



State of Florida  
Department of Children and Families

Ron DeSantis  
Governor

Chad Poppell  
Secretary

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**DATE:** December 30, 2019

**TO:** Regional Managing Directors  
Community-Based Care Lead Agency CEOs  
Sheriff Offices Conducting Child Protective Investigations

**THROUGH:** Patricia Babcock, Deputy Secretary *PB*

**FROM:** Patricia Medlock, Assistant Secretary for Child Welfare *PM*

**SUBJECT:** CFOP 170-1, Chapter 15, Reports and Services Involving American Indian Children, replacing CFOP 175-36.

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**PURPOSE:** The purpose of this memorandum is to provide notification and guidance surrounding the issuance of CFOP 170-1, Chapter 15, Reports and Services Involving American Indian Children, which replaces CFOP 175-36

**BACKGROUND:** The Indian Child Welfare Act (ICWA) was enacted in 1978 in response to a crisis affecting American Indian and Alaskan Native children, families, and tribes. ICWA sets federal requirements that apply to state child custody proceedings involving an Indian child who is a member of, or eligible for, membership in a federally recognized tribe. This CFOP provides guidance on how to handle children who fall under ICWA. Legislation was crafted to require child welfare professionals to make several considerations when handling an ICWA case that include the following:

- Providing active efforts;
- Identifying a placement that fits under the ICWA preference provisions;
- Notifying the child's tribe and the child's parents of the child custody proceedings; and
- Working actively to involve the child's tribe and the child's parents in the proceeding.

**ACTION REQUIRED:** Please distribute this memorandum to all department and sheriff offices conducting child protective investigations, Community-Based Care Lead Agencies, and any other applicable staff.

**CONTACT INFORMATION:** If you have questions or need clarification regarding this memorandum or the new CFOP chapter, please contact Jessica Johnson, Out-of-Home Care Specialist, at [Jessica.Johnson@myflfamilies.com](mailto:Jessica.Johnson@myflfamilies.com) or 850-717-4491.

cc: Regional Family and Community Services Directors  
Center for Child Welfare

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1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

CF OPERATING PROCEDURE  
NO. 170-1

STATE OF FLORIDA  
DEPARTMENT OF  
CHILDREN AND FAMILIES  
TALLAHASSEE, December 30, 2019

Child Welfare

FLORIDA'S CHILD WELFARE PRACTICE MODEL

This operating procedure describes the department's child welfare practice model which has been developed to ensure that all children and families served are treated with respect, fairness and equality. This operating procedure includes a description of the least intrusive and least restrictive interventions necessary to achieve child safety, permanency and well-being. This operating procedure also defines safety concepts for intervention and treatment, provides uniform definitions and standard ratings for the evaluation of caregiver protective capacities, child strengths and needs, the quality and frequency of family visitation and progress in achieving case plan outcomes.

This operating procedure applies to hotline staff, child protection investigators, case managers, licensure, adoption and independent living specialists.

BY DIRECTION OF THE SECRETARY



PATRICIA MEDLOCK  
Assistant Secretary for  
Child Welfare

SUMMARY OF REVISED, ADDED, OR DELETED MATERIAL

Added new Chapter 15, entitled "Reports and Services Involving American Indian Children." This new chapter supersedes CFOP 175-36 and incorporates changes in federal legislation.

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This operating procedure supersedes CFOP 170-1 dated May 1, 2019, and CFOP 175-36 dated July 8, 2013.

OPR: Office of Child Welfare

DISTRIBUTION: X: OSGC; ASGO; Region/Circuit Child Welfare staff.

## Chapter 15

## REPORTS AND SERVICES INVOLVING AMERICAN INDIAN CHILDREN

15-1. Purpose. This operating procedure describes the requirements for identifying, documenting, and reporting actions relating to American Indian and Alaskan Native children. When working with a family who is American Indian, the Indian Child Welfare Act and federal regulations must be followed. This operating procedure provides the processes to be used by child protective investigators and case managers.

15-2. Scope. This operating procedure is applicable to all regions and to all child protective investigations including child protective investigators with the sheriff's office, in-home and out-of-home care case management, and legal staff involved in shelter, placement, and case planning for children.

