

ICWA Baseline Measures Project Findings Report



Capacity Building
CENTER FOR COURTS

Introduction

Congress passed the Indian Child Welfare Act (ICWA) in 1978 to respond to concerning trends related to the removal of Indian children from their families. ICWA sets out legal requirements governing child welfare cases involving maltreated Indian children. Congress passed ICWA with the intent to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902). Many state courts struggle to apply ICWA. Some of the statutory language is open to judicial interpretation (e.g., what constitutes “active efforts” or “good cause” to deviate from placement preferences). The Bureau of Indian Affairs promulgated Guidelines for Implementing the Indian Child Welfare Act in December of 2016 to help states interpret and apply ICWA. Moreover, there is no oversight to ensure that ICWA is applied in a meaningful way and states often lack the ability to examine their own practice in order to explore how and to what extent ICWA is applied in court. The ICWA Baseline Measures Project is an effort to build Court Improvement Programs (CIPs) capacity to better measure ICWA application in state court practice.

The purpose of the **ICWA Baseline Measures Project** (ICWA BMP) is to build the capacity of CIPs to measure the application of ICWA in state court practice.

The ICWA BMP was developed as part of the Capacity Building Center for Courts’ (CBCC) strategic plan to support CIP ICWA efforts and to build a national research base to increase understanding of child welfare law and practice.

Goals of the Project. The ICWA BMP has 5 goals:

1. Identify a set of baseline measures to evaluate ICWA application in state dependency courts.
2. Identify a set of baseline measures to evaluate performance indicators in ICWA cases (e.g., time to reunification, permanency, placement stability, placements with tribal connections, etc.).
3. Research the relationship between ICWA application and dependency case outcomes.
4. Publish research findings regarding the relationship between ICWA application and dependency case outcomes.
5. Identify future research opportunities to advance the field’s understanding of ICWA application and ICWA case outcomes.

The ICWA BMP occurred in five stages and used a variety of research and evaluation methods.

Stage One: *Tool Survey and Focus Group*: The CBCC surveyed a number of ICWA compliance toolkits and instruments. The CBCC compiled the tools and reviewed them for relevance and potential use in the ICWA BMP. On June 12, 2017 the CBCC hosted a virtual focus group composed of national ICWA and child welfare experts, including both native and non-native judges, attorneys, and ICWA specialists. The focus group generated a list of ICWA application measures and performance indicators. The CBCC used the focus group results to inform the ICWA BMP research design and tool development.

Stage Two: *In-Depth Tool Review and Development*: The ICWA BMP relied on two data collection methods to evaluate ICWA application: (a) case file review and (b) court observation. The CBCC team conducted an in-depth ICWA compliance evaluation tool review and used the results of this review to synthesize and adapt pre-existing tools to meet the more focused purpose of the ICWA BMP. The CBCC then developed an ICWA Outcomes Assessment Tool for use in a case file review.

Stage Three: *Identify Pilot Sites and Assess Readiness*: The CBCC partnered with Montana, Minnesota, and Colorado to conduct the ICWA BMP research. The CBCC targeted CIPs that have (1) a pre-existing ICWA project that aligns with the ICWA BMP's priorities, (2) available data or a data system capable of collecting and reporting ICWA data, (3) an ICWA court, (4) experience measuring ICWA compliance, (5) willingness to participate in a federally-backed ICWA research project, and (5) demonstrated competence managing CIP projects in partnership with the CBCC.

Stage Four: *Collect ICWA Application and Outcome Data*: The CBCC worked in partnership with the pilot sites to collect and analyze data. Whenever possible, the CBCC used data generated by pre-existing CIP ICWA projects, but the CBCC also worked with CIPs to collect new data. The CBCC also helped CIPs develop local partnerships to support data collection. The CBCC primarily served as project manager, but also engaged in data collection as needed and as its resources allowed.

Stage Five: *Analyze Data and Report Research Findings*: Data analyzed for the ICWA BMP serves two purposes: (1) provide information to the pilot sites regarding current ICWA

implementation so that sites can identify strengths and challenges of practice and (2) contribute to a national evidence base. Each site received a summary of findings. In addition, the CBCC created a national report that aggregates findings from all of the participating sites. For the national report, no findings will be disseminated that identify the sites without expressed permission from the sites. Sites and judges remain anonymous unless the court wishes to be named. Our goal is not to “call out” sites on practice, but to learn more about ICWA implementation and outcomes. Data sharing agreements or equivalent were signed with each site to ensure that data is used in accordance with this plan.

Focus Groups and ICWA Measures

Five virtual focus groups were held via Adobe Connect. These focus groups consisted of tribal and state court professionals who have worked with ICWA cases in the past. The goal of the focus groups was to better understand and prioritize ICWA implementation measures as well as case outcomes that would be of interest. The following bulleted lists identify all of the ICWA compliance and outcome measures that the groups identified. The bolded measures at the beginning of each list were prioritized by the group.

