the federal government due to their Indian status? (example: scholarships, grants, Tribal Temporary Assistance to Needy Families)
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - Name/location/nature of those benefits or services?
 - Dates of receipt of benefits or services?
 10. Does anyone in your family speak the language of a tribe?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 - What is the name of the tribal language that they speak?
 11. Does anyone in your family vote in tribal elections, attend tribal meetings, or otherwise participate in a tribe's political activities?
 - For what tribe?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?
 12. Does anyone in your family participate in any tribe's cultural or religious activities (e.g. Pow-Wows, dances, etc.)?
 - For what tribe?
 - What is that person's full name and maiden name?
 - What is their relationship to the child?

For questions or comments, contact Carmen Robles.