



Are You Prepared to Hike the Placement Trail?

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Scenario 1

The Indian Child and his parents reside in a metropolitan area. The only available relative placement is located approximately 6 hours from the family.

- For immediate planning what are your concerns and recommendations?
- For permanency planning, assume the child has been in the same foster home for the last 2 years and has had no contact since removal with the extended family. What are your recommendations for permanent placement and why?



Scenario 2

A family of five children has been taken into custody – 2 Indian, and 3 non-Indian children. A relative placement is available for the Indian children but unable to care for all 5 siblings.

- For immediate planning purposes, what are your concerns and recommendations?



Scenario 2a

Same facts but now it is a year later and the case plan is now severance adoption for this close-knit sibling group – adoption by relative for the Indian children and adoption for the remaining siblings, but a permanent home has yet to be found.

- What are your concerns and recommendations?



ICWA Placement Preferences

- 25 U.S.C. 1915(a) – Adoptive Placements
 - (1) A member of the child’s extended family;
 - (2) Other members of the Indian child’s tribe; or
 - (3) Other Indian families.



ICWA Placement Preferences

- 25 U.S.C. 1915(b) – Foster Care Placements
 - (i) A member of the Indian child’s extended family;
 - (ii) A foster home licensed, approved, or specified by the Indian child’s tribe;
 - (iii) An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - (iv) An institution for children approved by an Indian tribe or operated by an Indian organization.



ICWA Placement Preferences

- 25 U.S.C. 1915(c) – Tribal resolution for different order of preference
 - If the Indian child's tribe shall establish a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child.





Pascua Yaqui Placement Preference

Yaqui children shall be placed, in order of preference with:

- A local Yaqui extended family member
- A local non-Yaqui extended family member
- A local non related Yaqui family
- A local Indian family
- A non-local Yaqui extended family member
- A non-local, non-Yaqui extended family
- A non- local Yaqui family
- A non-local Indian family
- A non- local non-Indian family



Placement Considerations

- Who has the duty to seek an ICWA compliant placement?
 - Tribe?
 - Minor's counsel?
 - State CPS?
- Background checks
 - State CPS will run the checks on prospective placements and all adults living within the home.



Placement Considerations

- Home Studies
 - State CPS generally will do the home study.
 - If the prospective placement resides on an Indian reservation, the Tribe will do the home study.
- Good moral character finding
- Delinquent and dependent Indian child



Kinship Placement

- Kinship Care –
 - A.R.S. § 8-514.01(B): The Department shall place a child in the least restrictive type of placement available, consistent with the needs of the child. The order for placement preference is as follows:
 - 1. With a parent.
 - 2. With a grandparent.
 - 3. In kinship care with another member of the child's extended family, including a person who has a significant relationship with a child.



Kinship Placement

- If a child is placed in a kinship placement, does this satisfy the ICWA placement preferences in 25 U.S.C. § 1915?
- Definition of extended family member
 - ICWA definition: 25 U.S.C. § 1903(2)
 - Arizona definition: A.R.S. § 8-501(13)





Navajo Nation Adoption Unit

- The Navajo Nation has an adoption unit available to assist in finding Native American homes for all Native American children in care.
- For more information, contact Regina Yazzie, MSW, at (928) 871-6806.



Speaker Information

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