



Questions & Answers About My Indian Child Welfare Act (ICWA) Rights

What is the Indian Child Welfare Act (ICWA)?



The Indian Child Welfare Act (ICWA) was enacted in 1978 to protect the best interests of Indian children and to promote the stability and security of Indian Tribes and families. In 2006, the ICWA was made state law in California. ICWA sets federal and state requirements that apply to state child custody proceedings involving an Indian child who is a member or citizen of or eligible for membership or citizenship in a federally recognized Tribe.

What rights do I have under ICWA?



You have the right to:

- live in a home or STRTP that maintains the social and cultural standards of your Tribe and tribal community
- live in a home of your relatives or extended family or a home that is licensed, approved, or specified by your Tribe
- live in an Indian foster home that is licensed or approved, or a facility that is approved by your Tribe or an Indian organization that meets your needs
- live in a place that reflects and keeps you connected to the cultural and social standards of your Tribe and/or tribal community
- contact your Tribal Representative and have them attend court
- contact your Tribe, extended family members, and tribal community
- have a social worker/probation officer, and lawyer who is trained in ICWA
- participate in traditional Native American spiritual, cultural and ceremonial practices
- get help becoming a member of an Indian Tribe or Alaskan village
- get all the benefits that come from being a member of an Indian Tribe or Alaskan village
- be free from discrimination and be recognized for your relationship with an Indian Tribe or Alaskan village
- have protections for your tribal relationship in your case plan

Can my Tribal Representative be present when I meet with my social worker or probation officer?



In the case of an Indian child, the Tribal Representative also has the right to be present, on the phone, or made aware of, when the youth meets with their social worker or probation officer.

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Who can I contact if I have questions about ICWA?



You have the right to contact your Tribal Representative and have them attend court and the right to contact your Tribe, extended family members, and tribal community. You also have the right to have a social worker/probation officer, and lawyer who is trained in ICWA. You can contact your Tribal Representative, your Tribe, your social worker/probation officer, and lawyer if you have questions about ICWA. You can also call the Office of the Foster Care Ombudsperson at 1-877-846-1602.

Do I have all the other rights in this handbook?



Yes. All the rights in this handbook apply to you.

You can learn more about your rights as a member of a federally recognized Indian Tribe by finding the acorn symbol throughout this handbook.

My Tribe

I am a member of this Tribe:

I have cultural and/or ceremonial connections to this/these Tribes:

My Tribal Representative

My Tribal Representative's name is...

and I can contact them by:

Phone:

Email:

Address:
