



Things to Consider: Tribal Jurisdiction Cases

This is not a comprehensive list but simply a guide that we have made to try to help Tribes consider some of the questions that may come up after a case transfers to Tribal Court. ALSC has found that considering these questions may help to keep things on track after the case has transferred. However, every ICWA case is different and there may be other factors that a Tribe would want to consider that is not on this list.

Who is the point-person to work with this family?

- Is there someone – a point-person – (ICWA worker, tribal council member, tribal administrator, etc.) who can take the lead in communicating with the parents/family?
- Is there a team (tribal council members, tribal administrator, elders, etc.) who can support the point-person when:
 - The parents are difficult to work with/refuse to cooperate
 - The point-person is sick or on leave
 - There are jobs/duties that require more than one person
 - The point-person needs to trouble-shoot/discuss the case
- Will the point-person be compensated? If so, how will they be paid?
- Who will the point-person report to?

Working with the Family

- Are there certain things the Tribe will want the parents to do (e.g. go to treatment, Healthy Families, elder counseling, participate in community or subsistence activities, etc.)? Will the parents be cooperative?
- Do the parents reside in our village?
 - If not, does the Tribe feel comfortable working with them long-distance?
 - Could another village's ICWA worker assist with home visits/check-ins?
- Do the children reside in our village?
 - If not, does the Tribe feel comfortable supervising them long-distance?
 - Has the Tribe asked another village's ICWA worker to assist with home visits/check-ins?
- Does the Tribe have a written plan that clearly outlines expectations for the parents?
 - Have parents received a copy?
 - Do they understand it?
 - Do they agree to participate?



Tribal Court/Council

- Is the Tribal Court/Council prepared to handle the legal aspects of the case?
- Does the Tribe have Child Welfare Codes that we can use?
- Can the Tribe provide due process in this case?
 - Notice of the hearings to the parties (including parents)?
 - opportunity for all parties to be heard at each hearing?
 - If not, are there resources the Tribe can access to help us do this?

Resources

- Can the Tribe provide the resources the family needs?
 - Can the Tribe support foster homes for the children?
 - Can the Tribe pay for counseling or substance abuse treatment?
 - Can the Tribe pay for travel for visitation if the parents and children don't live in the same place?
 - Can the Tribe pay for clothing or food for the family if needed?
 - Is the Tribe prepared to pay for miscellaneous items, e.g. requesting birth certificates, social security cards, etc.
- Can the Tribe use other resources to pay for services?
 - Can the Tribe use TANF to support relative foster homes?
 - Can the Tribe help apply for Medicaid to pay for medical/therapeutic needs?
 - Will parents be able to use Medicaid or other resources to pay for substance abuse treatment or counseling?
 - Can the Tribe help the family apply for food stamps, WIC, FIT, and other services?

Community Support

- Has the Tribe identified community partners to help support the Tribe and the family?
 - School?
 - Church?
 - Behavioral health or substance abuse programs/supports?
 - Elders?

Goal for the Case

- If the parents cannot become stable parents, is the Tribe prepared to find adoptive homes or guardians for the children?