

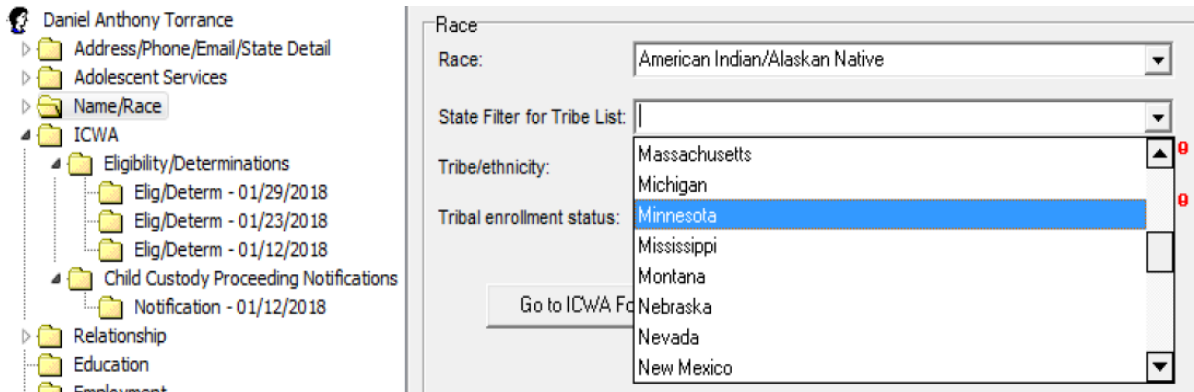
ICWA Eligibility/Determination for Indian Children in SSIS

Revisiting the Race Screen

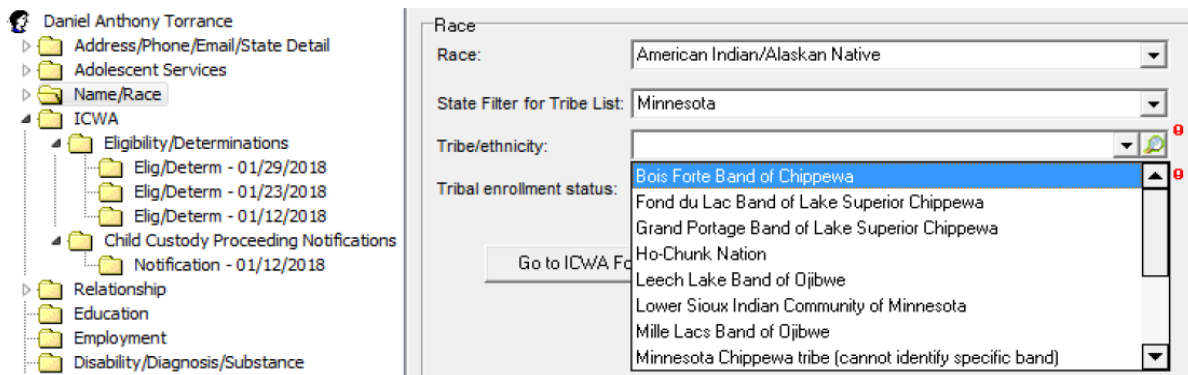
Race records must be up-to-date before creating an **ICWA Eligibility screen**, including:

- Entering all tribes a child may be affiliated with
- Updating **tribe/ethnicity** dropdown with all federally recognized tribes
- Selecting tribal enrollment status for each tribe (including tribal status unknown)
- Implementing **Advanced Search** using magnifying glass button for tribal names.

