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



State ICWA Laws

TOOL 4

State ICWA Laws

No matter what state you're in, the **federal Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901–1963**[1], applies to all state child custody proceedings involving American Indian or Alaska Native (AI/AN) children who are enrolled or eligible to enroll in a federally recognized Tribe. Federal ICWA sets the minimum floor of protection. State laws can go further but cannot go below the federal standard.

Why State Laws Matter

State ICWA laws typically reinforce and expand federal protections. A notable example is New Mexico's law,[2] which prohibits placing children under 3 months old outside AI/AN placements, requires courts to consider tribal customary practices before terminating parental rights, and mandates "cultural compacts," which are written plans documenting how a child placed outside the Tribe will maintain their cultural connection.

Important Limitation: State ICWA laws operate within the framework established by the federal act. They do not replace the nation-to-nation relationship between the federal government and Tribal Nations. Advocating for state laws as "the" solution misunderstands what tribal sovereignty requires.

States With Their Own ICWA Laws (18 States + Alaska)

The table below lists all states with dedicated state-level Indian child welfare laws. All 50 states are covered by the federal act regardless of whether they appear here.

State	Law Name	Citation	Notes
California	California ICWA (SB 678, 2006)	Cal. Welf. & Inst. Code § 224; Cal. Fam. Code § 175	Applies to family court, probate, and relinquishment proceedings in

[1] 25 C.F.R. Part 23 | bia.gov/icwa | Key case: Brackeen v. Haaland, (2023) (ICWA upheld).

[2] N.M. Stat. §§ 32A-28-1 – 32A-28-42.

State	Law Name	Citation	Notes
			addition to dependency.
Colorado	Colorado Indian Family Preservation Act	C.R.S. § 19-1-126	—
Connecticut	sSB 1204	Conn. Gen. Stat. § 46b-116; § 45a-706a; § 17a-6g	—
Iowa	Iowa Indian Child Welfare Act	Iowa Code §§ 232B.2 – 232B.14	—
Maine	Maine Indian Child Welfare Statute	18-C M.R.S. § 5-213	—
Michigan	Michigan Indian Family Preservation Act (MIFPA)	MCLS §§ 712B.1 – 712B.41	—
Minnesota	Minnesota Indian Family Preservation Act	Minn. Stat. §§ 260.751 – 260.836	—
Montana	Montana Indian Child Welfare Act	Mont. Code §§ 41-3-1301 – 41-3-1329	—
Nebraska	Nebraska Indian Child Welfare Act	Neb. Rev. Stat. §§ 43-1501 – 43-1517	—
Nevada	Nevada Indian Child Welfare Act (AB 444)	Nev. Rev. Stat. Ann. §§ 125E.010 – 125E.370	—
New Mexico	New Mexico Indian Family Preservation Act	N.M. Stat. §§ 32A-28-1 – 32A-28-42	★ Notable: Prohibits placing children under 3 months outside AI/AN placements. Requires cultural compacts for adoptive/guardianship placements. Courts must consider tribal

State	Law Name	Citation	Notes
			customary practices before TPR.
North Dakota	North Dakota ICWA	N.D. Cent. Code §§ 27-19.1-01 – 27-19.1-06	—
Oklahoma	Oklahoma Indian Child Welfare Act (OICWA)	10 Okla. Stat. §§ 40 – 40.9	—
Oregon	Oregon Indian Child Welfare Act	ORS §§ 419B.600 – 419B.665	—
Washington	Washington Indian Child Welfare Act	Wash. Rev. Code §§ 13.38.010 – 13.38.190	—
Wisconsin	Wisconsin Indian Child Welfare Act	Wis. Stat. § 48.028	—
Wyoming	Wyoming Indian Child Welfare Act	Wyo. Stat. §§ 14-6-701 – 14-6-715	—
Alaska	Tribal Child Welfare Compacts	25 U.S.C. § 5301 et seq.; Alaska Tribal Child Welfare Act	Alaska does not have a standalone state ICWA law, but Alaska Native Tribes may enter into Tribal Child Welfare Compacts with the Alaska Office of Children's Services. Contact the specific Tribe or Alaska OCS.

Resources for Advocates

Resource	What It Provides	Link
NICWA	National Indian Child Welfare Association — training, policy updates, ICWA guidance	nicwa.org/icwa
BIA ICWA	Bureau of Indian Affairs — federal regulations, notice requirements, contact info	bia.gov/icwa
Child Welfare Info Gateway	Federal ICWA overview, state resources, case law summaries	childwelfare.gov
Federally Recognized Tribes List	Official BIA list of all federally recognized Tribes (updated annually)	BIA Tribe Directory
Native Law Blog (Turtle Talk)	Current ICWA case law, legal news in federal Indian law	turtletalk.blog

A Note on This Toolkit: This document is a general educational reference for domestic violence advocates. It does not constitute legal advice. Laws and regulations change; always verify current statutory text and consult with a tribal advocate or Indian child welfare attorney for specific cases.

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