
OVERVIEW

The Indian Child Welfare Act (ICWA)/Michigan Indian Family Preservation Act (MIFPA) case record maintained in response to children's protective services, foster care, adoption, juvenile guardianship or juvenile justice intervention and subsequent services provided must be kept in the same manner as other department services' case records:

- Adoption Services (see foster care above).
- Children's Protective Services - Case Record Organization (see PSM 712-8).
- Foster Care - Case Record (see FOM 722-5).
- Juvenile Guardianship (see foster care above).
- Juvenile Justice Field Services - Case Record Requirements (see JJ2 255).

Documentation

Caseworkers must document in social work contacts all inquiries and contacts made to determine whether or not a child is an Indian child. Document all contact with the child, child's parent(s), Indian custodian and tribal representative. Document the need for emergency intervention and specific intervention taken to maintain the safety of the child.

**Written
Correspondence**

File copies of all written correspondence in the case record.

**Proof of Tribal
Membership/
Enrollment**

If the family has a membership card or verification of tribal enrollment, file a photocopy of the Indian child's and parent's tribal enrollment or identification numbers in the legal section of the case record. Caseworkers with access to Michigan Statewide Automated Child Welfare Information System (MiSACWIS) must also document tribal affiliation in Member Information.

Tribal Custody

If the tribe takes physical custody of the Indian child, document the acceptance and transfer of custody. Document the tribe's acceptance to assume physical custody of the Indian child in social work contacts. If provided, file the written verification of the tribal representative's authority and acceptance of custody in the legal section of the case record; see NAA 315 Transfer to Tribal Agency/Court.

**Voluntary Foster
Care Placement
Agreement**

If the parent, guardian, or Indian custodian voluntarily places the Indian child with a relative or non-relative complete DHS-3813, Request for Assistance/Voluntary Foster Care, see FOM722-1, Voluntary Foster Care Placement and follow **all** of the procedures outlined in NAA 230, Voluntary Foster Care Placement.

**Placement
Priorities**

Documentation of each placement of an Indian child must be maintained evidencing the efforts to comply with the order of placement priorities, in the case file; see NAA 215, Placement Priorities for Indian Child(ren).

**Timeframes For
Response to
Request for
Records**

The caseworker must provide an Indian child's tribe that is a party to a case or the Midwest Bureau of Indian Affairs (as designated for Michigan by the Secretary of the Interior) all records for every child custody proceeding of children's protective services, foster care, juvenile justice, juvenile guardianship, pre-adoptive, or adoptive placement of an Indian child by the courts within **seven** calendar days of a request (MCL 712B.11).

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1901 et seq.

Michigan Indian Family Preservation Act, MCL 712B. 1 - 41.