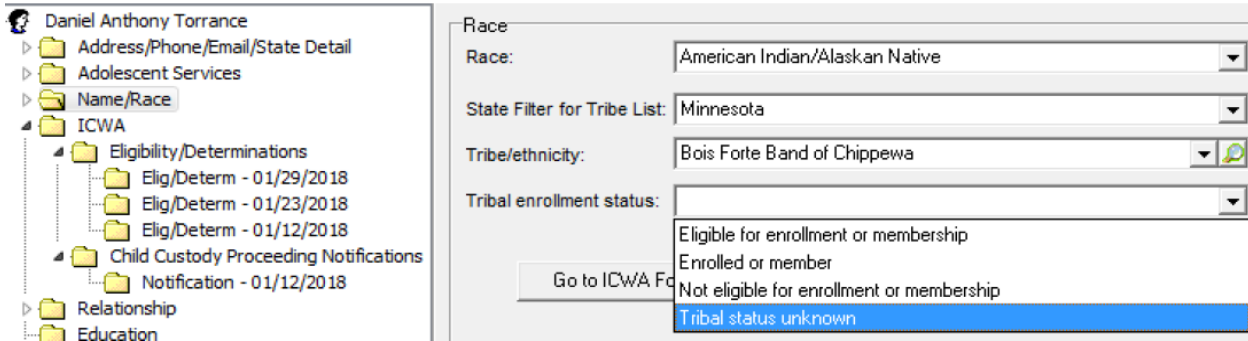
Users begin by selecting **American Indian/Alaskan Native** when a child or family racially identifies as such. Determine the location of tribe(s) that a family identifies lineage or eligibility with. There are 573 federally recognized tribes. In SSIS, tribes are filtered by state.



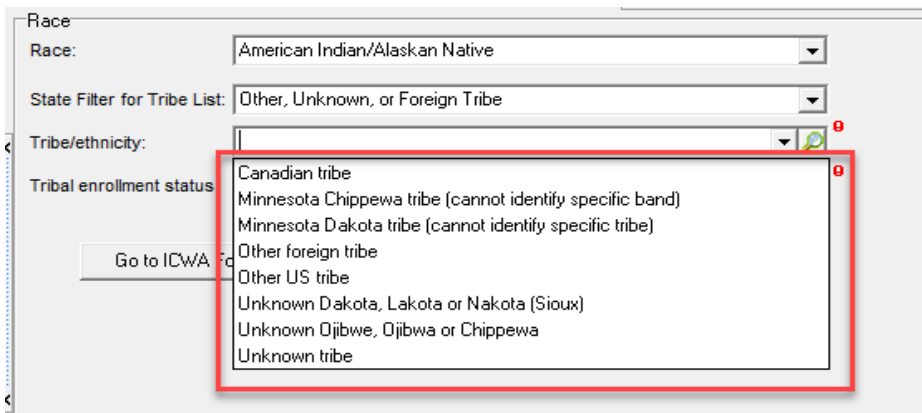
Once the state is selected in the **State Filter for Tribe List** field, select **Tribe/Ethnicity** in the next field. What is viewable in this field depends on the **State Filter** selected.



Workers select **Tribal Enrollment Status**. If a family or contact is unaware of tribal enrollment, select **Tribal Status Unknown**.



When an agency becomes aware of Indian heritage for children and families, but tribal affiliation is with a foreign tribe, other (not federally recognized) tribe, or tribal affiliation is unknown, users will select **Other, Unknown, or Foreign Tribe** in the **State Filter for Tribal List** field. Make the appropriate selection under **Tribal/Ethnicity** dropdown menu.



If an agency is working with a family that has unknown tribal affiliation, it must provide efforts and send many notices to several tribes. Enter the information once and continue to document these notices/contacts in the **Activity Log**. For example, if there is indication that a child's tribe is Chippewa, but have no additional information to identify the location, users must document notices to all Chippewa tribes, which may be many. Document once on this screen and then document the other notices to all additional Chippewa tribes in **case notes**.

In a scenario, use the example where a family is claiming affiliation with two tribes, Leech Lake Band of Ojibwe and Bois Forte Band of Chippewa. Tribal status is unknown. When all races are entered, the new race data entry field includes a **Go to ICWA Folder** button. This can be used as a short cut to the **ICWA Folder** and begin entering data for **ICWA Eligibility/Determinations**.

