

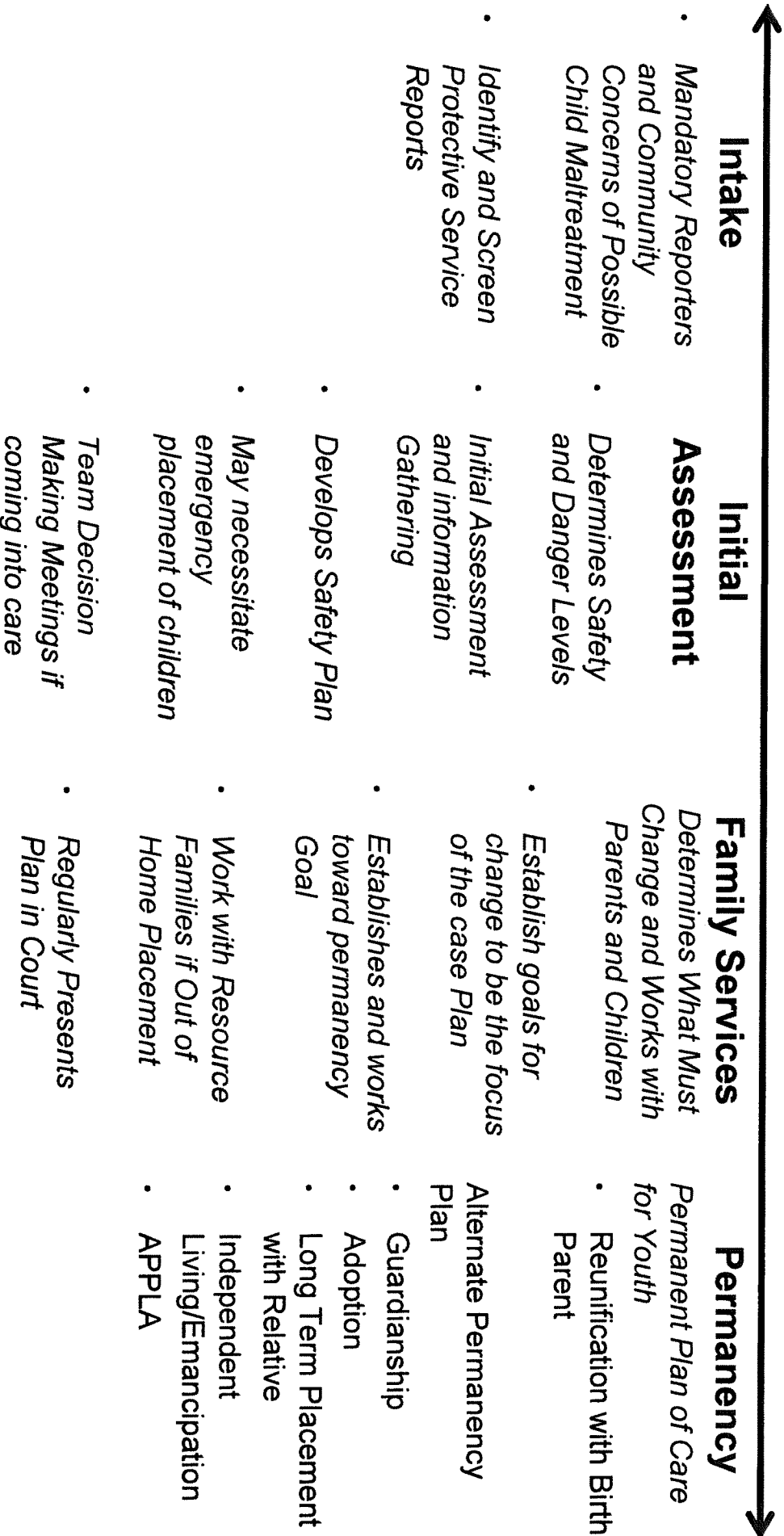
HANDOUT 4-2:

The Path Through OCS Child Protective Services *Safe Children, Strong Families*

Note: A child can return home at any point in this process.

Initial Call to OCS

Close Case



Who Are the People Working With A Child in Out-Of-Home Care?

CASA This is a volunteer position under the supervision of a Guardian ad Litem that fulfills the role of advocating for the best interest of the child by visiting with the child, reviewing records, and talking with resource families and assigned workers.

Extended Family A family that extends beyond the nuclear family, including grandparents, aunts, uncles, and other relatives, who may live nearby.

Guardian Ad Litem This position is appointed by the court to represent the best interest of the child and make recommendations to the court. Every child in OCS foster care should be assigned this person who is supervised by the Office of Public Advocacy.

I.C.W.A. Worker A federal law passed in 1978 to protect Native families and communities by requiring states and child welfare departments to follow a specified preference when placing Native children in out of home care and notifying tribes when tribal members and families are involved. This person represents the tribes when making child protection decisions about tribal children.

Independent Living Specialist A specially trained OCS worker who offers instruction in life skills and assistance in setting goals to help prepare youth to live independently after they age out of the foster care system. They also work with youth to access resources to meet the future needs and strengths of the youth.

Interstate Compact for the Placement of Children (ICPC) A legally binding agreement or contract between individual states that sets out requirements governing the sending and receiving of children across state lines to assure their protection.

