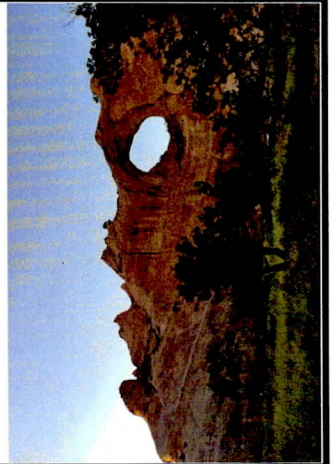


Be a Foster Parent

Many Navajo children are placed in non-Native homes initially and there is a high need for Native foster homes. The placement of Navajo children in Navajo foster homes allows Navajo children to learn about the unique values of the Navajo culture.

Adoption Unit

The Navajo Children & Family Services adoption unit completes adoptive and kinship home studies, identifies and certifies adoptive homes, and offers parenting classes four (4) times a year, and community awareness activities.



Division of Social Services

Navajo Indian Child Welfare Act Program

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Navajo Indian Child Welfare Act Program



That there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children and that the United States has a direct interest, as trustee, in protecting Indian children who are members of or are eligible for membership in an Indian tribe... and that an alarming high percentage of such children are placed in non-Indian foster and adoptive homes and institutions. The states ... have often failed to recognize the essential tribal relations of Indian people and the culture and social standards prevailing in Indian communities and families...

...It is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families... (25 USC § 1901, 1902)



What is the Indian Child Welfare Act of 1978?

The Indian Child Welfare Act (ICWA) of 1978, 25 U.S.C. § 1901-1963, established federal standards to direct State child custody cases involving Indian children. The Act acknowledged Indian tribes' authority to protect their Indian children and provided tribes the right to intervene in State court as full parties.

The enactment of the Indian Child Welfare Act was to prevent the continuing separation of Indian children from their families by non-Tribal programs and private agencies, impose certain procedural burdens on State courts to protect the rights of Indian children, Indian parents, and Indian tribes in State court proceedings involving child custody, and acknowledge the legitimacy of tribal sovereignty and self-determination.

The ICWA set federal requirements regarding state child custody proceedings involving an Indian child, the removal and placement of Indian children, and allows the child's tribe to intervene in the case.

What does NICWAP do?

Navajo Indian Child Welfare Act Program advocates for compliance with the ICWA that advances the social well-being of Navajo children and families through ongoing collaboration and communication with State child welfare agencies, negotiating and approving Intergovernmental Agreements with States, joint trainings efforts, and building government-to-government relationships. Through the advocacy of NCFCS, Navajo children and families have the opportunity to remain culturally connected.

When does the ICWA apply?

There are two prerequisites that must be satisfied for the ICWA to apply. The first requirement is the presence of an Indian child as defined by 1903(4). That section defines an Indian child as an unmarried person who is under age eighteen and is either (a) a member of an Indian tribe or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. The second requirement is that the child custody proceeding be one as defined by 1903 (1); that is, a foster care placement, termination of parental rights, adoption, guardianship, pre-adoption placement, placement.

The ICWA does not apply in divorce proceedings, child custody involving two parents, tribal court proceedings, with a child who is a ward of a Tribal court.



Who is covered by ICWA?

An Indian child is defined as an unmarried person, under the age of 18 who is either a member of a federally recognized Indian tribe or eligible for tribal enrollment with a federally recognized Indian tribe. The child must be a biological child of a tribal member. If the child does not meet the definition of an Indian child, the ICWA would not apply to the state dependency case.

What are States required to do?

The ICWA mandates States to notify the parents, Indian custodian, and child's Tribe of a pending child custody proceeding, placements of a child must be compliant with the ICWA placement preferences, and make active efforts with the parents & family to prevent removal or reunify the child with their parent & family after removal.

What are Active Efforts?

Active efforts means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family. State child welfare agencies must assist the parent(s) or Indian custodian through the steps of a case plan and with identifying and accessing resources & making appropriate referrals necessary to satisfy the case plan.