ICWA Compliance Measures

- **How/when notice is provided to the tribe (is it timely)**
- **Is there testimony from a qualified expert witness and when does it occur**
- **Whether/when there is a finding of placement with parent results in serious emotional of physical damage**
- Findings on the record re: applicability of ICWA
- Whether a tribal representative is present at hearings
- How tribe is included in discussion, case planning, decision-making
- Whether/when active efforts findings are made on the record
- Were active efforts provided to prevent foster care placement
- What efforts constitute active effort
- What are the credentials of the QEW
- Whether/how often tribes intervene and whether court allows intervention
- Whether/how often tribes motion to transfer case and whether/why court denies
- Whether/when is there a finding of imminent physical damage or harm
- Placement of child (does it follow placement preference or reasons it does not)
- Whether findings include clear and convincing evidence standard
- Whether there is record in the court file that the tribe received notice
- Whether there is "real tribal engagement"
- When and how parents or Indian custodians receive notice
- Whether/when the parent is provided an attorney
- Whether parents are informed of their right to counsel for each proceeding

- What the court orders/does re: inquiry
- Whether notice is sent to the BIA if the tribe is unknown
- Whether findings include beyond a reasonable doubt standard (TPR)
- Whether/how compliance with ICWA impacts compliance with AFSA 12-month permanency timeline
- Finding of correct ICWA evidentiary standards
- If transfer to Tribal Court - did parent object
- Using the language of "good cause" on the record as to why transfer was denied, or placement preferences weren't followed
- Whether courts provide an opportunity and have capacity to allow tribes to participate by phone, ITV, etc.
- Voluntary termination - was it done in front of a judge
- Procedure for consent to adopt and consent to TPR followed
- Did the judge ask the participants if the child might be an Indian child
- Compliance with 25 USC 1912(f)

ICWA Outcome Measures

- **Fewer removals**
- **More tribal involvement/engagement with case planning, foster placements, etc.**
- **Safety: Children will be protected from abuse/neglect and will be returned home as soon as danger of harm ceases**
- **More tribal placements, either at home, with relatives, or extended tribal family**
- Increase in petition dismissals
- Decrease in time to reunification
- Increase in permanent outcomes
- Increased tribal connections for children and youth
- Well-being outcome - placement stability
- Improvement in disproportionate out of home placement numbers
- Increased collaboration among all stakeholders and earlier reunification
- New understandings of permanency and an understanding of how timelines shift when dealing with ICWA (not relying on ASFA since it doesn't apply in these cases)
- Families protected and strengthened

The research team used the lists of compliance and outcome measures as a starting point for determining what data elements to collect in the study. Collecting all data elements was not feasible with the available resources and data collection methods. The CBCC team had resources to travel to two states for data collection. Case file review was identified as the most efficient data collection method as it allowed for capture of the most measures.

Data Collection Methods

Two methods were used to collect data for the study. The primary method was the review of court case files in the sites selected. The second data collection method was court observation. Court observation was used to collect data on current practice in a small number of hearings, available when the project team was on site. The court observation data is considered supplemental. It was collected only to provide additional data back to the site. Findings from court observation are not reported.

Case File Review. The primary data collection method was structured case file review. The CBCC team, using the ICWA Compliance Toolkit,¹ adapted the available case file review tool to capture ICWA implementation measures identified for the study. The tool was adapted to address challenges related to data collection previously experienced by the research team, as well as to ensure inclusion of key measures. All coders were trained on the tool in a virtual meetup and the tool was pilot tested in one of the sites. Modifications were made to adjust the tool to make it easier to capture the necessary information and to increase reliability between coders. The final case file review tool is included in Appendix A.

Court Observation. In addition to case file review, CBCC was able to observe a small sample of hearings in four of the project sites. Court observation was used to provide additional detail to the site about specific discussion practice in hearings and about how the tribes were involved in the case. The final court observation tool is included in Appendix B.

Site Selection

Sites were selected on a first come, first served basis. All CIPs were invited to participate in the study and asked if they were willing to participate. They were encouraged to email CBCC to express their interest and the first three sites were selected. Three states were possible because one of the states had remote access to case file review data, eliminating the need for travel to an additional site. The three CIPs ultimately selected were Minnesota, Colorado, and Montana. Each state could select two sites for inclusion in the study. Minnesota selected Duluth and St. Paul, Colorado selected Adams and Denver counties, and Montana selected Yellowstone county.

¹ Summers, A. and Woods, S. (2014). *Measuring Compliance with the Indian Child Welfare Act: An Assessment Toolkit*. National Council of Juvenile and Family Court Judges, Reno, NV. Available at: <http://www.ncjfcj.org/resource-library/publications/measuring-compliance-indian-child-welfare-act-assessment-toolkit>.

Minnesota had the capability for remote access to case files; whereas the other sites required in person visits and paper case file reviews. It should be noted that the majority of these sites already had or were beginning an ICWA court (or ICWA docket). Only one of the sites had the ICWA court running for long enough to have changed practice (Duluth). The data collected for this study was provided to the site to use for comparison purposes from prior to the implementation of the ICWA court. Data were provided to the other courts but only reflect baseline practice (at the very beginning of the ICWA court/docket or pre-implementation). This study is not meant to assess the effectiveness of ICWA courts.