Type	Name
Race	American Indian/Alaskan Native - Leech Lake Band of Ojibwe - Tribal status unknown
Race	American Indian/Alaskan Native - Bois Forte Band of Chippewa - Tribal status unknown

Race:

State Filter for Tribe List:

Tribal/ethnicity:

Tribal enrollment status:

ICWA Eligibility/Determination

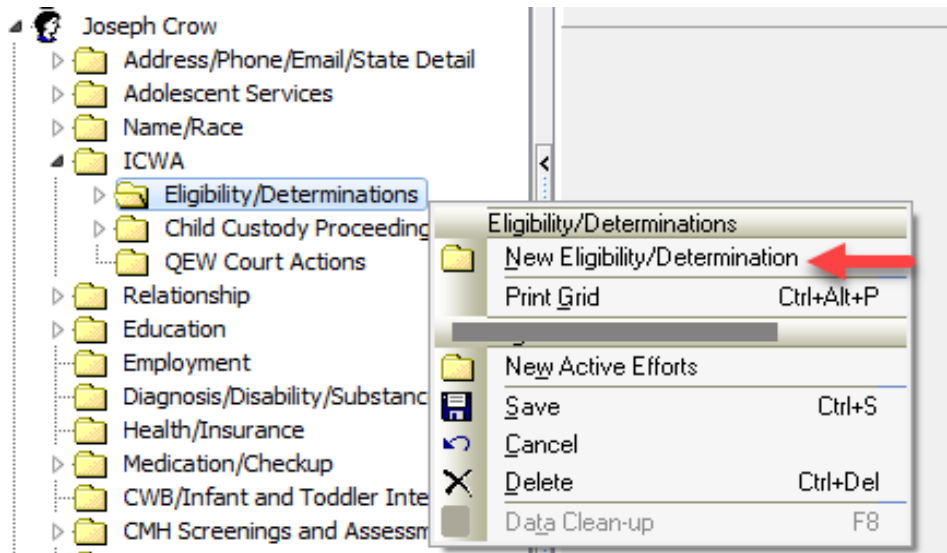
The **ICWA Eligibility** screen applies to all children and must be completed for each child on delivery of initial services – voluntary and involuntary. It is a county agency’s responsibility to determine which worker will be assigned to complete all ICWA data elements for a child when more than one program area is providing services.

When multiple workgroups are open, only one **ICWA Eligibility** screen is required.

Examples include the following:

- During a child’s continuous out-of-home placement episode when additional workgroups are opened to provide services (i.e., children’s mental health, developmental disabilities), an **ICWA Eligibility** screen is NOT required for new services.
- When a child returns home and services remain open, and a child re-enter foster care, a new **ICWA Eligibility** screen is NOT required; however, the existing **ICWA eligibility** screen should be updated if there is new information.
- When a child returns home and all services have ended, but they subsequently re-enter foster care, a new **ICWA Eligibility** screen is required for the new continuous out-of-home placement episode.
- When a child does not return home and services are being provided, and the court orders permanent custody to an agency, Northstar Kinship or Adoption, a new **ICWA Eligibility** screen is NOT required; however, the existing **ICWA Eligibility** screen should be updated if there is new information.

Navigate to the **ICWA Folder** under child's **Participant node** in the **Tree View**. The **first subfolder** is **Eligibility/Determinations**. Right click on **Eligibility/Determinations** and select **New Eligibility/Determination**.



The ICWA Status Tab

ICWA Status	ICWA Inquiry	MIFPA Notices	ICWA Applies/Determinations	Transfer to Tribal Court
Create Date:	1/3/2019	Calculated ICWA Determination:		
Status:	Draft	Status Date:	01/03/2019 12:54:17 PM	
Worker:	Kratt, Eric			

1. The **Create Date** autofills with the date user first created in this screen.
2. Click the **Status** dropdown. This field defaults to **Draft**, but users can select **Finalized** once a person's ICWA eligibility is confirmed. Since the other tabs have not been completed to know if it is ready to finalize, leave **Status** as **Draft**.
3. The **Calculated ICWA Determination** field is blank, but will autofill based on selections on the other tabs.
4. The **Worker** field defaults to the worker who is logged in when creating a new record. Otherwise, this field will display the name of the worker who made the last update to a record. However, users can make an alternative selection, as applicable, while the **Status** field displays as **Draft**.
5. The **Status Date** initially autofills with the date users create on the screen. Thereafter, this date will reflect the date the **Status** field is changed.

