

ACTIVE EFFORTS

INDIAN CHILD WELFARE ACT

“Due to the history of Native Americans and the splitting and separation of the families, many children did not get to grow up in their culture and were stripped of their traditions. Active efforts are extremely important to preserve and keep these Native American families together.”
- Active Efforts Webinar Participant

All Indian children deserve a strong, protective circle of caring adults to ensure they are loved, safe, and connected to their community, tribe and culture. The Indian Child Welfare Act (ICWA) of 1978 is a federal law that recognizes how important those connections are while also ensuring the continued existence of tribal nations as unique, distinct, and sovereign.

ICWA was passed into law in response to the alarmingly high number of American Indian and Alaska Native children being removed from their families and placed outside of their community. ICWA requires states and courts to protect the best interest of Indian children by establishing a higher standards of evidence and by maintaining and strengthening their connection to family, community, culture, and tribal nation.

ICWA is considered the “gold standard” in child welfare policy and practice and requires state child welfare agencies and courts to:

1. Provide **Active Efforts** to both prevent removal from and to reunify children with their families
2. Follow preferred placement preferences
3. Obtain testimony of a qualified expert witness (QEW) at the removal hearing and in the event of a termination of parental

In 2016 the Bureau of Indian Affairs issued both official regulations and accompanying guidelines to help state courts and child welfare agencies implement ICWA; these regulations and guidelines provide clarification on important aspects of the law including standards of practice with families. Active Efforts are one example of these practice standards, and more guidance on this can be found on the next page.

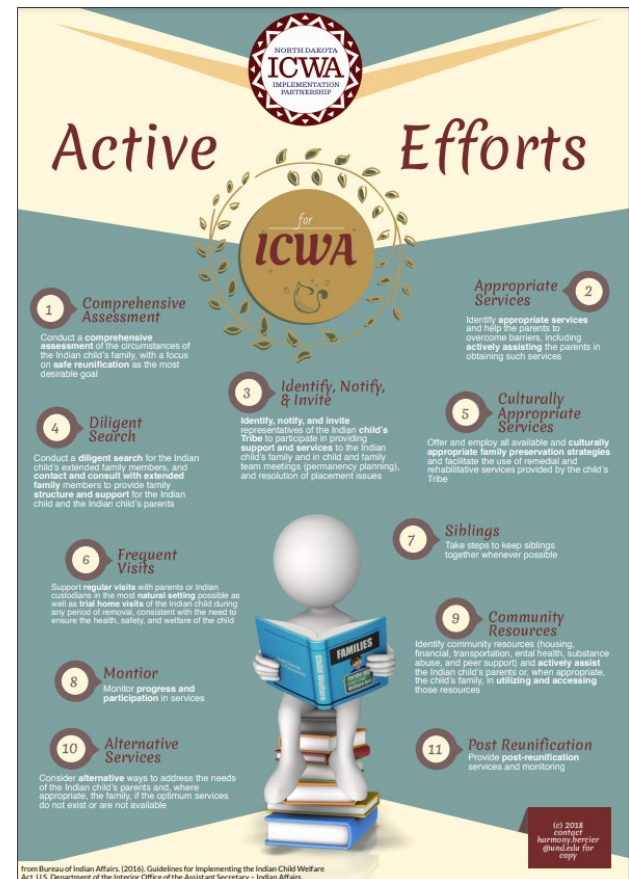


FEATURED RESOURCE

Active Efforts Information and Resources from the North Dakota ICWA Implementation Partnership

The ND ICWA Implementation Partnership has created a [detailed online resource](#) through the Children and Family Services Training Center on ICWA. The [Active Efforts section](#) outlines federal regulations and guidelines and the following ICWA partnership tools to aid in active efforts:

- [Active Efforts Infographic](#)
- [Active Efforts Hard Card](#)
- [Active Efforts Goal Setting](#)
- [Active Efforts PowerPoint Presentation](#)



ICWA: LAW & REGULATIONS

[The Indian Child Welfare Act \(25 U.S.C. §§ 1901–1963\)](#)

[BIA Federal Regulations \(25 C.F.R. Part 23, Indian Child Welfare Act Proceedings, Final Rule\)](#)

[BIA Guidelines for Implementing the Indian Child Welfare Act](#)

Find more ICWA resources on the [Tribal Information Exchange](#).

[The Indian Child Welfare Act and Active Efforts: Past and Present](#)

This 2021 publication from the National Council of Juvenile and Family Court Judges provides information on the history behind ICWA and Active Efforts as a best practice. Focusing on the importance of ongoing tribal-state collaboration, this publication also offers resources and practical recommendations on how judges, attorneys, and caseworkers can effectively implement active efforts.

[Active Efforts as Prevention Webinar Recording](#)

Tribal and state child welfare professionals were invited to join this participatory webinar held December, 2020 from the Capacity Building Center for Tribes to discuss how Active Efforts benefit both tribal and state child welfare systems and serve the best interests of Indian children and families and hear from states and tribes about how they're working together to continuously improve their Active Efforts practice.

Webinar materials shared by Minnesota:

- [Minnesota Case Worker Checklist](#)
- [Minnesota Brochure for Families](#)

LEARNING FROM OUR PEERS & TRIBAL CHILD WELFARE EXPERIENCE

A webinar participant asked for examples on how to provide Active Efforts while a parent is in long term incarceration. Peers shared that they provide materials and resources to the parents, including tribal stories on parenting, parenting articles, and, if substance use disorders were identified, [Wellbriety information and booklets from White Bison](#). Others shared how they work with administrative prison personnel to identify appropriate programs, advocate for participation, structure case planning around available services, plan for services upon release, and maintain responsibility for providing active efforts regardless of incarceration.

ADDITIONAL ICWA ACTIVE EFFORTS RESOURCES

- [BIA Quick Reference Sheet for Active Efforts](#)
- [Active Efforts Definition from the Legal Information Institute at Cornell Law School](#)
- [Frequently Asked ICWA Questions: For Families & Service Providers from the National Indian Child Welfare Association](#)



This resource was created by the
Capacity Building Center for Tribes,
and has been updated by NTCWCIA.