Defining Variables of Interest

The project team explored the list of variables of interest collected from discussions with the focus groups and identified variables that were collectable via case file review. Not all items are collectable via case file review. For example, one prioritized outcome of interest was fewer removals from the home. If children are not removed, they may not come before the court, making this variable a challenge to measure when using court case files.

Notice. Notice is an important part of ICWA application. Notice was tracked in this study in several ways. First, coders noted the date that the court or agency said they sent/were sending notice to the tribe. This often showed up in some sort of documentation in the case file. Second, when notice was sent via return receipt to the tribe and the return receipt was part of the case file, coders noted the date that notice was received by the tribe. Both of these notice dates were in relation to a state filing of the petition of child abuse or neglect. In addition, at each hearing, coders noted where there was a finding that notice had been provided. Finally, when available, coders noted the date that the tribe had been provided notice for each hearing. Notice was calculated as the number of days between the petition filing and (a) when the court/agency said they were providing notice and (b) the return receipt date.

Confirmation of ICWA Status. Confirmation of ICWA Status was determined in all of the cases. All cases were flagged as ICWA in the petition, but not all were actual ICWA cases. Confirmation of ICWA was noted when the tribe responded with a letter that the child was enrolled or eligible for enrollment or when the court indicated that they had confirmation that it was an ICWA case and made a finding on the record that ICWA applies. The case was coded as yes for ICWA, no when the tribe indicated the child was not eligible, and unknown when there was no confirmation

either way. The date of confirmation of an ICWA case was noted as the date the court received the letter from the tribe or the date the court made the finding that ICWA applied.

Active Efforts. ICWA requires active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of Indian families. ICWA requires active efforts prior to foster care placement and prior to a termination of parental rights. States vary in when and how often they make an active efforts finding on the record. Coders indicated whether the court made an active efforts finding using a yes/no variable in every hearing. In addition, coders indicated any time that the court found that active efforts were not made in a hearing. Active efforts were calculated for analysis in two ways. First, if the child was removed from the home, did the court ever make an active efforts finding. Second, what percentage of hearings had an active efforts finding. For example, of the six hearings that were coded for the case, if 4 of them had an active efforts finding, this number would be .67 (67%).

Findings Related to Serious Emotional or Physical Damage. Prior to placement in foster care, the court must make a finding by clear and convincing evidence, including the testimony of a qualified expert witness that the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The coders explored this variable with three yes/no questions at each hearing coded. These included: was there language in the hearing that continued custody in the home is likely to result in serious emotional or physical damage, was there evidence of qualified expert witness testimony, and did the court use the clear and convincing evidence standard for this finding.

Placement Preferences. Placement was coded at each hearing based on the placement preferences outlined in ICWA. Placement was coded as (1) parent, (2) relative, (3) Tribal foster home, (4) Indian foster home, (5) Other foster care, (6) Group home, and (7) Institution. This created a placement preferences scale with the more preferred placements closer to 1 and less preferred placements closer to 7. These were also averaged across hearings to create an "average placement" variable.

Tribal Involvement. BIA regulations encourage states to allow tribal representatives to present before the court regardless of whether they are attorneys or licensed in the state. This study captured tribal representative involvement with a yes/no variable at the first six hearings on the case. The variable was used in analyses both as yes/no at the initial hearing on the case as well,

calculated to create a variable for if a tribal representative was ever present (at any of the six hearings coded), and calculated as a percentage of the six hearings that the tribal representative was present. For example, if a tribal representative was present at 3 of the 6 hearings, this was noted as .5 or 50%.

Creating a Construct of “Application Level.” There are multiple indicators of ICWA application within a case. To explore an overall “application level,” a construct was created that integrates different components of ICWA. This construct is not a perfect measure of ICWA application, it is merely an opportunity to pull together different measures to calculate a percentage of application. Five variables were used to create this measure, they include (1) did the court provide notice to the tribe of petition filing/state proceedings (yes/no), (2) did the court ever make an active efforts finding (yes/no), (3) did the court ever provide documentation of qualified expert witness testimony (yes/no), (4) did the court ever find that removal was necessary to prevent serious emotional or physical damage to the child (yes/no), (5) was a tribal representative ever present for the hearings (yes/no), and (6) did the courts follow placement preferences (yes/no). Most of these variables were easy yes/no depending on the variables at each hearing. The placement preference variable ranked placement preferences on a scale from 1 (parent) to 7 (institution) based on the ICWA preferences (e.g., relative, tribal foster home, Indian foster home, foster home, etc.). Sites that had an average placement of 3 or lower were considered in placement preferences. This is a somewhat artificial category as the sites may have been following placement preferences to the extent that they were able. However, for the purposes of application, we considered those in the top priority placements as better application of the law and thus these would be considered a “yes” for this category. This allowed for a continuous percentage variable of application, ranging from 0 (none) to 1 (100%).

Outcomes

Several outcomes were identified by the focus groups and available to be captured within case file review. One variable that could not be captured was a safety variable for ICWA cases regarding how many cases remained in the home. Cases that remain in the home may not come under court jurisdiction. Data on these could be available from the agency, but not from the procedures in this study.

