



ICWA Coffee Talk: Q.E.W. – Qualified Expert Witness

ICWA Unit Consultants

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Consultant

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Agenda

10:00 – 11:00

Panelist Introductions

Participant Instructions

SSIS Q.E.W. Power Point Presentation

Q&A

Resource Review & Reminders



Q.E.W. – Qualified Expert Witness:

May be one of the following, *in order of preference*:

- Designated by Child's Tribe as a Q.E.W.
- Member of the Child's Tribe
- Indian person from an Indian community
- Expert witness as defined by Rule 702 of Minn. Rule of Evidence



MIFPA Q.E.W. Requirements:

In descending order of preference:

- A member of an Indian child's tribe who is recognized by their tribal community as a QEW
- An Indian person from an Indian community who has substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and contemporary and traditional childrearing practices of an Indian child's tribe.



Q.E.W. – Required to have:

Substantial experience delivering:

- Children and family services to American Indians

Extensive knowledge of:

- Child rearing practice with the child's Tribe
- Prevailing social and cultural standards



QEW testimony is required:



**The court MUST follow
QEW
recommendations**

25 U.S.C. § 1912

- Beginning of case
- OHP or TPR/TPLPC Proceeding
- In consultation with child's Tribe, the court or agency may request help in locating a Q.E.W.



QEW testimony is required:



**The court MUST follow
QEW recommendations**
25 U.S.C. § 1912

- For any foster care placement at the admit deny hearing on the CHIPS petition (not EPC hearing) to support out-of-home placement.

Licensed Social Service Agencies (LSSA) Responsibilities:

- Coordinate with Tribal Social Worker to identify Q.E.W. designated by Childs Tribe
- Make “**Active Efforts**,” to identify a Qualified Expert Witness
- Document due diligence in following order of preference
- If the LSSA cannot obtain testimony from a tribally designated Q.E.W, the party shall submit to the court active efforts made to obtain a tribally QEW
- LSSA Social Workers cannot be identified as a Qualified Expert Witness



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Locating ICWA QEW Tabs in SSIS



Locating ICWA Q.E.W. Tabs in SSIS

The screenshot displays the SSIS software interface. On the left, a tree view shows the 'Court Actions' folder selected, with a context menu open. The menu items are: 'Court Actions', 'New Court Actions' (highlighted with a red box), 'Print Grid' (Ctrl+Alt+P), 'Court: Juvenile 1/25/2019', 'Create Duplicate', 'Save' (Ctrl+S), 'Cancel', 'Delete' (Ctrl+Del), and 'Print' (Ctrl+P). The main window shows a data grid with the following data:

Case ID	Case Name	Case Type	Admit/deny	Date	Y	01/25/2	Y	01/25/2019	202374746	01/25/2019
h Crow	Josep	Juvenile	Admit/deny	01/25/2019	Y	01/25/2019	Y	01/25/2019	202374746	01/25/2019

Below the grid, the 'Court Action' dropdown is set to 'ICWA QEW' (highlighted with a red box). The 'Court Hearing' dropdown is set to 'Child Findings'. The 'Regarding:' dropdown is set to 'Joseph Crow' and the 'Court Type:' dropdown is set to 'Juvenile'.



Workgroup>Open with Case in New Window>Case Details>Action New Court Actions>QEW Tab

The screenshot shows a software interface with a file explorer on the left and a data grid on the right. The file explorer shows a folder structure for 'Crow Jill, SSIS Case #202173589' with subfolders for 'Case Details', 'Case Clients', 'Case Relationships', 'Court Actions', and 'New Court Actions'. The 'New Court Actions' folder is highlighted with a red box. The data grid on the right has columns for Name, Court Type, Hearing Type, Hearing Date, BI Statement, BI Date, RE/AE to Finalize Perm, and RE/AE to Finalize Perm Date. A row is visible with the following data: Name: Josep h Crow, Court Type: Juvenile, Hearing Type: Admit/deny, Hearing Date: 01/25/2019, BI Statement: Y, BI Date: 01/25/2019, RE/AE to Finalize Perm: Y, RE/AE to Finalize Perm Date: 01/25/2019. Below the grid, there is a 'Court Action' dropdown menu with 'ICWA QEW' selected and highlighted with a red box. Below that is a 'Court Hearing' dropdown menu with 'Child Findings' selected. At the bottom, there is a 'Regarding:' dropdown menu with 'Joseph Crow' selected.