15-3. References. Policy and procedure regarding federal mandates relating to the Indian Child Welfare Act of 1978, 25 United States Code (U.S.C.) 1901 et seq. (Public Law 95-608) are as follows:

- a. 45 Code of Federal Regulations (CFR) Parts 1355 and 1356, Tribal Child Welfare.
- b. 25 CFR § 23, Indian Child Welfare Act Federal Regulations.
- c. Section [39.0137](#), Florida Statutes (F.S.).
- d. Section [39.012](#), F.S.
- e. Section [39.0121](#), F.S.
- f. Chapter [65C-28](#), Florida Administrative Code (F.A.C.).
- g. Chapter [65C-29](#), F.A.C.
- h. Chapter [65C-30](#), F.A.C.

15-4. Definitions. For the purposes of this operating procedure, the following definitions shall apply:

a. Active Efforts. Means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family. Where an agency is involved in the child custody proceeding, active efforts must involve assisting the parent or parents or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan. To maximize to the extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian Child tribe and should be conducted in partnership with the Indian child, Indian child's parents, extended family, Indian custodians, and tribe. Active efforts are to be tailored to the facts and circumstances of the case and may include examples listed under the definition of "active efforts" in 25 CFR § 23.2.

b. Child Custody Proceedings. Means and includes any actions that may culminate in one of the following outcomes:

- (1) Foster-care placement;
- (2) Termination of parental rights;
- (3) Guardianship;

(4) Pre-adoptive placement (includes conversion from foster care to adoptive placement);

(5) Adoptive placement; and,

(6) Custody or Continued custody.

c. Indian Child. Means any unmarried person who is under age 18 and is either a member of a federally recognized Indian tribe or is eligible for membership in an Indian tribe.

d. Indian Child Welfare Act (ICWA). (25 U.S.C. 1901 et seq.) Means the federal act which governs all dependency actions and certain private proceedings involving American Indian or Alaskan Native children who meet the federal criteria for the protections of the Indian Child Welfare Act. These protections apply to voluntary and involuntary placements, but do not apply to divorce proceedings as long as one or the other parent is awarded custody of the child. The Indian Child Welfare Act does not apply to placements resulting from actions committed by a child that would constitute a crime if committed by an adult but do apply to status offenses which are offenses that would not be considered criminal if committed by an adult and are prohibited only because of a person's status as a minor (e.g., truancy, incorrigibility).

e. Indian Custodian. Means any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.

f. Indian Foster Home. Means a foster home where one or more of the licensed or approved foster parents is an Indian as defined in 25 U.S.C. § 1903(3).

g. Indian Tribe. Means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to American Indians by the Secretary of the United States Department of the Interior, Bureau of Indian Affairs, because of their status as Indians, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 688, 689), 43 U.S.C. § 1602(c).

h. Involuntary Proceedings. Means a child-custody proceeding in which the parent does not consent of his or her free will to the foster-care, pre-adoptive, or adoptive placement or termination of parental rights, or in which the parent consents to the foster-care, pre-adoptive, or adoptive placement under threat of removal of the child by a State court or agency.

i. Parent. Means any biological parent or parents of an American Indian child or any American Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the putative father of a child born outside of marriage if paternity has not been acknowledged or established.

j. Reservation. Means American Indian lands, described in federal law as Indian country, and defined as such in 18 U.S.C. § 1151, and any lands, not covered under such section, title to which is either held by the United States in trust for the benefit of any American Indian tribe or individual or held by any American Indian tribe or individual subject to a restriction by the United States against alienation.

k. Tribal Membership. Usage of a blood quantum generally one-fourth Native American blood and/or tribal membership to recognize an individual as Native American however, each tribe has its own set of requirements.

I. Upon Demand. Means that the parent or Indian custodian can regain custody simply upon verbal request, without any formalities or contingencies.

m. Voluntary Proceedings. Means a child-custody proceeding that is not an involuntary proceeding, such as a proceeding for foster-care, pre-adoptive, or adoptive placement that either parent, both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a State agency, consented to for the Indian child, or a proceeding for voluntary termination of parental rights.

15-5. Federal Policy. It is the policy of this nation as set forth in the Indian Child Welfare Act to protect the best interests of American Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs.

