Indian Affairs - Office of Public Affairs

Proposed rule marks second major BIA action this year to protect Indian families, clarifies ICWA requirements in Indian child custody proceedings.

Media Contact: Nedra Darling, OPA-IA Phone: 202-219-4152
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WASHINGTON, D.C. – In keeping with President Obama's commitment to supporting Indian families and building resilient, stable and thriving tribal communities, Assistant Secretary – Indian Affairs Kevin K. Washburn today announced that the Bureau of Indian Affairs (BIA) has published a proposed rule to govern the implementation of the Indian Child Welfare Act of 1978 (ICWA) by state courts and child welfare agencies. The proposed rule also includes changes to current regulations that govern notice to state agencies under ICWA.

"The Bureau of Indian Affairs' proposed rule clarifies and strengthens implementation of the Act's requirements in Indian child custody proceedings to ensure that Indian families and tribal communities do not face the unwarranted removal of their youngest and most vulnerable members," Washburn said. "I want to thank all those who attended listening sessions and provided comments and recommendations for our updated guidelines. Their contributions helped inform this proposed rule, which seeks to protect Indian children and families. We look forward to receiving more comments and feedback throughout the rulemaking process."

The Department will be conducting tribal consultations and public meetings on the proposed rule through May 2015 to facilitate input and comment on the proposed rule. Tribal consultations are open only to representatives of federally recognized Indian tribes. Public meetings are open to everyone.

Public Meetings

Dates and locations for the public meetings are as follows:

Date	Time	Location	Venue
Wednesday, April 22, 2015	9 a.m. – noon Local Time	Portland, Oregon	BIA Northwest Regional Office 911 NE 11th Ave Portland, OR 97232*
Thursday, April 23, 2015	1-4 p.m. Local Time	Rapid City, South Dakota	Best Western Ramkota Hotel 2111 N Lacrosse St Rapid City, SD 57701
Tuesday, May 5, 2015	1-4 p.m. Local Time	Albuquerque, New Mexico	National Indian Programs Training Center 1011 Indian School Road, NW Suite 254 Albuquerque, NM 87104*
Thursday, May 7, 2015	1-4 p.m. Local Time	Prior Lake, Minnesota	Mystic Lake Casino Hotel 2400 Mystic Lake Blvd Prior Lake, MN 55372
Tuesday, May 12, 2015	1 p.m.-4 p.m. Eastern Time	Via teleconference	888-730-9138 Passcode: INTERIOR

Date	Time	Location	Venue
Thursday, May 14, 2015	1-4 p.m. Local Time	Tulsa, Oklahoma	Tulsa Marriott Southern Hills 1902 East 71st Tulsa, OK 74136

Tribal Consultation Sessions

Tribal consultation sessions are for representatives of current federally recognized tribes only, to discuss the rule on a government-to-government basis with the Department. These sessions may be closed to the public. The dates and locations for the consultation sessions are as follows:

Date	Time	Location	Venue
Monday, April 20, 2015	3:30 p.m.- 5:30 p.m. Local Time	Portland, Oregon	Hilton Portland & Executive Towers 921 SW Sixth Avenue Portland, OR 97204 (at the same location as NICWA conference)
Thursday, April 23, 2015	9 a.m.-12 p.m. Local Time	Rapid City, South Dakota	Best Western Ramkota Hotel 2111 N Lacrosse St Rapid City, SD 57701
Tuesday, May 5, 2015	9 a.m.-12 p.m. Local Time	Albuquerque, New Mexico	National Indian Programs Training Center 1011 Indian School Road, NW Suite 254 Albuquerque, NM 87104*
Thursday, May 7, 2015	9 a.m.-12 p.m. Local Time	Prior Lake, Minnesota	Mystic Lake Casino Hotel 2400 Mystic Lake Blvd Prior Lake, MN 55372
Monday, May 11, 2015	1 p.m.-4 p.m. Eastern Time	Via teleconference	Call-in number: 888-730-9138 Passcode: INTERIOR
Thursday, May 14, 2015	9 a.m.-12 p.m. Local Time	Tulsa, Oklahoma	Tulsa Marriott Southern Hills 1902 East 71st Tulsa, OK 74136

[*Please RSVP for the Portland and Albuquerque meetings via consultation@bia.gov. As these are federal buildings, bring photo identification and arrive early to allow for time to get through security. No RSVP is necessary for the other locations.]

The Assistant Secretary's announcement marks the second major action the BIA has taken this year to promote implementation of ICWA (Public Law 95-608). On Feb. 24, Washburn announced the issuance of revised *Guidelines for State Courts and Agencies in Indian Child Custody Proceedings* to support the full implementation and purpose of ICWA – the first such update since the guidelines were issued over 35 years ago.

In 2014, the Department conducted five listening sessions with tribes, judicial organizations and child welfare professionals to determine whether the BIA ICWA Guidelines for State Courts should be updated and, if so, what changes should be made. The Department received hundreds of comments from tribes, child welfare professionals and state court judges, which overwhelmingly recommended updates. At the same, tribes and other commenters pointed to the inconsistent adherence to the guidelines, and recommended that the Department promulgate regulations to provide a more consistent interpretation of ICWA and to promote compliance with ICWA.

In addition to commenters' and tribes' requests for the Guidelines to be codified in a rule, the Attorney General's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence recommended in its November 2014 Report that the Department of the Interior issue regulations to

better implement ICWA and promote compliance. The Advisory Committee based its recommendation on hours of testimony regarding the inconsistent application of ICWA's requirements and lack of compliance.

The proposed regulations provide a more consistent interpretation of and promote compliance with the Act by incorporating standard procedures and requirements for state courts and child welfare agencies in Indian child custody proceedings.

Protecting Indian children reflects the highest ideals of the federal government's trust responsibility to Indian tribes, and the revised guidelines and regulations are part of this Administration's broader approach to ensuring compliance with ICWA.

The proposed regulations will be published in the Federal Register and can be found at https://www.indianaffairs.gov/bia/ois/dhs/icwa

Comments can be submitted via any of the following methods:

- By e-mail to comments@bia.gov (please include "ICWA" in the subject line of the message),
- By postal service or hand-delivery to Ms. Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action – Indian Affairs, U.S. Department of the Interior, 1849 C Street, N.W., MS-3642-MIB, Washington, D.C. 20240; Phone (202) 273-4680, or
- At www.regulations.gov.

The Assistant Secretary – Indian Affairs oversees the BIA, which is headed by a director who is responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services, and Field Operations. These offices directly administer or fund tribally based infrastructure, economic development, law enforcement and justice, social services (including child welfare), tribal governance, and trust land and natural and energy resources management programs for the nation's federally recognized American Indian and Alaska Native tribes through 12 regional offices and 81 agencies.

The Office of Indian Services Division of Human Services administers the BIA's ICWA regulations at 25 CFR Part 23 and the Guidelines for State Courts. For more information, visit http://www.indianaffairs.gov/WhoWeAre/BIA/OIS/HumanServices/IndianChildWelfareAct/index.htm.