Name	Court Type	Hearing Type	Hearing Date	BI Statement	BI Date	RE/AE to Finalize Perm	RE/AE to Finalize Perm Date
Josep h Crow	Juvenile	Admit/deny	01/25/2019	Y	01/25/2019	Y	01/25/2019

Court Action: ICWA QEW

Court Hearing: Child Findings

Regarding: Joseph Crow



Participant > Court Action > New Court Action

The screenshot displays a software interface for managing court actions. On the left, a tree view shows a hierarchy of folders under 'Participants', including 'Joseph Crow' and 'Court Actions'. A context menu is open over a selected folder, with 'New Court Actions' highlighted. The main window shows a 'Court Action' form for 'ICWA QEW'. The form includes the following fields:

- Regarding:** Joseph Crow
- Court Type:** Juvenile
- Petition Type:** CHIPS
- Hearing Type:** Admit/deny
- Order/Disposition:** Case plan
- Filing Date:** 01/25/2019
- Date:** 01/25/2019
- Date:** 01/25/2019



Person > ICWA Folder > Action New Court Actions > ICWA QEW Tab

The screenshot displays a software interface for managing ICWA (Indian Child Welfare Act) cases. On the left, a navigation pane shows a hierarchical folder structure. The 'ICWA' folder is expanded, revealing sub-folders such as 'Eligibility/Determinations', 'Child Custody Proceeding Notific...', and 'QEW Court Actions'. A context menu is open over the 'QEW Court Actions' folder, with the 'New Court Actions' option highlighted. The main workspace shows a form for a 'Court Action' under the 'ICWA QEW' tab. The form includes several dropdown menus and text boxes: 'Regarding:' is set to 'Joseph Crow'; 'Court Type:' is 'Juvenile'; 'Petition Type:' is 'CHIPS'; 'Filing Date:' is '01/25/2019'; 'Date:' is '01/25/2019'; and another 'Date:' is '01/25/2019'. A 'Case plan' checkbox is checked. The 'Court Action' tab is active, and the 'ICWA QEW' sub-tab is selected.



Court Actions>Child Findings>Judicial findings meet placement review requirements indicator

Court Action		ICWA QEW	
Court Hearing	Child Findings		
Continuous Placement:	01/25/2019 to present		▼
Best Interest Statement:	<input checked="" type="radio"/> Yes <input type="radio"/> No	Date:	01/25/2019 ▼
Reasonable (Active) Efforts Statement:	Yes ▼	Date:	01/25/2019 ▼
Reasonable (active) efforts to finalize permanency plan made:	<input checked="" type="radio"/> Yes <input type="radio"/> No	Date:	01/25/2019 ▼
<u>Judicial findings meet placement review requirements:</u>	<input checked="" type="radio"/> Yes <input type="radio"/> No		



Participant > Permanency Folder > Continuous Placement > Reviews Tab > Court Review > ICWA QEW Tab

The screenshot displays a software interface with a navigation tree on the left and a main data entry form on the right. The navigation tree includes folders such as 'WG Change Log', 'Chronology', 'Participants', and 'Permanency'. The 'Permanency' folder is expanded, showing sub-folders like 'Continuous Placements', 'Placements/Locations/Absences', and 'Northstar History'. The 'Continuous Placements' folder is selected, and the 'Cont plcmt - 01/25/2019' folder is highlighted. The main data entry form has tabs for 'Cont plcmt - 01/25/2019', 'Authority', 'Removal Conditions', 'Permanency Plans', 'Reviews', and 'Foster Care'. The 'Reviews' tab is selected, and the 'ICWA QEW' sub-tab is active under 'Court Action'. The form contains the following fields:

Field	Value	Date
Regarding:	Joseph Crow	
Court Type:	Juvenile	
Petition Type:	CHIPS	Filing Date: 01/25/2019
Petition Detail:		
Hearing Type:	Admit/deny	Date: 01/25/2019
Order/Disposition:	<input checked="" type="checkbox"/> Case plan	Date: 01/25/2019



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Anatomy of ICWA Q.E.W. Screen

QEW Details

6

QEW Name	QEW Type	How was the testimony given?	QEW Tribal Member?	QEW Tribe
▶ Andrew Smith	Tribally designated QEW	In person	Yes	Mille Lacs Band of Ojibwe

7 8 9 10 11

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Describe in detail the worker/agency diligent efforts to follow QEW order of preference:

12

Enter example of Diligent Efforts to follow QEW order of preference.....