15-6. Involuntary Proceedings.

a. The Department has no authority or jurisdiction on an Indian reservation to remove children unless the Department coordinates with and receives consent from the tribe who has authority and jurisdiction for such removal. The Department does have the authority to respond in circumstances in which the American Indian child does not live on a reservation. However, immediate contact must be made with the Designated Tribal Agent for Service of Notice named in the current Federal Register for the tribe with which the child is enrolled, is a member, or in which the child is eligible for enrollment or membership, consistent with the criteria established by ICWA.

b. Pursuant to Rule [65C-28.013](#), F.A.C., child protective investigators, at the onset of each investigation, must determine a child's eligibility for the protections of the Indian Child Welfare Act which includes completion of form CF-FSP 5323 and document their findings by uploading in the Florida Safe Families Network (FSFN). In situations in which the information is not complete at the time of the Case Transfer Conference or the transfer of the case to ongoing case management, it is the responsibility of the case manager to further explore and complete active efforts to obtain and document the child's status under ICWA.

c. Upon receipt of a report alleging the abuse, neglect, or abandonment of an Indian child, regardless of the location of the child's residence, the Indian tribe must be notified telephonically and the Regional or State Indian Child Welfare Act Specialist must be contacted for information on any agreements that may exist within the state or the region between the Indian tribe and Department. The Regional Indian Child Welfare Act Specialist shall implement a tracking system in order to maintain a record of ICWA cases and to ensure that protocol is followed.

d. The child protective investigator or case manager must ensure that the court is made aware at any point if there is reason to believe that a child is an Indian child. The child must be treated as an Indian child with all of the protections of ICWA applied until the court determines that the child is not an Indian child. Reason to know includes the following factors:

(1) Anyone, including the child, informs the court that the child is an Indian child, or there is information indicating the child is an Indian child.

(2) The domicile or residence of the child or parent/Indian custodian is on a reservation or in an Alaska Native village.

(3) The child is, or has been, a ward of tribal court.

(4) Either parent or the child possesses an identification indicating tribal membership.

e. While court involvement, including emergency removal of Indian children living off the reservation, is permissible, the child's Indian parents, custodians and the tribe must be notified immediately and in writing of the removal or court actions. If the child's tribe is unknown, the Eastern Regional office of the Bureau of Indian Affairs must be contacted to determine the child's tribal enrollment or membership and if the protections of ICWA apply. The notice to the tribe must be in writing. The letter of inquiry and notification to the tribe must be sent to the tribe's Designated Tribal Agent for Service of Notice named in the current Federal Register and must be sent registered or certified mail, return receipt requested. All notifications are provided by Children's Legal Services (CLS). This letter is intended to determine the tribe's interest in assuming jurisdiction, filing a motion to intervene, and/or participating in the case planning activities for the child. If the tribe does not respond to the written notification, Department staff should continue to communicate with the tribe until the tribe either accepts jurisdiction or declines to accept jurisdiction. If the tribe does not assume jurisdiction of the case, the tribe must continue to receive notice of all hearings and staffing's and be kept informed of significant changes in the status of the case. The tribe has the right to assert jurisdiction at any time. Tribes must be given the opportunity to be heard at proceedings involving the child. The formal ICWA notice form can be located at <https://www.bia.gov/sites/bia.gov/files/assets/bia/ois/ois/pdf/idc2-060070.pdf>.

f. Active efforts during involuntary proceedings rise above the level of reasonable efforts and require more intensive casework which includes involvement from the family, extended family, tribe, and Indian social services agencies. The court must determine that active efforts have been made prior to the removal of a child or prior to the termination of a parent's parental rights. Active efforts must also be made to prevent the breakup of an Indian family and must have been documented unsuccessful. Active efforts also must consist of the following:

(1) Identifying culturally appropriate services and assisting the parent or Indian custodian in overcoming barriers.

(2) Identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the child and family.

(3) Employing all available and culturally appropriate family preservation strategies and using available remedial and rehabilitative services provided by the child's tribe.

g. If the tribe assumes legal jurisdiction, the tribe must be provided all Department file information (excluding the reporter's name) and the child must be released to the tribe. If a shelter hearing has been held, the Department's attorney must schedule an emergency shelter review hearing regarding the transfer of jurisdiction to the tribe. The child protective investigator may be called as a witness in tribal court just as he or she would in a state court. The Department's case must be closed as "no jurisdiction." Indian children may also be entitled to other Departmental services such as economic services or a referral to the Child Protection Team even though the tribe has assumed jurisdiction.

#### 15-7. Placement.

a. If the child's tribe does not assume legal jurisdiction the child protective investigator, case manager, and the court are required to place the child according to the tribe's established placement preference. If the Tribe has not established an order of preference, then the placement preference specified in ICWA must be followed. The placement preferences include:

(1) A member of the child's extended family.