ICWA Inquiry

ICWA Status | **ICWA Inquiry** | MIFPA Notices | ICWA Applies/Determinations | Transfer to Tribal Court

[ICWA Inquiry](#)

Inquired with the child's biological or adoptive mother: 1

Inquired with the child's biological or adoptive father: 2

Inquired with the child's Indian custodian: 3

Inquired with the child's extended family: 4

Inquired with the child: 5

Child is a member or eligible for membership in an Indian tribe: 6

[Domicile or residence of the child, child's parent or child's Indian custodian is on a reservation or in an Alaskan Native village:](#) 7

Click the **ICWA Inquiry** tab.

This tab is where user documents the individuals with whom worker asked about child's Indian heritage, and the results of these conversations.

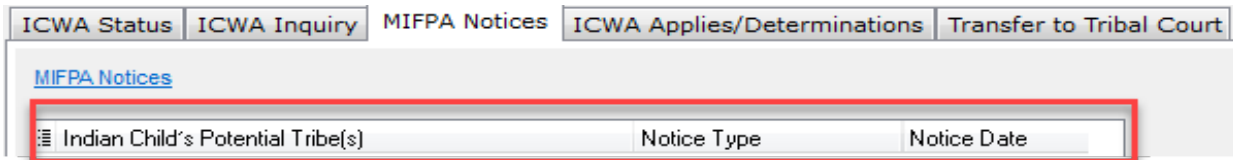
1. **Inquired with child's biological or adoptive mother** field dropdown. Choices: Yes, No, Deceased.
2. **Inquired with child's biological or adoptive father** field dropdown. Choices: Yes, No, Deceased.
3. **Inquired with child's Indian custodian** dropdown. Choices: Yes, No, child does not have an Indian custodian.
4. **Inquired with child's extended family** dropdown. Choices: Yes, No.
5. **Inquired with child** dropdown. Choices: Yes, No.
6. **Child is a member or eligible for membership in an Indian tribe** dropdown. Choices: Yes, No, Unknown. Users should ensure that they return to this field once eligibility is determined.
7. **Domicile or residence of child, their parent or Indian custodian is on a reservation or in an Alaskan Native village** dropdown. There is **blue help text** for guidance. Choices: Yes, No, Unknown.

MIFPA Notices

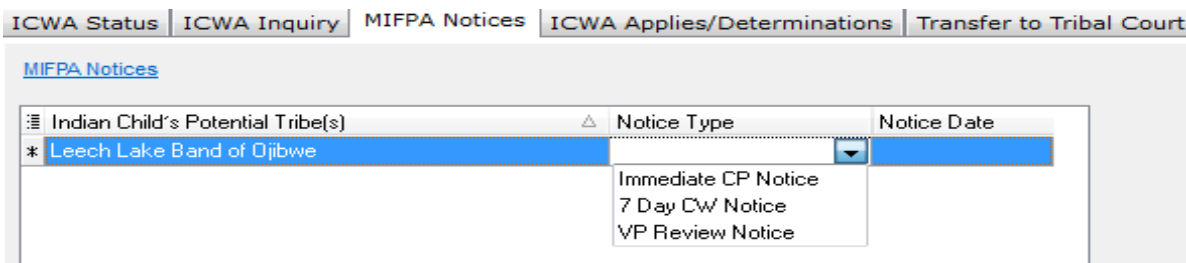
MIFPA stands for Minnesota Indian Family Preservation Act. This Minnesota law requires that caseworkers notify tribe(s) when providing services to an Indian child. The MIFPA Notice documents are in **Chronology**. However, this tab is where users document where and when workers sent the notice. There is Blue Help Text for guidance with policy related to [MIFPA Notices](#).

