

FOR YOUR INFORMATION

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Issue 22-07

Date: 3/25/22

REQUIRED INDIAN CHILD WELFARE ACT (ICWA) INQUIRY

This FYI serves as a reminder that CSWs, SCSWs, and other staff that assist with locating families have a duty to inquire about Native American heritage on all cases.

[Welfare and Institutions Code \(WIC\), Section 224.2](#) establishes an affirmative and continuous duty to inquire whether a child who is placed into the temporary custody of DCFS is or may be American Indian. This duty is part of the initial ICWA inquiry and must occur even if the parents deny having Indian ancestry. The requirement has been interpreted as a duty to interview known and available relatives and to ask the parents, child/ren and any other interested persons who may have information about the family's Indian ancestry.

This duty to inquire extends to parents and guardians, in addition to maternal and paternal family members as well as extended family members, friends, etc. who are familiar with the child.

Further, Appellate Courts are directing that this duty to inquire apply **even if the parents deny any American Indian connection or ancestry**. This means that the law requires that CSWs are to ask all known relatives about their American Indian ancestry, even if both parents deny Indian ancestry.

Until parental rights are terminated, the duty of inquiry is ongoing and should be continued even after the juvenile court has found that ICWA does not apply. If a new relative or family friend is located, it is recommended that an inquiry is made and carefully documented in the next court report. Inquiry is the duty of DCFS and is to be conducted, when appropriate, by all DCFS units assigned to the case.

County Counsel and the American Indian Unit (AIU) aiui@dcfs.lacounty.gov team are available to assist staff to ensure the inquiries are properly conducted and reported to the court in a timely manner.

All CSWs who become involved in the case should continue to conduct the inquiry, throughout the duration of the case, regardless of parents' initial statements. The results of these inquiries must be properly documented in CWS/CMS, in a contact **and** in the Client ID Page, and reported at the earliest possible point in the detention process. Ideally, as part of the detention packet filed with the court.

To properly document inquiry results in CWS/CMS the following must be done

1. Select the proper response in the ICWA Eligible response box, under the Other Client Information section of the CWS/CMS Client Notebook-ID Page.



If you have any questions regarding this release please e-mail your question to:

Policy@dcfs.lacounty.gov

(right click to open footer section and access link)

The screenshot shows a software interface for client information. The 'Other Client Information' section is highlighted with a red circle. It contains the following fields:

- Child has Indian Ancestry
- Yes
- No
- Not Subd.
- Pending
- Unknown
- Non-Applicable

Other visible sections include 'Client Information', 'EDGE Data', 'Language', 'Race/Ethnicity', 'Safety-Surrendered Baby', 'Confidentiality', 'CSEC Data', 'Residence on Indian Reserves', 'Dual Status Information', and 'Drug/Mental Health Issues Affecting this Client'.

2. Complete a Contact with narrative In the CWS/CMS Contact Notebook.

Additionally the following documents may be used as resources to further support ICWA inquiry:

- [Letter to CSW](#)
- [ICWA Further Inquiry and Notice FAQs](#)
- [Tribal Contacts-Further Inquiry](#)
- [Further Inquiry to the Tribe](#)
- [Suggested Questions for ICWA Further Inquiry](#)
- [ICWA Further Inquiry Checklist](#)
- [Completing the ICWA 030 SNAP](#)
- [Further Inquiry and Notice Report Writing Advice](#)

Pertinent policies will be revised in the future to incorporate the above information.



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