Time to Return Home. When available, the time (in days) was calculated from when the child was removed from the home to the date that the child was returned home. This information was missing in the majority of cases.

Time to Permanency. For every case, time (in days) was calculated from when the child was removed from the home to the date that the case achieved permanency. Achieved permanency was defined as the date the court ended jurisdiction for the case because the child had either achieved permanency or aged out of foster care.

Case Outcomes. The outcome of every case was coded when the child achieved permanency. These outcomes included reunification (with either parent or caretaker), guardianship, placement with a relative, adoption, or child reached the age of majority. Each outcome was captured as its own dichotomous yes/no variable.

Coding and Interrater Reliability

All coders were trained through an interactive webinar on the instruments for data collection. Then coders had an opportunity to practice coding on 4 cases. Following the practice, coders debriefed through another interactive web-based meeting and discussed questions, concerns, and discrepancies between data collected. Minor revisions were made to the case file review instrument to increase internal validity. On site, the lead coder reviewed other coders completed case file instrument for errors. In addition, a small sample of cases was coded for interrater reliability, that is, to ensure coding was similar between all coders.

Missing Data

Data were missing in several of the files. For example, not all files included information on placement of the child, or how any of the more preferred placements had been ruled out. In some sites, case files did not include orders for all of the hearings so we could not find evidence that the findings/orders required by ICWA had been made. If there was no evidence in the file for findings/orders, they were marked as not made. For placement preferences, if placement was not clearly articulated, then it was coded as unable to determine and not included in the analyses. The most missing data was around the date that the child was returned home. This was not clearly documented in the majority of files reviewed.

Understanding Statistical Analysis and Significance

The analyses for this study are exploratory in nature. The goal is to examine *relationships* between two variables of interest. In this case, the variables are the ICWA application variables (e.g., active efforts findings, timely notice) and case outcomes (e.g., time to permanency). To explore the relationships, the first step that was taken was to run *correlation* analysis. Items that were *statistically significant* were included in a linear or logistic *regression* model to better explore the strength of the relationships of all variables combined. These terms are defined below.

Correlation. A correlation coefficient is denoted in statistical terms with the variable r . Correlation coefficients indicate a linear (straight line) between two variables of interest. Correlation coefficients show both the strength and the direction of a relationship. Correlation coefficients range from -1.0 to +1.0. The +/- indicates the direction of the relationship while the number itself indicates the strength. The *strength* of the relationship is indicated by r coefficients close to +/- 1.0. That is, a -.8 correlation shows a stronger relationship between two variables than a +.6. Correlations between 0 and .3 are considered weak relationships, between .3 and .7 are considered moderate relationships, and a correlation above .7 is considered a strong relationship. The +/- indicates directionality. Positive numbers (+) indicate that the variables covary in the same direction. That is, as one goes up, so does the other. A classic example is height and shoe size. Typically, as one goes up, so does the other. A negative (-) number indicates that as one variable increases, the other variable decreases. For example, as the speed of the car increases, the time to the destination decreases.

Regression Analysis. Regression analyses are statistical techniques used to explore the relationship between an outcome variable of interest and one or more predictor variables. Unlike correlations, which only show the relationship between 2 variables, regression analyses can be used to examine how multiple variables may be related to (or predict) an outcome of interest. This study uses two types of regression analyses. The first is a linear regression, which is used when the outcome variable of interest is a continuous variable (e.g., time to permanency in days). The second is a logistic regression, used when the outcome variable of interest is a dichotomous variable (e.g., reunified or not). In this study, correlations that were significant were included in a regression model, which helps to better understand how much variance can be explained by the model. Higher percentages of variance explained indicate that the predictor variables are good for predicting the outcome.

Statistical Significance. At a basic level, statistical significance is a way for researchers to quantify their confidence that the likelihood that the relationship found between two variables is not caused by chance alone. Variations in outcomes can occur naturally for many reasons. Statistical tests help us to understand whether the variations are likely due to chance or whether there really is a likely relationship between two variables. Statistical tests use an alpha (called a p value) to determine statistical significance. The standard in academic research is $p < .05$ (or only 5% chance that a relationship occurred by chance alone). In our work, due to a small sample size, we use a cut off value of $p \leq .10$. That means there is 10% chance that we will find something is related when it is really not. The larger cutoff value is used to help find relationships that do exist, acknowledging that there is a higher chance of a false positive.

Data Collection

Three coders were trained by the lead researcher to collect data for case file review. Data were collected via remote access to the electronic case management system for two sites from one site. The other sites required in person visits to review paper case files. The research team worked with the site on the data selection process, requesting a sample of approximately 50 recently closed cases for review. Recently closed cases were selected so that outcomes had been achieved on the case and could be included in the analysis and so that cases were more likely to be recent and reflect recent and/or current practice. The research team asked for cases that had been flagged as ICWA. This does not mean that they are ICWA cases. To be an ICWA case, there needed to be confirmation from the tribe that the child was eligible and a finding from the court that this was an ICWA case.