There are three headers in MIFPA notices, including:

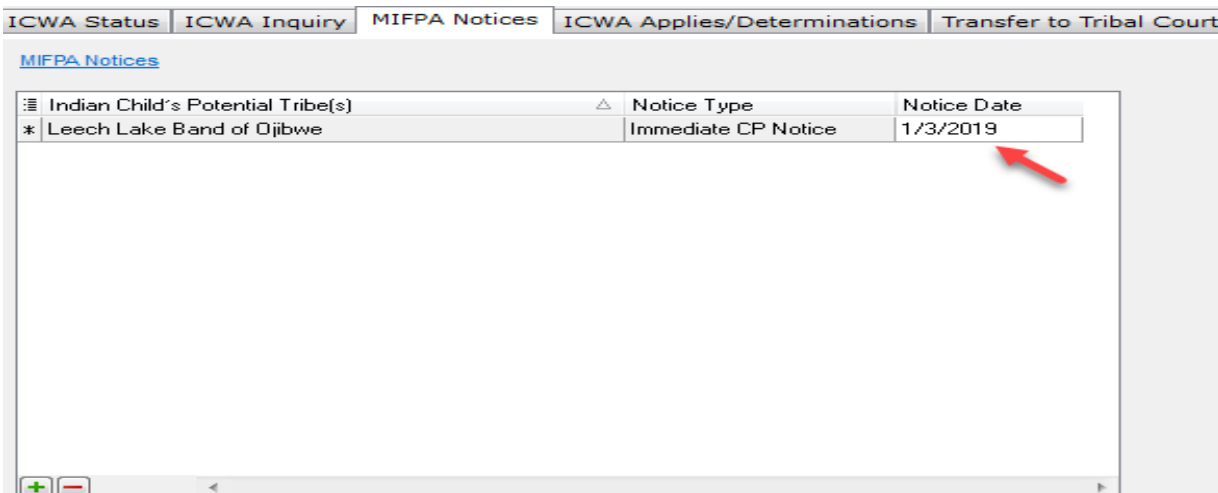
- 1) Indian Child's Potential Tribe(s)
- 2) Notice Type
- 3) Notice Date.



1. To add an Indian child's potential tribe(s), users select the green plus button in the lower left corner of the grid. Users can only select from an Indian child's potential tribe(s) that they added to the **Name/Race folder** one grid line at a time.
2. Users add the **Notice Type**. Immediate CP Notice is sent to potential tribe(s) within 24 hours of a screened in Family Investigation or Assessment. The **seven-day Child Welfare Notices** are sent to tribes within seven days from when an agency begins providing child welfare services. **Voluntary Review Notices** should also be entered. For all types of notices, tribe(s) can be notified by phone with a follow-up email or fax.



3. Users enter the date notice was sent under **Notice Date**.



ICWA Applies/Determination

ICWA Status | ICWA Inquiry | MIFPA Notices | ICWA Applies/Determinations | Transfer to Tribal Court

[ICWA Applies/Determinations](#)

Does the agency know/ have reason to know ICWA applies? 1

Date the Title IV-E agency first discovered information indicating the child is or may be an Indian child as defined by ICWA: 2

All federally recognized Indian tribe(s) that may potentially be the Indian child's tribe(s) 3

Indian Child's Potential Tribe(s)	Tribal Determination	Date Determination Received from Tribe
Bois Forte Band of Chippewa	Yes, Tribe has determined ICWA/MIFPA applies	01/04/2019
▶ Leech Lake Band of Ojibwe	No, Tribe has determined ICWA/MIFPA does not apply	01/07/2019

4

Court determination that ICWA applies: 5

Date court determined that ICWA applies:

Indian tribe that the court determined is the Indian child's tribe for ICWA purposes:

