

# Indian Child Welfare Act

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PLACEMENT  
PREFERENCES

ACTIVE EFFORTS

QEW

ADOPTION

NONCOMPLIANCE

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2

Placement Preferences

Start with NSC

Continue throughout Case

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What are the Placement Preferences in 25 UCS 1915?

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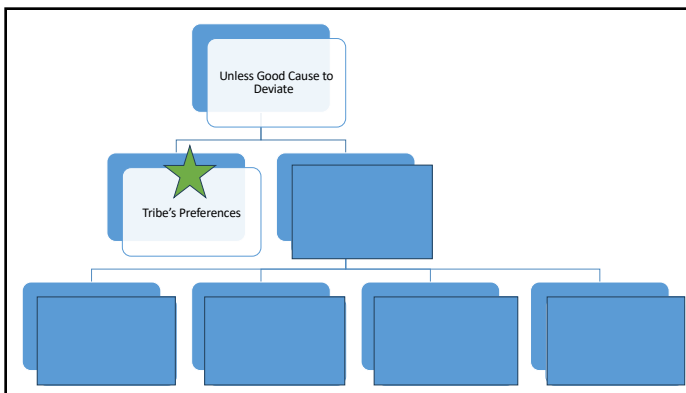
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Does this impact relative priority under G.S. 7B-505 and -903?

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Good Cause Procedures

 In writing to parties or orally on the record

 Clear and convincing evidence standard

 Findings on the record

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What is good cause to deviate under 25 CFR 23.132?

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It Is NOT

 SES of a placement

 Ordinary bonding or attachment from time in non-preferred placement

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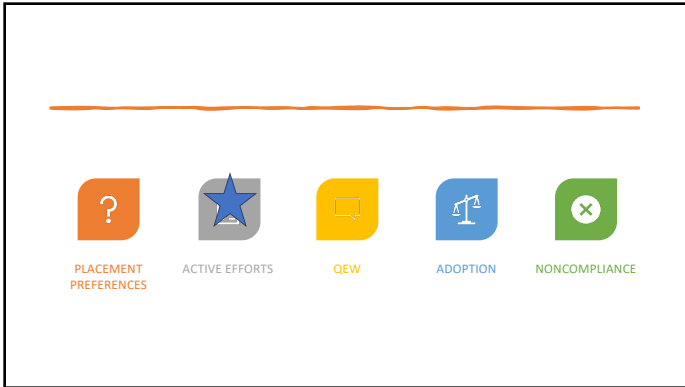
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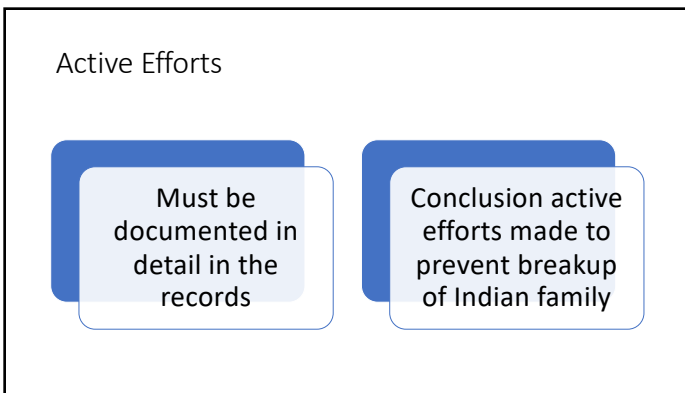
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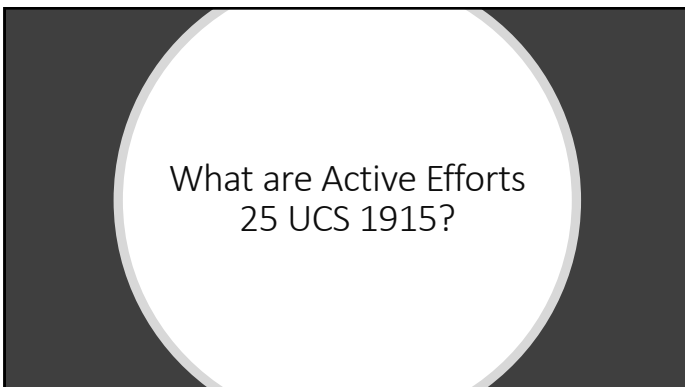
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## Are Active Efforts Reasonable Efforts?

