



Adoption Program

The Adoption Program completes adoptive and kinship home studies, identifies and certifies adoptive homes.

Their goal is to protect the best interests of Navajo children by promoting stability and security in homes that will maintain the unique values of the Navajo culture and heritage.



Navajo Division for Children and Family Services

Navajo Indian Child Welfare Act Program

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NAVAJO DIVISION FOR



CHILDREN AND FAMILY SERVICES

Navajo Indian Child Welfare Act Program (NICWAP) and Adoption Program

The NICWAP was established to promote the stability and security of Navajo families by providing services to preserve and reunite Navajo families who are located off the reservation with their children who are subject to removal from their parents for placement in foster care or adoptive homes.

The Adoption Program within the NICWAP promotes the permanent placement of Native American children in Native American homes for the preservation of cultural identity.

What is the Indian Child Welfare Act of 1978?



- Establishes federal standards to direct State child custody cases involving Indian children.
- Acknowledges Indian tribes' authority to protect their Indian children and provided tribes the right to intervene in State court as full parties.
- Prevents the continuing separation of Indian children from their families by non-Tribal programs and private agencies.
- Imposes 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
- Acknowledged the legitimacy of tribal sovereignty and self-determination.
- Prevent the breakup of the Indian family.

What does NICWAP do?

- To protect the best interest of Navajo children and to promote preservation of Navajo culture.
- Collaborates with State child welfare agencies to ensure compliance with the federal standards of ICWA of 1978.
- Advocates for children to be placed in a relative home, Navajo home or a Native American home.
- Provides education on cultural teachings and services.
- Provides case management to Navajo parents.

When Does the ICWA apply?

ICWA applies to the following:

1. The child is a member of a federally recognized tribe or is eligible for membership with a federally recognized tribe.

**If the child is not enrolled or eligible for membership, then ICWA does not apply.*

2. The child custody proceeding involves:
 - State dependency case
 - Private petition for Termination of parental rights, Adoption, or Guardianship.

**NICWAP does not become involved in child custody proceedings between parents.*

What are States required to do?

The ICWA of 1978 mandates:

- States to notify the parents, Indian custodian, and child's Tribe of a pending child custody proceeding.
- Assist parent(s) through the steps of a case plan by identifying and connecting family to appropriate resources/services.
- Provide Active Efforts with the parents & family to prevent removal or reunify the child with their parent(s).
- Ensure placements of a child must be compliant with the ICWA placement preferences.
- Consult with tribes throughout the duration of the case.

What are Active Efforts?

- Active efforts mean affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family.