1. If agency staff knows, or has reason to believe, that ICWA applies, they will answer **yes** in the first field. The ICWA determination will remain **yes** until all tribes or the court has determined that a child has no ICWA eligibility, at which time users will go back and update applicable fields.
2. Enter the date in the field **Date the Title IV-E agency first discovered information indicating a child is or may be an Indian child as defined by ICWA**.
3. Add each identified tribe(s) using the **Add Tribes** button. This will add all tribes indicated on the **Race screen**; or use **add/delete**(green plus and red minus) buttons to add or remove tribes one at a time.
4. Workers must send notices via registered/certified mail to the tribes. Once verified verbally or in writing, workers will go back and select appropriate options from the **Tribal Determination** and **Date Determination Received from Tribe** dropdown menu options.
5. Workers must answer **Court determination that ICWA applies** question. If **No Court Determination** is selected, or **No, ICWA/MIFPA does not apply**, users do not have to complete any more on this screen. If **Yes, ICWA/MIFPA applies** is selected, the next two fields, **Date court determined that ICWA applies** and **Indian tribe that the court determined is the Indian child's tribe for ICWA purposes** are enabled and required.

Transfer to Tribal Court

The fields under **Transfer to Tribal Court** tab indicate if an Indian child's tribe, parents and Indian custodian request case transfer from district court to Indian child's tribal court. State court is required to transfer a case, unless either parent or tribal court objects to a transfer, or good cause exists to not transfer. In the event of an objection, document reasons for good cause in **case notes**.

If user selects **No**, or **Not Currently in Court** from **Request to Transfer to Tribal Court** field, no additional entry is needed on this screen. If **Yes** is selected from the **Request to Transfer to Tribal Court** field, users must complete **Was the Request to Transfer Denied?** field. If the answer is **No**, users must enter the date case was transferred to tribal court in **Date of Transfer to Tribal Court** field.

ICWA Status	ICWA Inquiry	MIFPA Notices	ICWA Applies/Determinations	Transfer to Tribal Court
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[Transfer to Tribal Court](#)

Request to transfer to tribal court: Yes

Was the request to transfer denied? No

If Denied:

Did either parent or Indian custodian object to transfer to tribal court?

Did the tribe/tribal court decline the transfer to tribal court?

Did the state court determine good cause exists for denying the transfer to tribal court?

If Transferred:

Date of transfer to tribal court: 01/04/2019

Example 1

If the answer to **Was the Request to Transfer Denied?** field is **Yes**, complete the three question fields under **If Denied** regarding whether either parent, Indian custodian, tribe/tribal court, or state district court declined the transfer to tribal court.

ICWA Status	ICWA Inquiry	MIFPA Notices	ICWA Applies/Determinations	Transfer to Tribal Court
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[Transfer to Tribal Court](#)

Request to transfer to tribal court: Yes

Was the request to transfer denied? Yes

If Denied:

Did either parent or Indian custodian object to transfer to tribal court?

Did the tribe/tribal court decline the transfer to tribal court?

Did the state court determine good cause exists for denying the transfer to tribal court?

If Transferred:

Date of transfer to tribal court:

Example 2

ICWA Status Tab Revisited

Once an agency knows or has reason to know that ICWA applies, and indicates this under **ICWA Applies/Determination tab**, the **Calculated ICWA Determination** field will autofill with **Yes, ICWA/MIFPA applies**.

ICWA Status	ICWA Inquiry	MIFPA Notices	ICWA Applies/Determinations	Transfer to Tribal Court
Create Date:	01/07/2019 10:52:29 AM	Calculated ICWA Determination:	Yes, ICWA/MIFPA applies	
Status:	Draft	Status Date:	01/07/2019 10:52:29 AM	
Worker:	Vargus, V			

When information is complete in all of the **Eligibility/Determination** tabs, the **Status** field may be changed from **Draft** to **Finalized**. When attempting to finalize the **Eligibility/Determination**, SSIS will issue error conditions if all field requirements are not met. Once finalized, no other changes can be made to fields in this folder.

ICWA Status	ICWA Inquiry	MIFPA Notices	ICWA Applies/Determinations	Transfer to Tribal Court
Create Date:	01/07/2019 10:52:29 AM	Calculated ICWA Determination:	Yes, ICWA/MIFPA applies	
Status:	Finalized	Status Date:	01/08/2019 02:01:14 PM	
Worker:	Vargus, V			