



Children's Commission.

For Judges Handling Child Protective Services Cases

March 31, 2017

New ICWA Quick Reference Tools for State Courts

The Bureau of Indian Affairs (BIA) has developed new quick reference tools to assist in understanding and uniformly applying the [Indian Child Welfare Act](#) (ICWA), the binding regulations, and new guidelines that became effective in December 2016. The regulations are the first issued by the BIA since the passage of ICWA in 1978. 25 CFR 23 Final Rule, [81 FR 38778](#) (June 14, 2016).

The regulations apply to any of the following proceedings: foster-care placement, termination of parental rights (TPR), pre-adoptive placement, or adoptive placement, **if such proceedings were initiated on or after December 12, 2016**, even if the child has already undergone one of the above-listed proceedings prior to December 12, 2016. For example, if a child was placed in a foster home in November 2016 when the regulations did not apply but a TPR is later set for April 2017, then the new regulations would apply to the TPR.

The BIA also issued new [Guidelines for Implementing the ICWA](#) which explain the statute and regulations and provide examples of best practices.

New BIA forms and reference sheets include:

[Quick Reference Sheet for State Courts](#)

[Sample Notice Form](#)

[Quick Reference Sheet on Active Efforts](#)

[Quick Reference Sheet for Voluntary Proceedings](#)

[Sample Parental Consent Form](#)

[Sample Withdrawal of Consent Form](#)

The Children's Commission would like to thank Commissioner Judge Lawrence Lujan, Tribal Judge for the Ysleta del Sur Pueblo, for sharing these resources.



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