(2) Other members of the Indian child's tribe.

(3) Other Indian families.

b. The case manager or child protective investigator must gather the following information to present to the court if they did not follow the outlined placement preferences:

(1) The request of one or both of the Indian child's parents;

(2) The request of the child, if the child is of sufficient age and capacity to understand the decision;

(3) The presence of a sibling attachment that can only be maintained through a particular placement;

(4) The extraordinary physical, mental, or emotional needs of the Indian child; and,

(5) The unavailability of a suitable preferred placement after a diligent search was unsuccessful.

c. Further, in any state court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding.

d. The standard for approval for out-of-home placement must be Indian community standards, not Department licensing standards. Placement in a Department licensed placement can only be made if an Indian community placement is not available. Child protective investigators and case managers must document every effort made and the outcome of the efforts to place the child in an Indian community.

15-8. Designated Tribal Agent for Service of Notice. The Designated Tribal Agent for Service of Notice is the individual or individuals named in the Federal Register as being the official contact designated by the tribe for notification and legal service in compliance with ICWA. Contact with this person is required for legal sufficiency. The Designated Tribal Agents for Service of Notice can be located at <http://www.bia.gov/WhoWeAre/BIA/OIS/HumanServices/index.htm>.

15-9. Voluntary Foster Care. Placements must be explained in court as a judge must determine that the American Indian parents understand the nature of their consent. The parents can withdraw their consent at any time and the Department must return the child(ren) to the parents. If the child remains in voluntary foster care and the circuit court maintains jurisdiction, the Department must hold judicial reviews in accordance with state law until the child is released.

15-10. Out-of-Home Care Placement Orders. No out-of-home care placement may be ordered in the absence of a determination, supported by clear and convincing evidence, including the testimony of a qualified expert witness that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Qualified expert witnesses may have expertise in multiple areas of practice related to child welfare; however, in cases involving American Indian children, testimony must also be heard from an expert witness qualified to testify on the specific parenting and cultural practices of the child's tribe. Placements of children in out-of-home care must be in accordance with the order of placement defined by ICWA.

15-11. Transfer of Placement and Care Responsibility. When transferring the responsibility of placement and care of an Indian child to a tribal Title IV-E agency or a tribe with a Title IV-E agreement, the child's eligibility under Title IV-E and Medicaid shall not be affected.

a. Revenue Maximization staff will ensure the child's eligibility for Title IV-E is completed in FSFN, pursuant to CFOP 170-15, [Chapter 4](#).

b. The child protective investigator or case manager will be responsible for ensuring the following documentation is received by the tribe:

(1) All judicial determinations starting with the shelter order. The judicial determinations should address that continuation in the home from which the child was removed would be contrary to the welfare of the child and that active efforts have been made to prevent the child's removal from their home, to reunify the child and family, and to make and finalize an alternate permanent placement with the child and family if reunification cannot be accomplished.

(2) Eligibility determination and related documentation including other benefits for which the child is eligible or potentially eligible.

(3) Information and documentation of the child's placements. This includes a copy of the foster home or group home license.

(4) Case Plans which may include copies of health and educational record.

15-12. Parental Rights Termination Orders. No termination of parental rights may be ordered in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses in the parenting and cultural practices of the child's tribe, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

15-13. Adoption. When an Indian child is subject to an adoption, the extended family has first priority. The second and third priority goes to the child's tribe and to members of other Indian families, respectively. Tribal order of placement preference shall, if established by tribal resolution, govern the priority of placement.

15-14. ICWA Procedure. Child protective investigators, including investigators with the sheriff's office, and case managers must follow the Procedure for Initial Indian Child Welfare Act Determination at Intake and Investigation, Appendix D to this operating procedure. All actions involving compliance with ICWA must be documented in FSFN.

15-15. Training.

a. Child protective investigators and their supervisors with the Department and sheriff's office, who are designated to investigate allegations involving families under ICWA shall participate in the ICWA training.

b. Case managers with CBCs responsible for providing ongoing services involving families under the Indian Child Welfare Act shall participate in ICWA training.



**PROCEDURE FOR INITIAL INDIAN CHILD WELFARE ACT DETERMINATION AT INTAKE  
AND INVESTIGATION, and instructions for completing form CF-FSP 5323  
(Verification of Indian Child Welfare Act Eligibility, available in DCF Forms)**

**PURPOSE:**

The state is required by law and regulation to make benefits and services available to American Indian children in the state on the same basis as other children.

