

Indian Child Welfare Act Co-Case Management

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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 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 tribes and states to work together as co-case managers. In an ICWA case there is a government-to-government relationship with a sovereign tribal nation. This cooperative model ensures that the best interests of Indian children are protected, as mandated by ICWA, and that their connections to family, culture, and tribal nations are maintained and strengthened. Tribes and states who effectively implement ICWA share how practicing ICWA has positively impacted their practice with all families.

The linked programs and resources in this resource guide offer examples of ways that states and tribes are providing ICWA co-case management.



The [Oyate Nawajin \(Stand With The People\) Program](#) at the White Earth Nation is designed to keep American Indian families together and strong by providing the knowledge, skills, and resources they need to provide a safe, stable environment for their children.

White Earth Nation's Family Services Program is also part of the Indian Child Welfare Legal Advocacy/Compliance Project, created to enforce local compliance with the ICWA. The Ain Dah Yung Center's project provides court monitoring on cases involving American Indian children, legal representation to American Indian families (through a collaboration with Southern Minnesota Regional Legal Services), and education/outreach to identify systemic problems and strategize on solutions regarding ICWA compliance.

[Leech Lake Child Protection Program's](#) service eligibility requirements include, "Reports throughout the United States outside the Leech Lake Reservation boundaries are the joint responsibility of the county in which the child resides and Leech Lake Child Welfare Department."

The [State of Maine's Indian Child Welfare Policy](#) states:

The Department of Health and Human Services, Office of Child & Family Services (OCFS) believes that Indian children should remain with their family, relatives and their Tribe or Band when they cannot remain with their parents. Federal ICWA law states that tribes will be notified of child welfare involvement at the time the Petition is filed, however, the Department believes, commits to and expects involvement to begin at time of Intake and/or first contact because OCFS places high value on partnering with tribes and in joint decision making. Therefore, the most important philosophy to remember throughout a case involving the ICWA law is inclusion. It is imperative to include the appropriate Tribe or Band throughout the life of the case.

The Department not only recognizes the ICWA as federal law which it must follow, it understands the spirit and intent of the law. The Department is committed to tribes having maximum participation in an ICWA case, collaborating as co-case managers.



The [Minnesota Indian Family Preservation Act](#) was established in 1985 to strengthen and expand parts of ICWA. The law provides specific requirements for local social service agencies to collaborate with tribes:

1. Work with Indian children's tribe and family to develop an alternative plan to out-of-home placement;
2. Before making decisions that may affect Indian children's safety and well-being, or when contemplating out-of-home placement of Indian children, seek guidance from their tribe on family structure, how family can seek help, what family and tribal resources are available, and what barriers a family faces at that time that could threaten their preservation, and
3. Request participation of Indian children's tribe at the earliest possible time and request tribe's active participation throughout a case.



The [New Mexico ICWA Court](#) is the first of its kind in the state and is the result of efforts by the New Mexico Children, Youth & Families Department, by the Second Judicial District Court, and by local tribes to apply the law to protect Indian children and their families. This Court strives to honor and comply with the spirit of the law that protects Indian families and provides a forum where collaboration under the Indian Child Welfare Act, along with the Indian Family Protection Act can occur in a supportive and welcoming environment. Their goal is “to actively engage and partner with parents, children, tribal representatives, and stakeholders involved in an abuse or neglect petition.”

The [Indiana Department of Child Services ICWA Policy](#) requires co-case management by, “Identifying, notifying, and inviting representatives of the Indian child's Tribe to participate in providing support and services to the Indian child's family and in Child and Family Team (CFT) Meetings, permanency planning, and resolution of placement issues.”

The Center for Court Innovation's [The Indian Child Welfare Act \(ICWA\), Improving Compliance through State-Tribal Coordination](#) publication outlines that achieving ICWA compliance requires a shared commitment from the child welfare system, family courts, and tribal courts, emphasizing training, collaboration, and effective resource allocation.