Sample. The final sample consisted of 272 cases, including 102 from Colorado (51 from Adams, and 51 from Denver), 133 from Minnesota (66 from Duluth, 67 from St. Paul), and 47 cases from Yellowstone County, Montana. All of these cases had been flagged as ICWA cases. However, 92 cases were determined not to be ICWA cases by the court and 20 cases never had a confirmation of ICWA status. This meant that only 151 (56%) were ICWA cases. For the analyses below, the sample is identified as from the full group (272 cases), or from a subset of these (e.g., only ICWA cases). In addition, the triggering event for ICWA requirements is that the child is removed from the home. In 83% of the cases reviewed, the child was removed from the home.

Findings

Findings are first presented to identify the measures that were included and how they varied by site. Then, correlations are presented to explore relationships between ICWA application variables and case outcomes.

Notice

For the sample, 93% of cases indicated that notice was provided to the tribe of the state filing. However, the date of this notice was not always in the files. Dates were found in 128 cases. When the date was in the file, it averaged 17 days from petition filing for notice to be sent to the tribe. In addition, when return receipts were in the file (only 42 cases), the average time from petition filing to receipt of notice by the tribe was 64 days (based on the return receipt). Figure 1 illustrates the average number of days from petition filing to when the court indicated that notice had been sent to the tribe.

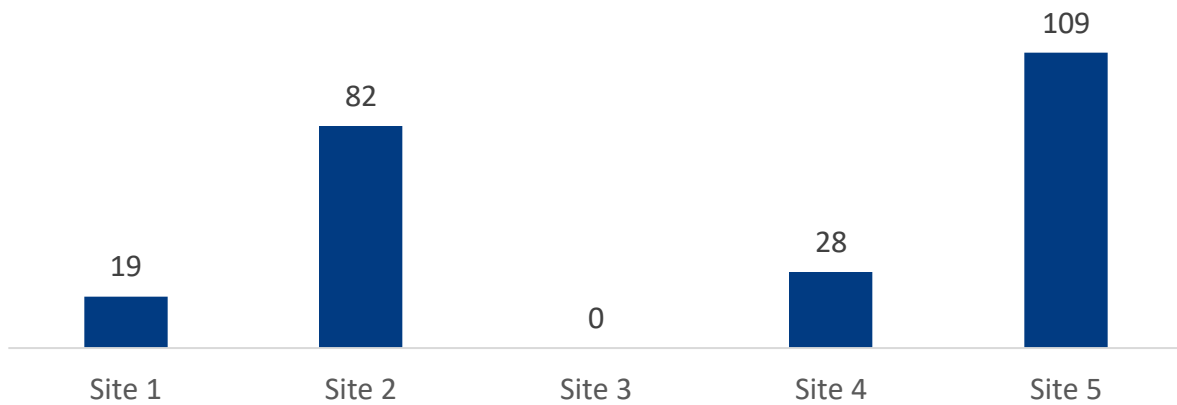
Figure 1: Average Days from Petition Filing to Notice of Filing Sent to Tribe



Confirmation of ICWA Status

Cases were confirmed as ICWA in 151 cases. The median time to confirmation of ICWA status was 24 days, with a range of 0 (20% of the cases) to 1252 days. Confirmation varied widely between sites, as indicated in Figure 2.

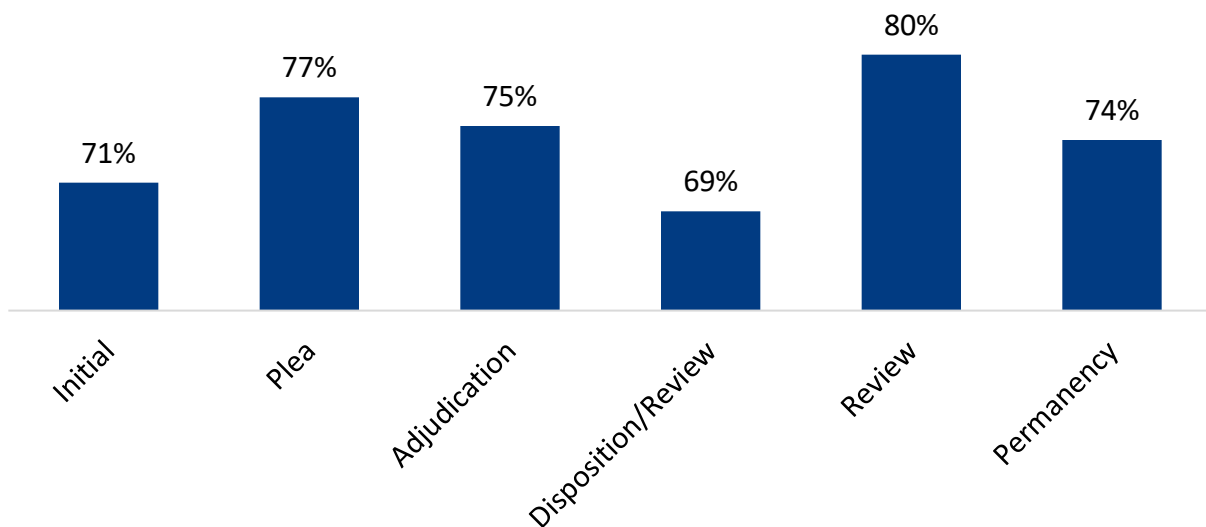
Figure 2: Median Time to Confirmation (Days)



Active Efforts

We examined active efforts findings for all cases that ICWA was confirmed or unknown and the child was removed from the home. Active efforts findings were made on the record at least once in 85% of the ICWA cases. This varied by site, ranging from 43% to 100%. Seventy-four percent of hearings reviewed had an active efforts finding. In 35% of the cases, the court order described what the active efforts were. Figure 3 illustrates the percentage of hearings where an active efforts finding was made. Active efforts were most likely to be made at the review hearing (80%) and at the plea (admit/deny) hearing (77%).

