

Big Bend Community Based Care Policy & Procedure

Series	500: Special Populations	
Policy Name	Reports and Services Involving American Indian Children	
Policy Number	504	
Origination Date	03/09/2009	Revised: Board Meeting of 12/13/2018
Regulation	65C-28.013, F.A.C. P.L. 95-608 CFOP 175-36	

Referenced Documents:

CF-FSP 5323, Verification of Indian Child Welfare Act Eligibility

Policy

In accordance with the Indian Child Welfare Act (ICWA) P.L. 95-608, it is the policy of Big Bend Community Based Care, Inc. (BBCBC), to protect the best interests of Indian children and promote the stability and security of Indian tribes:

1. Ensuring proper notification of tribal entities has occurred;
2. Adhering to minimum standards for placement of such children in foster and adoptive homes which reflect the unique values of Indian culture.

Procedure

- A. If the child's Indian parents, custodians, and tribe has not been notified in writing by the CPI during removal, BBCBC will ensure proper documentation and notification will be issued to the appropriate parties.
1. If the tribe is unknown, the regional office of the Bureau of Indian Affairs must be contacted to determine the child's tribal membership.
 2. From that notice the tribe may determine whether it wants to assume jurisdiction.
 3. If the tribe does not respond to the written notification, CMO staff should continue to follow up with the tribe until the tribe either accepts jurisdiction or declines to accept jurisdiction.
 4. If the tribe does not assume jurisdiction of the case, the tribe must continue to receive notice of all hearings and be kept informed of significant changes in the status of the case since the tribe has the right to assert jurisdiction at any time.
 5. If the tribe assumes jurisdiction, all case file information (except the reporter's name) and the child must be released to the tribe.
 6. If the tribe does not assume jurisdiction, the CPI, BBCBC, and the court are required to attempt placement in an Indian home.
 7. Furthermore, in any state court proceeding for the foster care placement of, or termination of parental rights to an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding.

Big Bend Community Based Care Policy & Procedure

- B.** If BBCBC's Placement Unit receives a request for placement of an Indian child, the DCM must contact his/her supervisor and the CMO Director to ensure that placement is made in accordance with this Policy and Florida law.
- C. Voluntary Foster Care.**
1. So that the Indian parents understand the nature of their consent, placements must be explained in court.
 2. The parents can withdraw their consent at any time and BBCBC must return the child(ren) to the parents.
 3. As long as the child(ren) remains in voluntary foster care and the circuit court maintains jurisdiction, BBCBC will participate in judicial reviews in accordance with state law.
- D. Remedial Services and Rehabilitative Program.**
1. For an Indian child to be placed in foster care or have parental rights terminated, the court must be satisfied that active efforts have been made to prevent the breakup of the Indian family, and that these efforts have proved unsuccessful.
 2. These efforts can include: remedial services; rehabilitative programs; community services; and culturally appropriate programs.
- E. Out-of-Home Care Placement Orders.**
1. No out-of-home care placement may be ordered without a determination supported by clear and convincing evidence.
 2. The evidence can include the testimony of qualified expert witnesses that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
- F. Parental Rights Termination Orders.**
1. No termination of parental rights may be ordered without a determination supported by clear and convincing evidence.
 2. This evidence can include the testimony of qualified expert witnesses that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.
- G. Adoption.**
1. When an Indian child is subject to adoption, the extended family has first priority. Second and third priority goes to the child's tribe and to members of other Indian families, respectively.
 2. Tribal order of placement preference shall, if established by tribal resolution, govern the priority of placement.