Judge A public official, appointed or elected to decide cases in a court of law. In cases of children in the foster care system, these folks are making decision based on the Child in Need of Aid Law.

Licensing Worker An employee of OCS or an individual of an organization responsible for evaluating a foster home/foster group home or child placement agency and recommending approval or denial of a license. Every foster family should have one of these assigned to them.

Medical Provider A doctor of medicine or osteopathy, podiatrist, dentist, chiropractor, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a clinical social worker who is authorized to practice by the State and performing within the scope of their practice as defined by State law.

Permanency Planning Specialist This is a specialist position at OCS that assist when the plan for a child turns to permanency through adoption or guardianship. They assist with overseeing the discussions around placement and matching, referrals for home studies, completion of legal paperwork to release custody, assistance with disclosure, and discussion of ongoing assistance through financial subsidies.

Protective Services Specialist The Office of Children's Services employee who monitors the case, serves as the team coordinator and acts as the case manager of a child who is in OCS custody. The PSS is the resource family's main contact at OCS

Resource Family Any caregiver for a child placed in out of home care, to include foster, adoptive, guardianship, tribally-licensed home, and relative care.

Secondary Worker When a child is placed in an OCS region that is different than where the primary caseworker is, this person is co-assigned the case and assists with the oversight of the placement.

Supervisor The OCS staff person who manages and oversees the work of the Protective Services Specialist.

TDM Facilitator A trained OCS staff member not associated with the case who leads Team Decision Making meetings (a gathering of people such as social worker, birth parent, relatives, guardian ad litem, community members, and tribal representatives, who meet to determine placement decisions and to decide what will happen next with a family).

Therapist A person who is trained in methods of treating emotional problems, mental health related issues and trauma related issues. Different professionals use different techniques such as talking, play therapy, cognitive techniques, neuro-feedback, group settings and sometime medication to assist in healing.

The Indian Child Welfare Act (ICWA)

What is ICWA?

ICWA stands for the Indian Child Welfare Act. ICWA is a federal piece of legislation that was established in 1978 to protect Indian families and communities by requiring states and child welfare departments to follow a specified preference when placing Indian children in out-of-home care and notifying tribes when their tribal members and families are involved in such services.

Why is there a need for ICWA?

At the time that ICWA was established in 1978, up to 90% of Indian children removed from their homes were placed in non-Indian homes. Indian tribes were losing their future generations and children were losing their identity and culture. Congress recognized that there is no resource more vital to the continued existence and integrity of Indian Tribes than their children. ICWA establishes minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes.

What is the Purpose of ICWA?

- ICWA regulates the States regarding the handling of child abuse and neglect, and adoption cases involving Native children in state courts, state child protection agencies, and adoption agencies.
- ICWA sets minimum standards for the handling of these cases.
- ICWA authorizes Tribal Courts to adjudicate child abuse and neglect, and adoption cases involving Tribal members.

When Does ICWA Apply?

The Indian Child Welfare Act applies to the following child custody proceedings:

- Foster care placement
- Termination of parental rights
- Pre-adoptive placement
- Adoptive placement

ICWA does not apply to juvenile offenders who are incarcerated for an offense that would be considered a crime if committed by an adult.

What are the placement preferences for foster or adoptive homes?

When Indian or Alaskan Native children are removed from their home, ICWA requires the state to follow a placement preference order for both foster and adoptive homes. NOTE: The placement preferences for foster homes are different than the preferences for adoptive homes.

Handout 4-8

Foster care placement preferences include:

- 1.) A member of the child's extended family
- 2.) A foster home licensed, approved or specified by the Indian child's tribe (OCS policy requires this to be in writing from the tribe)
- 3.) An Indian foster home licensed or approved by OCS
- 4.) An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs

Adoptive placement preferences include:

- 1.) A member of the child's extended family
- 2.) Other members of the Indian child's tribe
- 3.) Other Indian families

Which children are covered by the ICWA?

For a child to be covered by the Indian Child Welfare Act, the child must be an unmarried person under the age of eighteen who is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

For the purposes of the Indian child Welfare Act, "tribe" is defined as including any recognized Indian tribe and the villages listed in the Alaska Native Claims Settlement Act. There are currently over 229 federally recognized tribes within the State of Alaska.

What roles does the tribe have in child protection cases?

If a child is a member of an Indian tribe or eligible for membership, the child's tribe has the right to intervene in the case. When the tribe intervenes, it becomes a legal party to the case. That includes access to all records and court hearings and being involved with decision making for the child. Tribes can intervene in a case at any time up to the point of the adoption hearing. It is the State's responsibility to notify the tribe if the child is either Indian or Alaskan Native and has an open OCS case. The tribe may also be used as a resource to locate relatives for potential placements. OCS' internal ICWA reviews encourage involvement by tribes early on in a child protection case.

Besides being a legal party to the case, tribes may also have or request jurisdiction in child protection cases. Tribes may have either *exclusive jurisdiction* or *concurrent jurisdiction*. Exclusive jurisdiction occurs when only one court can hear a case, such as with Chevak and the Native Village of Barrow. Concurrent jurisdiction occurs when more than one court can hear a case. Additionally, tribes in Alaska can petition the court to transfer legal jurisdiction of a child protection case to the tribal court.