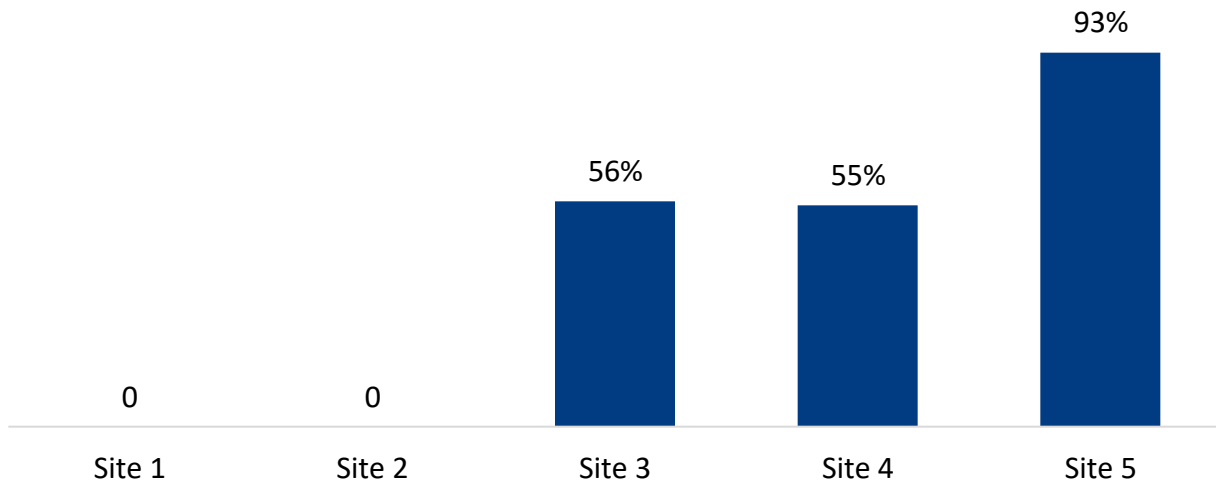
Figure 3: Percentage of Hearings with Active Efforts Finding



Qualified Expert Witness Testimony

In cases where the child was removed from the home, we reviewed the case files for evidence that there was qualified expert witness (QEW) testimony to support that removal was necessary to prevent serious emotional or physical damage to the child. Evidence of QEW testimony was only found in 47% of case files when the child was removed from the home. Figure 4 illustrates the variation in sites of how often QEW was evidenced in the case file.

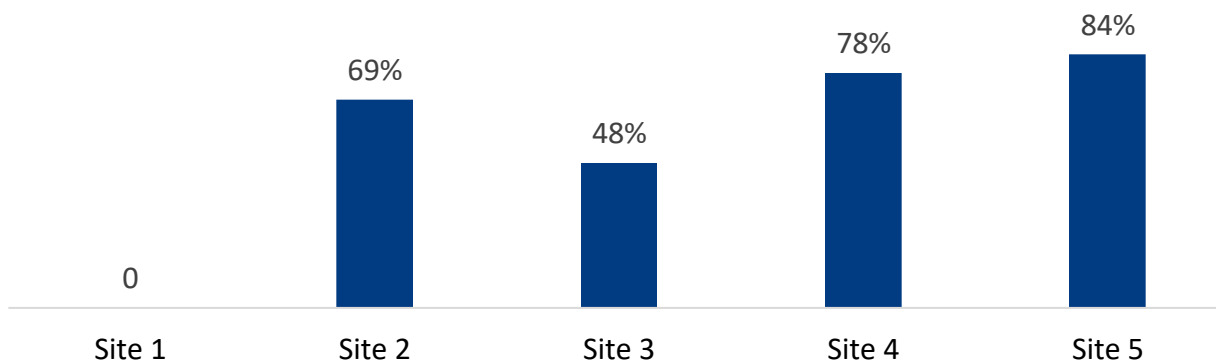
Figure 4: Percentage of Cases with Evidence of QEW Testimony



Finding: Serious Emotional or Physical Damage

For cases confirmed as ICWA or unknown where the child had been removed from the home, we found evidence of a finding that the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child in 68% of cases. This varied considerably by site, ranging from 0 (no evidence of the finding) to 84% of cases (see Figure 5).

