

NWF Health Network Policy & Procedure

Series	500: Special Populations	
Policy Name	Reports and Services Involving American Indian Children	
Policy Number	504	
Origination Date	03/09/2009	Revised: Board Meeting 04/25/2024
Regulation	39.0139 F.S. 65C-28.013, F.A.C. P.L. 95-608 CFOP 170-01, Chapter 15	

Referenced Documents:

CF-FSP 5323, Verification of Indian Child Welfare Act Eligibility

Policy

In accordance with the Indian Child Welfare Act (ICWA) P.L. 95-608, it is the policy of NWF Health Network (NWFHN) to protect the best interests of American Indian children and to promote the stability and security of Indian tribes by:

1. Ensuring proper notification of tribal entities has occurred;
2. Adhering to minimum standards for placement of such children in foster and adoptive homes which reflect the unique values of Indian culture.
3. Ensuring Case Management Organizations (CMOs) adhere to the requirements outlined in 65C-28.013 and CFOP 170-1 Chapter 15.

For further details, see F.A.C. and CFOP found here:

[CFOP 170-01 Chapter 15](#)

[65C-28.013 Indian Child Welfare Act F.A.C.](#)

Procedure

A. Placement

1. If NWFHN's Placement Unit receives a request for placement of an Indian child, the DCM must contact his/her supervisor and the CMO Director to ensure that placement is made in accordance with this Policy and Florida law.
2. If the tribe does not assume jurisdiction, the DCM, NWFHN, 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 or preference, then the placement preference specified in ICWA must be followed. The placement preferences include:
 - a. A member of the child's extended family.
 - b. Other members of the Indian child's tribe.
 - c. Other Indian families

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3. 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.
4. 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.

B. Transfer of Placement and Care Responsibility

1. 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.
2. NWFHN Revenue Maximization staff will ensure the child's eligibility for Title IV-E is completed in FSFN, pursuant to CFOP 170-15, Chapter 4.
 - a. 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.

C. Training

1. NWFHN is responsible for providing training to CMOs for ongoing services involving families under the Indian Child Welfare Act shall participate in ICWA training.