- **Section 39.0137, Florida Statutes**, affirms federal authority in matters involving requirements established under the Indian Child Welfare Act (25 U.S.C. 1901, et seq).
- **Rule 65C-28.013, Florida Administrative Code**, requires the determination of eligibility under the Indian Child Welfare Act (ICWA) at the onset of each child protective investigation.
- At initial contact with any child potentially entering the protective custody of an agency, a child protective investigator, or any other child protection staff, must inquire if the child, the child's parents, or the grandparents are identified with or are an enrolled member of an American Indian tribe, band, or nation, or are an Alaskan Native.
- An inquiry should be made into any information regarding potential American Indian ancestry or lineage on the paternal or maternal family lines.
- The requirements established in ICWA must be applied in any involuntary proceeding if an eligible child is involved in an out-of-home care placement, including shelter care, or the termination of parental rights to the eligible child is sought.
- The requirements of ICWA also apply to cases involving the voluntary relinquishment of children who are members or eligible for membership in American Indian or Alaskan Native tribes.
- At a minimum, ICWA requires notice in any involuntary proceeding and under certain circumstances involving voluntary relinquishment. At the commencement of any action the parents and Indian custodian, if any, of an Indian child, and the Indian child's tribe must be given notice. Some exceptions may apply and investigations or case management staff must consult legal staff if it is suspected that a child is eligible for the protections of ICWA.
- Documentation of any initial information received by the investigator or caseworker regarding possible eligibility will be recorded by completing the form **CF-FSP 5323 (Verification of Indian Child Welfare Act Eligibility) or similar documentation** and entering relevant information in the appropriate screens and in the case notes of the **Florida Safe Families Network (FSFN)**. The CF-FSP 5323 is a tool used to document the results of the *initial* American Indian ancestry inquiry. The parent history family tree chart is completed to the best of the parent's ability for each birth parent that has indicated Indian ancestry as this will assist the tribe in identifying the family's possible connections to their tribe. The child welfare professional has the ability to inquire about additional family history from grandparents.
- *Once completed an American Indian or Alaskan Native ancestry has been established or alleged, the child welfare professional will immediately notify and submit form 5323 to Children's Legal Services (CLS). The tribe must immediately be notified with a formal written inquiry and notification to the appropriate tribe(s) and/or to the Bureau of Indian*

PROCEDURE FOR INITIAL INDIAN CHILD WELFARE ACT DETERMINATION AT INTAKE/INVESTIGATION,  
and instructions for completing form CF-FSP 5323 (Verification Of Indian Child Welfare Act Eligibility, available in DCF Forms)

*Affairs. This must be in the form of a letter sent via certified or registered mail, return receipt requested. This action is completed by CLS.*

- The intent of the inquiry and notification letter is to formally advise the tribe that we are involved with a child who has been alleged or shown by documentation to be associated with their tribe (or a tribal member) and we are making inquiry as to the child's and the parent's status with their tribe. If the tribe denies the child is a member or eligible for membership in their tribe, the case does not meet ICWA criteria for that tribe. If the tribe confirms enrollment (or membership), or eligibility, the case will meet ICWA criteria and ICWA requirements must be applied.
- **Telephone contact** with the tribe is **strongly encouraged** and often expedites the process of connecting with the tribe at the earliest point possible and avoids unnecessary delays in permanency planning.
- **The following two tribes have reservations located in Florida, or near Florida borders, and should be contacted immediately if a child known or believed to be a member of one of these tribes is identified during an investigation or in a case management services case:**

Miccosukee Tribe of Indians of Florida  
 Jennifer Prieto, Director of Social Services  
 Post Office Box 440021  
 Miami, Florida 33144  
 Telephone: (786) 409-1241 FAX: (305) 894-5232  
 Email: [jenniferp@miccosukeetribe.com](mailto:jenniferp@miccosukeetribe.com)

Seminole Tribe of Florida  
 Shamika Beasley, Ed.S., Advocacy Administrator  
 Family Services Department  
 6363 Taft Street, Suite 300B  
 Hollywood, Florida, 33024  
 Telephone: (954) 965-1314 ext. 10372; FAX: (954) 965-1304  
 Email: [shamikabeasley@semtribe.com](mailto:shamikabeasley@semtribe.com)