New Court Action > ICWA QEW tab

Court Action | **ICWA QEW**

[Qualified Expert Witness](#)

QEW Create Date: 01/25/2019 01:42:32 PM **1**

Worker: Kratt, Eric **2**

Court Hearing Date: 01/25/2019 **3**

Court Proceeding: OHP **4**

Was Qualified Expert Witness testimony given? Yes No **5**

[QEW Details](#) **6**

☰ QEW Name	QEW Type	How was the testimony given?	QEW Tribal Member?	QEW Tribe
▶ Andrew Smith 7	Tribally designated QEW 8	In person 9	Yes 10	Mille Lacs Band of Ojibwe 11

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Describe in detail the worker/agency diligent efforts to follow QEW order of preference: **12**

Enter example of Diligent Efforts to follow QEW order of preference.....



New Grid Options for Court Actions

The screenshot shows a software interface with a grid of court actions and a filter menu on the left. The grid has a blue header row and a blue data row. The filter menu is open, showing various options, with 'QEW Court Proceeding' and 'QEW Testimony Given' highlighted by a red box.

								Start Date
<input checked="" type="checkbox"/> (All)	it/deny	01/25/2019	Y	01/25/2019	Y	01/25/2019	202374746	01/25/2019
<input type="checkbox"/> (Sorted)				019				

Filter Menu:

- Cont Plcmt Start Date
- Filing Date
- Meets Plcmt Review Req
- Order / Disp Date
- Petition Detail
- Petition Type
- QEW Court Proceeding
- QEW Testimony Given



Court Actions>Grid>Add additional column headers

	Name	Court Type	Hearing Type	Hearing Date	BI Statement	BI Date	RE/AE to Finalize Perm	RE/AE to Finalize Perm Date
<input checked="" type="checkbox"/>	(All)		it/deny	01/25/2019	Y	01/25/2019	Y	01/25/2019
<input type="checkbox"/>	(Sorted)							
<input checked="" type="checkbox"/>	Cont Plcmt Start Date							
<input type="checkbox"/>	Filing Date							
<input type="checkbox"/>	Meets Plcmt Review Req							
<input type="checkbox"/>	Order / Disp Date							
<input type="checkbox"/>	Petition Detail							
<input type="checkbox"/>	Petition Type							
<input type="checkbox"/>	QEW Court Proceeding							
<input type="checkbox"/>	QEW Testimony Given							
<input type="checkbox"/>	RE/AE Date							

Navigation menu items: (All), (Sorted), Cont Plcmt Start Date, Filing Date, Meets Plcmt Review Req, Order / Disp Date, Petition Detail, Petition Type, QEW Court Proceeding, QEW Testimony Given, RE/AE Date.



Participant > ICWA Folder > QEW Court Actions > Grid Column Headers

The screenshot shows a software interface with a left sidebar and a main grid. The sidebar contains a tree view with folders: WG Change Log, Chronology, Participants, and ICWA. Under ICWA, there are sub-folders: Eligibility/Determinations, Child Custody Proceeding Notific, and QEW Court Actions (highlighted with a red box). The main grid displays a table of court actions. The columns are: Court Type, Hearing Type, Hearing Date, BI Statement, BI Date, RE/AE to Finalize Perm, RE/AE to Finalize Perm Date, Cont Plcmt #, Cont Plcmt Start Date, QEW Testimony Given, and QEW Court Proceeding. A red box highlights the last two columns. Below the grid, there are tabs for 'Court Action' (ICWA QEW) and 'Court Hearing' (Child Findings).

