

**SAMPLE QUESTIONS FOR EXPERT WITNESS
INDIAN CHILD WELFARE ACT**

1. Are you an enrolled member of an Indian Tribe?
2. If so, which tribe?
3. Is the tribe federally recognized?
4. Do you reside on Tribal lands?
5. If so, for how long?
6. How familiar are you with the child rearing practices of the ____ Tribe?
7. Which Tribal cultural activities do you and your family participate in? How often?
8. Do you speak or read any of the _____ language?
9. Have you ever been received as an expert witness before by any Court, in the area of “ Indian Culture as it Applies to Indian Child Rearing”? (any court can be a court in NC or in another state)
10. If so, where and how many times?
11. If employed as a social worker or in a related field, ask about education and employment experience with Indian families.
12. How are you currently employed?
13. How familiar are you with the family that is the subject of today’s hearing?

Tender the witness as an expert in the area of Indian Culture as it Applies to Indian Child Rearing

1. Do you have an opinion, to a reasonable degree of professional certainty, regarding whether continued custody by the Indian parent(s) (or caretaker or legal custodian) is likely to result in serious physical or emotional damage to the juvenile(s)?
2. What is the basis for your opinion?

Note:

1. This list of questions is not exhaustive or exclusive. I may vary from it depending on who the expert is and what his or her background is.
2. The expert is not required to be a social worker or have a social work degree.

3. The expert is not required to be an enrolled member of an Indian Tribe, but the BIA Guidelines consider an enrolled Tribal member to be a preferred choice for an expert witness.
4. The expert may be a DSS employee, but this can result in cross examination about bias, etc. I would prefer to avoid using a DSS employee.
5. The 2015 BIA Guidelines require that the expert witness have “**specific knowledge of the Indian tribe’s culture and customs**”.
6. If you have some particular cultural interest or employment experience that I may not think to ask you about on the witness stand, please tell me beforehand, e.g., attending Pow Wows, basket making, cast member of “Unto These Hills”, carving, beading, traditional dance, stick ball, museum or Qualla Arts and Crafts employee or volunteer, teaching or speaking the Cherokee language, prior employment in another Tribal program.....

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