- Telephone contact does not, however, take the place of **formal notification in writing** to the tribe and an official response from the tribe regarding the parent and child's membership or eligibility for membership with the tribe. **The tribe's formal response will determine whether or not ICWA protections will be applied.**
- The tribe's official response, whether in person or in writing, regarding the child's membership or eligibility for membership in their tribe, and the court's subsequent findings with regard to ICWA eligibility, **must be provided to the courts.**
- Timely and consistent identification of children eligible for the protections of ICWA complies with federal mandates regarding American Indian and Alaskan Native children and prevents harmful disruption, inappropriate placements, and avoidable delays in permanency planning for children.

**PROCEDURE:**

1. Check the case file and **FSFN** for any previous forms or information regarding American Indian ancestry or ICWA eligibility that may exist. For new children coming into care, or children returning to care, a new eligibility form must be completed if the information is more than twelve months old.
2. **Form CF-FSP 5323 (available in DCF Forms at <http://www.dcf.state.fl.us/DCFForms/Search/DCFFormSearch.aspx>)** must be completed and signed by each birth parent of each child. The related children may be listed together on the form signed by their birth parents. The child welfare professional shall assist the parent in completing the form. Do not allow the parent to take the form home for completion. When unable to locate a birth parent, document efforts to find the absent parent in the case file and in **FSFN**. Attempts should be made to contact the relatives of the absent parent if tribal affiliation is alleged. Document the identity and relationship of the "informant" if other than the parent. All efforts of locating the absent parent must be filed with the courts.
3. If the birth parents respond "no" to the Indian ancestry question, have the parent sign and date the form **CF-FSP 5323**, file in the case record and with courts, and document the response in **FSFN**.
4. If a birth parent responds "yes" to any known or suspected American Indian or Alaskan Native ancestry, a diligent search for the child's tribe and a subsequent inquiry to determine whether ICWA protections apply must be completed. Discuss with the family any information that will identify a tribe, or tribes, to which the parent and/or child may have connections, affiliation, or membership.
5. If the parent or child is already enrolled or a member of a tribe, obtain a copy of the tribal enrollment or membership card, if available, or indicate the enrollment or membership number on the **CF-FSP 5323**. If proof of enrollment or membership is not available, complete Page 1 of the **CF-FSP 5323**, record any information that will support and assist the search process, and include any relatives who may have helpful information. Be as thorough as possible in completing the **Parent History Chart** for the birth parent as the tribe(s) will use this information to determine eligibility for enrollment or membership of the child and/or birth parent. The family will likely not have all the information requested but gather as much as possible.
6. When the **CF-FSP 5323** is complete, provide a copy to the person who will be conducting the diligent search process. Do not alter Page 1 of the original signed form. *Copies* of the form can be altered as needed in conducting the search. The final altered copy can be added to the case file as supporting documentation. Some tribes require separate copies for each child.
7. When taking custody of any child with stated possible ICWA eligibility through one of the two federally recognized tribes located in Florida or the federally recognized tribe located in southern Alabama and the birth parent or relative identifies enrollment or membership in, or connections to one of those tribes (that is, the **Seminole Tribe of Florida** or the **Miccosukee Tribe of Indians of Florida**), contact the **Designated Tribal Agent for Indian Child Welfare Act Service of Notice** (found in the current **Federal Register**) for that tribe immediately. When geographically possible, tribal representatives should be contacted in time to attend any hearing involving an eligible or potentially eligible child and

should always be noticed as quickly as possible. If out-of-state or at a great distance, and if such appearance is approved by the court, tribal representatives may attend hearings by telephone.

When transferring the responsibility of placement and care of an Indian child to a tribal Title IV-E agency or a tribe with a Title IV-E agreement, the child's eligibility under Title IV-E and Medicaid shall not be affected.

8. Any information regarding American Indian or Alaskan Native ancestry and possible eligibility for ICWA protections must be documented on the relevant screens in **FSFN**.
9. Cases involving eligible or potentially eligible children under ICWA should be brought to the attention of legal staff as quickly as possible in order to ensure proper legal notifications and procedures are in place. Once eligibility is established, the tribe must receive formal notification of all proceedings in accordance with ICWA.
10. Children believed or alleged to be eligible for ICWA protections are treated as ICWA eligible until the court finds to the contrary.