Court Type	Hearing Type	Hearing Date	BI Statement	BI Date	RE/AE to Finalize Perm	RE/AE to Finalize Perm Date	Cont Plcmt #	Cont Plcmt Start Date	QEW Testimony Given	QEW Court Proceeding
Juvenile	Admit/deny	01/25/2019	Y	01/25/2019	Y	01/25/2019	202374746	01/25/2019	Yes	OHP



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Basic Functionality of QEW Tab

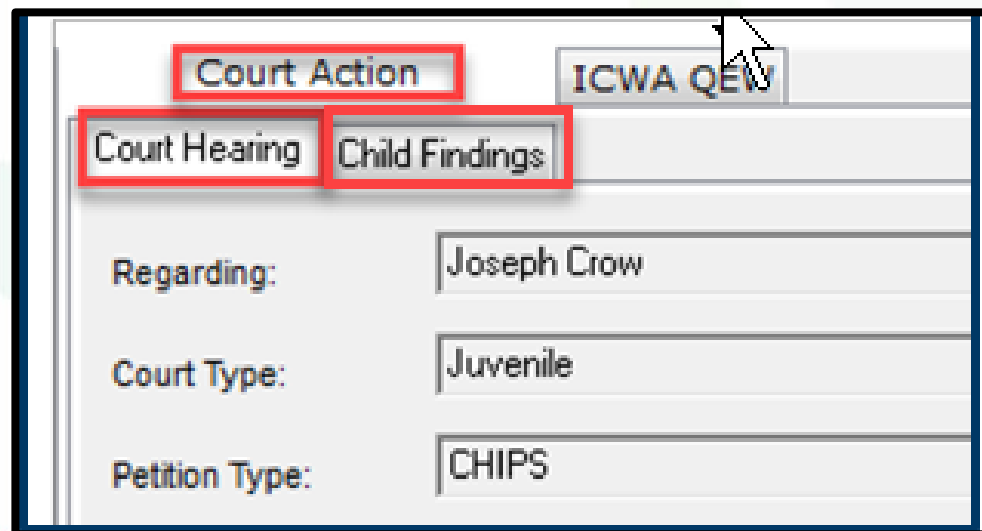


Participant > New Court Action > Court Action > Court Hearing



From Tree View:

- Right click on **Court Actions**
- Select **New Court Actions**



Under **Court Actions** Tab:

Enter pertinent information including

- Court Hearing
- Child Findings



New Court Action > ICWA QEW > New ICWA QEW

ICWA QEW

- Court Actions
 - New Court Actions
- Court:
 - Create Duplicate
 - ICWA QEW
 - New ICWA QEW

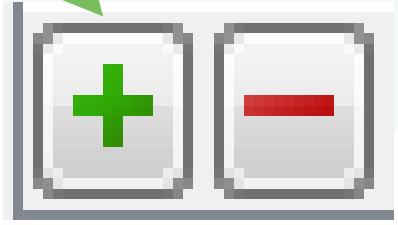
Court Action	ICWA QEW
<u>Qualified Expert Witness</u>	
QEW Create Date:	01/25/2019 01:42:32 PM
Worker:	Kratt, Eric
Court Hearing Date:	01/25/2019
Court Proceeding:	
Was Qualified Expert Witness testimony given?	OHP TPR/TPLPC
Was Qualified Expert Witness testimony given?	<input checked="" type="radio"/> Yes <input type="radio"/> No



New ICWA QEW>QEW Details Grid>QEW Name

Was Qualified Expert Witness testimony given? Yes No

QEW Name	QEW Type	How was the testimony given?	QEW Tribal Member?	QEW Tribe
* John Doe				



- Workers can add and delete rows to the **QEW Details Grid** with plus and minus keys
- Worker will manually type **QEW Name**



New ICWA QEW>QEW Details>

QEW Name	QEW Type	How was the testimony given?	QEW Tribal Member?	QEW Tribe
* John Doe				

QEW Type

How was the testimony given?

Tribally designated QEW
Member of child's tribe
Indian person from an Indian community
Expert witness (MN Rules of Evidence 702)

How was the testimony given?

Affidavit
In person
Telephone
Video conferencing
Other

QEW Tribal Member?

Yes
No

QEW Tribe

Mille Lacs Band of Ojibwe
Mille Lacs Band of Ojibwe



New ICWA QEW>Diligent efforts to follow QEW order of preference

Was Qualified Expert Witness testimony given? Yes No

Describe in detail the worker/agency diligent efforts to follow QEW order of preference:





ICWA/MIFPA resource review

- [ICWA/MIFPA Resource Guide](#)
- [Indian Child Welfare Manual](#)
- [MIFPA Statute](#)
- [ICWA - Partners and Providers Resource Page](#)
- [DHS Bulletin – County Agency Responsibilities for Children Under Tribal Court Jurisdiction](#)
- [Minnesota Rapid Child Welfare Consultation and Support System](#)



Questions:

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Sommer Dey Rosette



Thank You!