NATIONAL CENTER TO ADVANCE PEACE
for Children, Youth, and Families



ICWA Action Checklist

(When ICWA Applies)

Tool 3

ICWA Action Checklist (When ICWA Applies)

Check off each item as it is completed or confirmed.

Notice

☐ **Confirm the child's tribal identity**
Is the child enrolled? Which Tribe? Is a parent a member?[1]

☐ **Identify the Tribe's designated ICWA worker for notice**
Contact the Tribe's social services program or Tribal ICWA worker directly. Do not just send to a general mailing address.

☐ **Notice sent to Tribe by registered or certified mail, return receipt requested**
Copy filed in court record.[2]

☐ **Notice sent to parents/Indian custodian**
Same mail requirements as Tribe.

☐ **Notice sent to BIA**
Only if the Tribe cannot be identified.[3]

During the Proceeding

☐ **No hearing held until notice is confirmed received**
Except for emergency removals.[4]

☐ **Active efforts documented**
State must show specific efforts to prevent family breakup — more than "reasonable efforts."[5]

☐ **Placement preferences followed if child is removed**
ICWA's preference order is being applied.[6]

☐ **Tribe notified of all subsequent hearings**
Even if the Tribe does not intervene, notice of every hearing is required.

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[1] 25 U.S.C. § 1903(4).
[2] 25 C.F.R. § 23.11.
[3] 25 C.F.R. § 23.11(b)
[4] 25 U.S.C. § 1912(a).
[5] *Id.* at (d).
[6] 25 U.S.C. § 1915.

☐ **State ICWA law checked**
Does your state have additional requirements?

Resources: NICWA ICWA Resources | BIA ICWA Page | Child Welfare Information Gateway

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