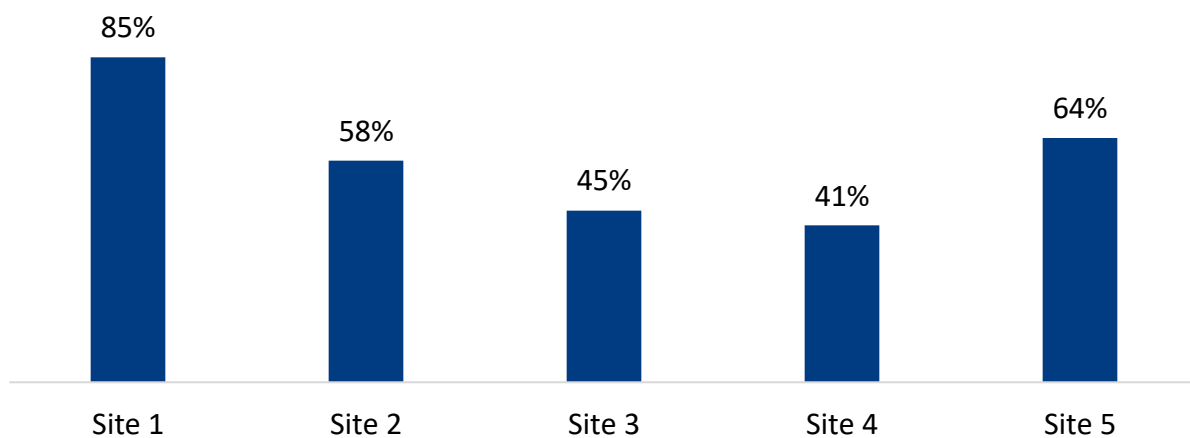
Figure 5: Percentage of Cases with Findings (at least once)



Placement Preferences

We explored whether children were in a preferred placement when they were removed from the home. For this variable, we considered preferred placement with a relative or tribal foster home. Thirty-one percent (31%) of cases had a “finding” related to placement preferences on the record. Fifty-two percent (52%) of youth were placed in preferred placements at the initial hearing and 63% were placed in preferred placement at the first review. It should be noted that this is not a perfect measure of preferred placement, as it was not always clear from the files why the child was not placed in a more preferred placement type.

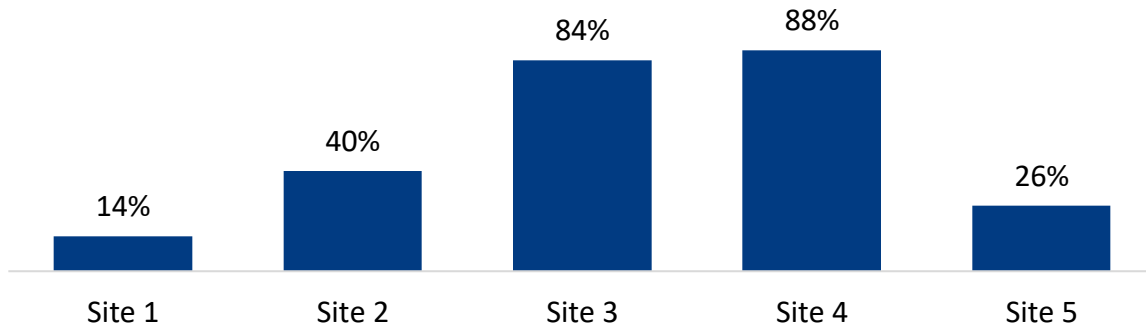
Figure 6: In Preferred Placement at Removal



Tribal Representative Present

We also explored whether a tribal representative was present at the hearings. This was explored at each hearing and a cumulative variable was created to determine if a tribal representative was ever present at any of the hearings reviewed. The study did not examine who the tribal representative was (e.g., attorney tribal social services, etc.). Forty-eight percent (48%) of cases had a tribal representative present at some point in the case. Tribal representatives were present at 35% of hearings. Twenty-three percent of initial hearings had a tribal representative present. This varied by site (see Figure 7), ranging from tribal representatives present at only 14% of cases to present at 88% of cases.

Figure 7: Tribal Representative was Ever Present



Attorneys for Parents

As an additional measure, we explored how often parties had attorneys present. This was explored in terms of how often parties were present at the first hearing on the case as well as the average presence of attorneys across all hearings (see Table 1). We also examined the variation by site for the presence of attorneys across the life of the case (see Figure 8).

