

North Dakota Indian Child Welfare Contacts:

Spirit Lake Nation

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701-766-4855

Standing Rock Sioux Tribe

Vacant
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Fort Yates, ND 58538-0640
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Three Affiliated Tribes of the Fort Berthold Indian Reservation

Joelyn Foote
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New Town, ND 58763-9404
701-627-4781

Turtle Mountain Band of Chippewa

Marilyn Poitra
PO Box 900
Belcourt, ND 58316
701-477-5688

Great Plains Area Director

Bureau of Indian Affairs
115 Fourth Avenue SE
Aberdeen, SD 57401
605-226-7343

North Dakota Department of Human Services

Children & Family Services Division
Jean Doll or Julie Hoffman
701-328-2316
800-245-3736
TTY 701-328-3480
Email: dhscfs@state.nd.us

If you or your child is not a member of a tribe in North Dakota, you should contact your tribe's Indian Child Welfare office.

Other Resources

- ◆ National Indian Child Welfare Association
www.nicwa.org
503-222-4044
- ◆ Bureau of Indian Affairs
www.doi.gov/bureau-indian-affairs.html

Information compiled, in part, by the Utah Native American Children's Coalition.

North Dakota Department of Human Services

Carol K. Olson, Executive Director
600 E Boulevard Avenue
Department 325
Bismarck ND 58505-0250
www.state.nd.us/humanservices
800-472-2622

Understanding The Indian Child Welfare Act (ICWA)



What is ICWA?

The Indian Child Welfare Act or ICWA is a law that applies to state, county and private child welfare agencies. It covers tribal children from all American Indian and Alaska Native tribes listed in the Federal Register. ICWA supports Indian tribes' authority over their members and the well-being of Indian children and families.

Who is an Indian child?

Under ICWA, a child is Indian if he or she has a mother or father who is a member of an Indian tribe. The child must also be a member of a tribe or be eligible for membership.

Why is the law only for an Indian child?

History tells us why.... Indian tribes are sovereign nations. The United States government has a unique political relationship with Indian nations through treaties that it does not have with any other people in the country.

Why was the law passed?

Countless Indian children have been removed from their families and tribes. Boarding schools run by the government and other groups kept school-age children away from their homes. Many Indian children lost their traditions and culture and experienced serious problems later in life.

Often, child welfare agency workers used their own cultural beliefs to decide if Indian children were being raised properly. Also, many did not understand the importance of the extended family – relatives other than the mother or father – in bringing up children in Native cultures. This often resulted in Indian children being improperly removed from their families and tribes.

Does the law apply to people living away from Indian reservations?

Many people believe that the Indian Child Welfare Act only applies to Indian children living on reservations. The law applies to ALL Indian children, wherever they live. Therefore, it is important that child welfare workers assess ancestry of ALL children referred for neglect or abuse. If known, the child's tribe must always be notified by certified mail of any court proceedings involving placing Indian children in foster care, termination of parental rights, or adoption. Where ancestry is not clear, the Bureau of Indian Affairs should be notified.

How does the law work?

First, ICWA requires that every effort be made to try and keep families together. If removal is necessary, "active efforts" must be made to bring the family back together. This means that everything possible must be done to help the family resolve the problems that led to neglect or abuse, including referral to

services that are sensitive to the family's culture.

If an Indian child is removed, ICWA requires that child welfare agencies actively seek to place a child with (1) relatives, (2) a tribal family, or (3) an Indian family, before placing the child in a non-Indian home.

How can YOU protect YOUR children?

Indian families should notify the social worker or child protection worker, as soon as possible, that they are Indian and from which tribe they are members or enrolled, or for which tribe their child may be eligible for membership or enrollment.

It is important to keep papers that may prove tribal memberships or eligibility for tribal membership in a safe place. These papers may include: enrollment numbers and Certificates of Indian Blood (CIBs); census numbers or blood quantum cards; and birth certificates with the mother's and father's name listed. Other things that may help include a family tree or a genealogy record.

If a petition for removal of a child from a home has been filed in state court, a parent or a guardian has the right to a court appointed attorney if he or she cannot afford one.

Note: This document should not be considered legal advice, but should be used only for informational purposes.