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### Active Efforts

In re N.D.M., 288 N.C. App. 554 (2023)

Non-Indian Parent  
DSS made active efforts  
DNA test  
Case plan  
TPR granted



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Active Efforts  $\neq$  Passive  
No evidence DSS actively  
helped father

What about efforts with  
mom?



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PLACEMENT  
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ADOPTION

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NONCOMPLIANCE

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Qualified Expert Witness

Causal Relationship:  
Continuing custody by child's  
parent/guardian is likely to result in  
serious emotional or physical  
damage to the child

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Timing

At the hearing resulting in the order, not a  
previous hearing  
(*In re E.G.M.*, 230 N.C. App. 196 (2013))

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Qualifications

To address continued custody issue

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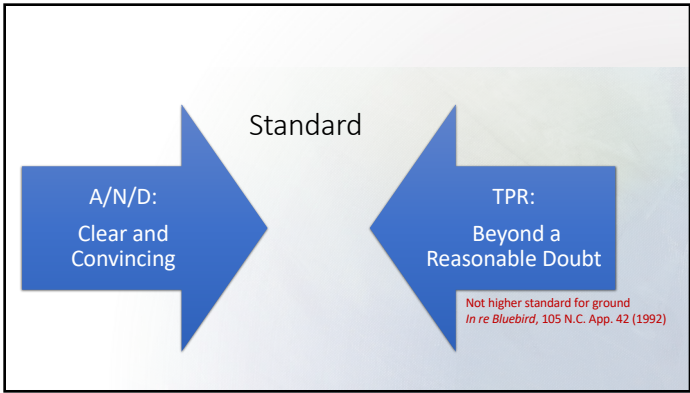
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Don't Forget Active Efforts Conclusion

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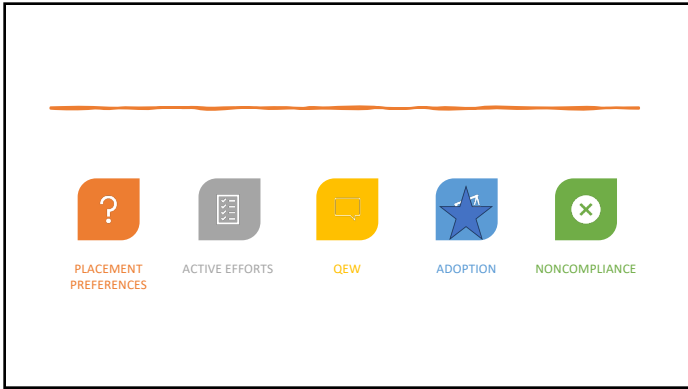
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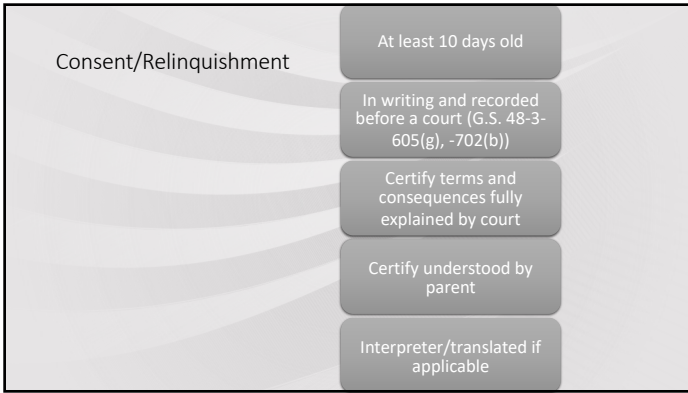
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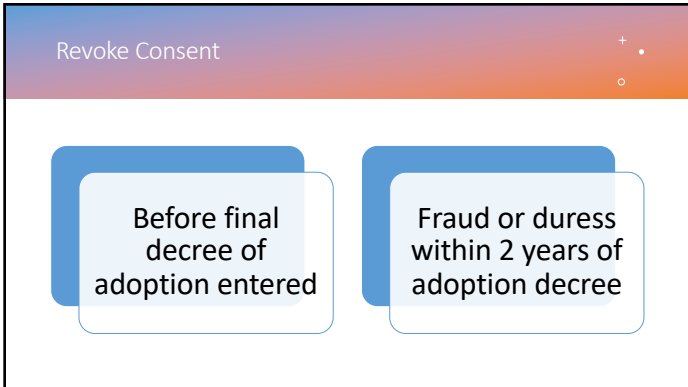
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## Placement Preferences Are Different

