
**TRIBAL
INTERVENTION**

An Indian child's tribe has the right to intervene at any point in any proceeding for the foster care placement of, or termination of parental rights to, an Indian child.

**IDENTIFICATION OF
AN INDIAN CHILD**

Procedures to identify an Indian child must be followed prior to a voluntary foster care placement; see NAA 200, Identification Of An Indian Child.

**PROPER CONSENT
TO VOLUNTARY
FOSTER CARE
PLACEMENT**

Indian Child Welfare Act (ICWA),/Michigan Indian Family Preservation Act (MIFPA) regulates the voluntary foster care placement of Indian children. The act mandates the following requirements for voluntary foster care:

- The consent of the parent(s) or Indian custodian(s) **in writing**, recorded before a **judge** of a court of competent jurisdiction and accompanied by the judge's certification that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent(s) or Indian custodian(s). The DHS-3813, Request for Assistance/Voluntary Foster Care may be used to document the written agreement.
- The court must certify that either the parent(s) or Indian custodian(s) fully understood the explanation in English or that it was interpreted into a language that the parent(s) or Indian custodian(s) understood.

Note: Any consent to voluntary foster care placement given before, or within 10 calendar days after the birth of the Indian child is not valid.

**BASIS FOR
VOLUNTARY
FOSTER CARE
PLACEMENT**

MDHHS accepts voluntary foster care placements only when the regular caregiver(s) is absent on a short-term basis from their child care role for reasons beyond their control. Acceptable situations for voluntary foster care include:

- Hospitalization.
- Incarceration.
- Another situation beyond the parent's control determined on an individual basis by the caseworker, Native American Affairs and foster care program office.

See also FOM 722-1, Voluntary Foster Care Placement.

**Voluntary Foster
Care Placement
Evaluation**

When exploring voluntary foster care placement, the caseworker must evaluate the following:

- Is the parent(s), guardian(s) or Indian custodian(s) willing to place the Indian child voluntarily?
- Is there indication that the parent(s), guardian(s), or Indian custodian(s) will follow the terms of the voluntary foster care agreement?
- Is it likely that the parent(s), guardian(s), or Indian custodian(s) will be able to resolve the issue or circumstance leading to the need for the Indian child's voluntary foster care placement in less than the three month voluntary foster care time period?

If the answer to **any** of the above questions is **no**, then voluntary foster care placement should **not** be used.

Voluntary foster care is also not appropriate for an Indian child if:

- The Indian child is a resident or domiciled on an Indian reservation.
- The Indian child is a ward of the tribal court.

- There is an Indian cultural or services center that may have human resources available to assist the Indian child and the family that would eliminate the need for a voluntary foster care placement.
- No efforts have been made to explore alternatives to foster care placement, including placement with the other parent.

Note: If the non-custodial parent is appropriate and able to care for the Indian child, every effort should be made to locate and notify that parent of the possible foster care placement before accepting a voluntary foster care placement consent.

- The family is not motivated to cooperate.

VOLUNTARY FOSTER CARE PLACEMENT PROCEDURES FOR INDIAN CHILDREN

In conjunction with the voluntary foster care placement process found in FOM 722-1, Foster Care - Entry Into Foster Care, the placement of Indian children in voluntary foster care has specific procedures. The efforts involved in each of the following requirements must be fully documented by the caseworker in their social work contacts.

Case Conference or Family Team Meeting (FTM)

The caseworker must conduct a case conference or Family Team Meeting (FTM) before accepting the voluntary foster care placement of an Indian child. The caseworker must invite the appropriate tribal or Indian representatives. All efforts must be documented by the caseworker in social work contacts; see FOM 722-6B Family Team Meeting.

Placement Priorities

Voluntary placement of an Indian child into foster care must follow the Placement Priorities for Indian Child(ren) in NAA 215.

**WITHDRAWAL OF
CONSENT TO
VOLUNTARY
FOSTER CARE
PLACEMENT**

Any parent or Indian custodian may withdraw consent to a voluntary foster care placement at any time and, upon the withdrawal, the Indian child must be returned to the parent(s) or Indian custodian(s).

If a parent or Indian caregiver places the child(ren) in a voluntary foster care placement to forego a children's protective services trial, the parent or caregiver may not automatically withdraw consent and/or the case reverts back to the original involuntary placement proceeding.

A safety/wellbeing finding must be addressed by the court prior to return of the child to parent or Indian custodian.

**Case Conference
or Family Team
Meeting (FTM)**

A case conference or FTM may be appropriate to assist the family in determining whether additional services are needed. The caseworker must invite the appropriate tribal or Indian representatives to the case conference or FTM. All efforts must be documented by the caseworker in social work contacts; see FOM 722-6B, Family Team Meeting.

LEGAL BASIS

Indian Child Welfare Act, 25 USC 1913.

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