

Children's Bureau
Child and Family Services Reviews
Fact Sheet for Tribal Child Welfare Officials

History and Purpose

The Child and Family Services Reviews (CFSRs) are conducted by the Children's Bureau, within the U.S. Department of Health and Human Services (HHS), to help States improve safety, permanency, and well-being outcomes for children and families who receive services through the child welfare system. The CFSRs monitor States' conformity with the requirements of titles IV-B and IV-E of the Social Security Act. The first round of reviews took place between 2000 and 2004, and all States were required to implement Program Improvement Plans (PIPs). The second round of reviews began in early spring 2007.

The CFSRs are an important tool that enables the Children's Bureau to: (1) ensure conformity with Federal child welfare requirements; (2) determine what is actually happening to children and families receiving child welfare services; and (3) assist States in enhancing their capacity to help children and families achieve positive outcomes. Significant financial penalties may be assessed for failure to make the improvements needed to achieve substantial conformity.

The Indian Child Welfare Act (ICWA)

The Indian Child Welfare Act (ICWA) was passed by Congress in 1978 to protect the best interests of Native American children and to promote the stability and security of Native American tribes and families. ICWA recognized that there is no resource more vital to the integrity of Native American tribes than their children. ICWA established standards for the removal of Native American children from their families and their placement in foster or adoptive homes. It also provided for assistance to tribes for programs that help prevent the breakup of Native American families.

This law includes certain requirements for child welfare proceedings involving Native American children. It established a number of protections, including:

1. Identification of Native American children by the State child welfare services agency;
2. Notification of Native American parents and tribes of State proceedings involving Native American children and their right to intervene;
3. Special placement preferences for placement of Native American children;
4. Active efforts to prevent the breakup of the Native American family; and
5. Use of tribal courts in child welfare matters, a tribal right to intervene in State proceedings, or transfer of proceedings to the jurisdiction of the tribe.

The CFSRs and ICWA

The Children's Bureau has made significant efforts to include tribes as stakeholders in the CFSR process and to collect limited information if a Native American child is included in the sample of reviewed cases. Although the CFSRs are not designed to determine States' conformity with

specific ICWA provisions, they evaluate the overall functioning of each State's child welfare system.

In assessing whether the continuity of family relationships and connections is preserved for children, the CFSRs address whether the States acted in accordance with ICWA requirements through the exploration of the following core questions:

- Did the agency take appropriate steps to identify the children's Native American heritage?
- Did the agency take appropriate action to provide timely notification to the tribe of pending court proceedings and their right to intervene?
- Did the agency engage in concerted efforts to place Native American children in foster care in accordance with ICWA placement preferences?

Findings From the First Round of CFSRs

The first round of CFSRs was conducted from October 2000 to March 2004. A total of 134 cases applicable to ICWA were identified among 26 States. Promising approaches and areas needing improvement in meeting the needs of Native American children in these cases included the following:

Promising Approaches:

- Tribal/State agreements and contracts to preserve connections between Native American children and their families and tribes
- Strategies such as using "Family Group Decision Making" or other methods to involve family members in case planning, resulting in increasing placements with relatives, achieving permanency goals, and preserving connections
- Tribal/State collaboration groups that meet on a regular basis to address issues concerning Native American children in State custody (for example, in North Dakota and Alaska)

Areas Needing Improvement:

- Early identification of Native American children
- More timely notification to tribes
- More training on ICWA and cultural competency for child welfare staff and courts
- Increased recruitment of Native American foster and adoptive homes
- State acceptance of tribal licensing standards

Native American Involvement in the CFSRs

Tribes are important stakeholders in the CFSR process, and tribal input is important in the overall evaluation of the State. Tribal representatives are encouraged to participate directly in the CFSR process in a variety of ways, such as serving on the initial Statewide Assessment or PIP development teams, participating as consultant reviewers, or participating in stakeholder or case-specific interviews conducted at each review site. States are strongly encouraged to ensure tribal participation in all of these activities.

To increase their involvement in the CFSRs, tribes are encouraged to communicate and coordinate with the Child Welfare Administrator in their State either directly or through their State/tribal committee to:

- Become informed about current issues by obtaining a copy of the State Child and Family Services Plan, the most recent PIP, and the CFSR Final Report from the first round of reviews;
- Become informed about when the next CFSR onsite review will take place for their State;
- Become involved in their State's CFSR planning meetings;
- Assist in identifying potential review team members and key tribal stakeholders for interviews with review team leaders;
- At the request of the State, serve on Statewide Assessment and/or PIP development teams;
- Participate in interviews related to cases selected in the sample; and
- Participate in stakeholder interviews at both the local and statewide levels.

More Information

Tribal officials can obtain more information about the reviews, including reports from the first round, on the Child Welfare Monitoring section of the Children's Bureau Web site at <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfsr>.