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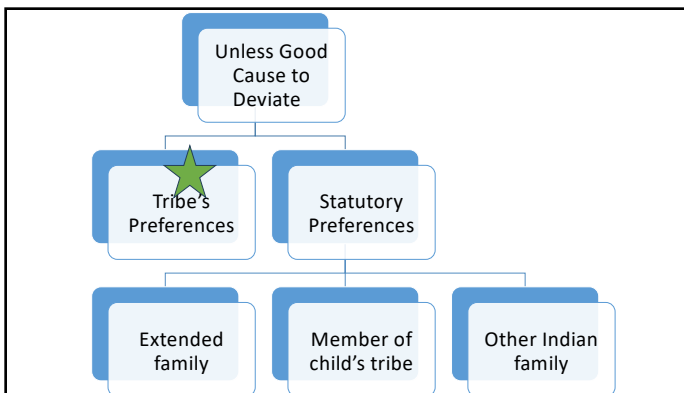
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## Disclosure of adoption decree

- To BIA Secretary with
  - Other information re: name and tribe of child
  - Name and addresses of bio parents and adoptive parents
    - Affidavit of parent confidentiality (if applicable)
  - Agency with information about adoptive placement

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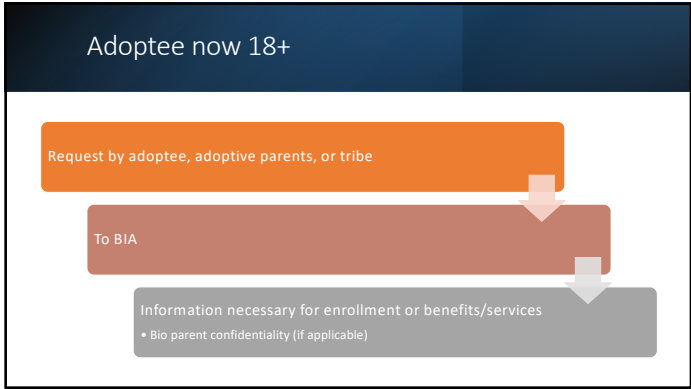
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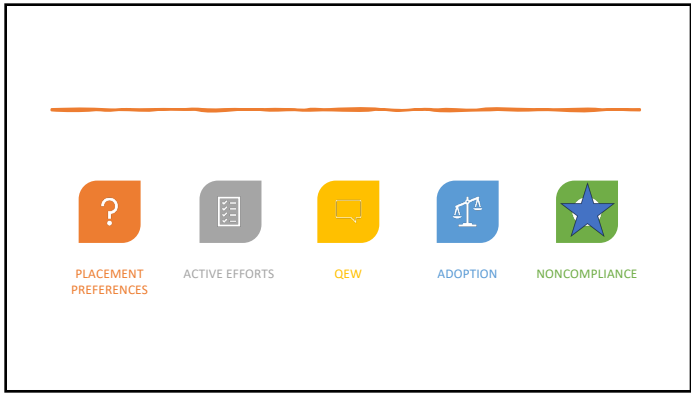
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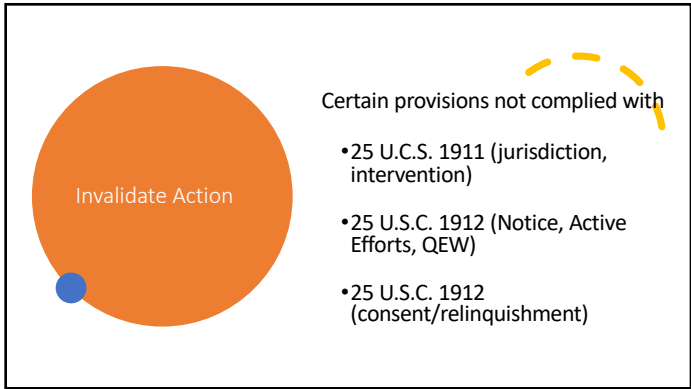
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What Isn't Cause for  
Invalidation?

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Action in any court of competent  
jurisdiction by

No time period

Child

Parent/Indian  
custodian who  
child was removed  
from

tribe

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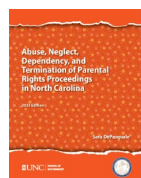
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## Chapter 13 Relevant Federal Laws

Chapter 13.2

**Remember,  
There is a lot to know**



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Panel: How It  
Works in  
Practice



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