Figure 8: Percentage of Hearings Attorney Present

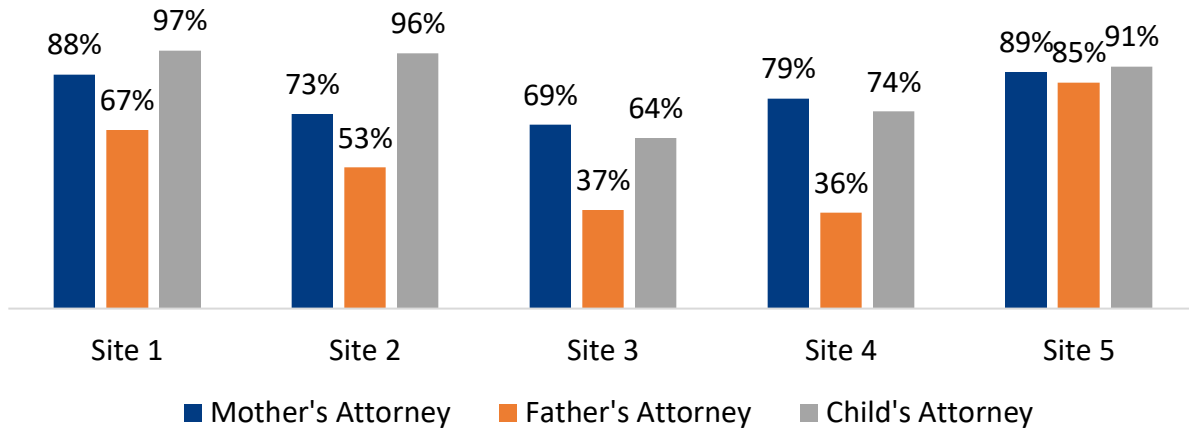


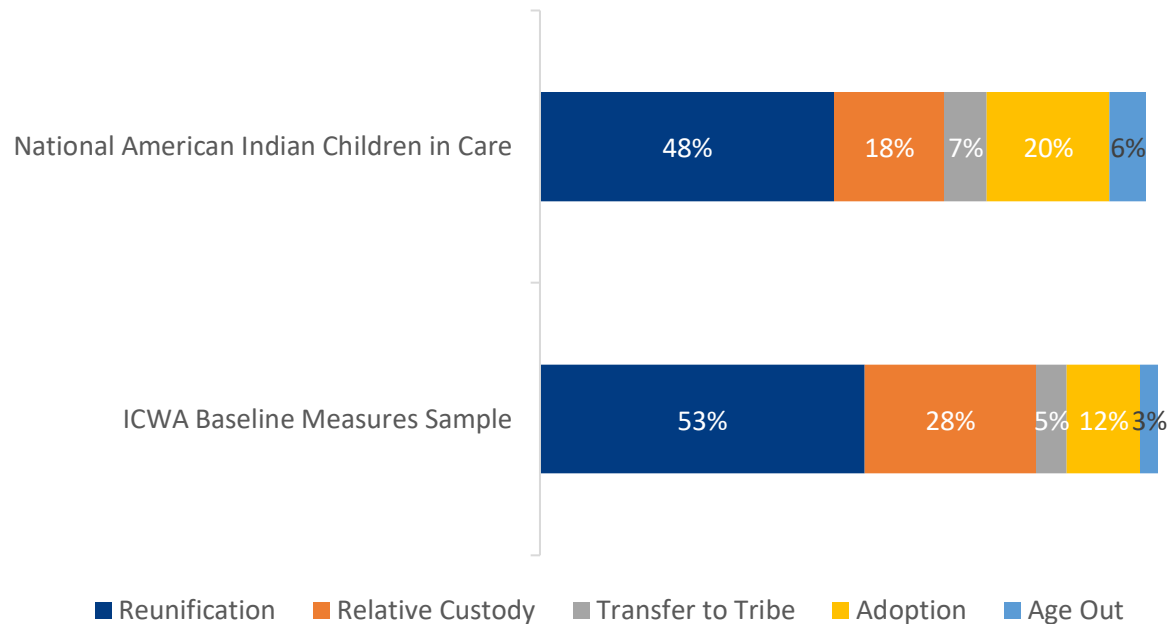
Table 1: Presence of Party's Attorneys

	Mother's Attorney	Father's Attorney	Child Advocate/ Attorney
Present at First Hearing	73%	41%	77%
Average Presence Across all Hearings	79%	54%	80%

Case Outcomes

We examined case outcomes for the cases and compared the outcomes in the case to the outcomes for American Indian children who exited care in 2017, based on the Adoption and Foster Care Analysis and Reporting System (AFCARS) data. As noted in Figure 9, the cases in the sample had higher rates of reunification and relative custody than the national sample.

Figure 9: Case Outcomes



Relationships Between ICWA Application and Case Outcomes

We explored ICWA application and its relationship to outcomes. We started by running a correlation analysis to examine relationships and the direction of relationships between variables. We also ran regression analyses to identify which variables were the best predictors of outcomes. Table 2 provides a listing of the ICWA application factors used in these analyses.

Table 2: Factors Used in Analyses	
ICWA Application Factors	Case Outcome Variables
Time to Notice	Preferred placement
Active Efforts Ever Made (yes/no)	Reunification
Percentage of Hearings with Active Efforts Finding	Timely Permanency

Time to Confirmation of ICWA Status	Time to Return to Parent
Tribe Present at Initial Hearing	Average ICWA Application Variable
Tribe Ever Present on Case	
Percentage of Hearings Tribe Present	
Parent Attorney Present at Initial Hearing	
Presence of Parent Attorney Across Life of the Case	
Average Application Variable	

For each of the outcomes of interest, two types of analyses were conducted. First, for any variables that were continuous in nature, a correlation was run to examine how the two variables were related, as well as the strength and direction of that relationship. In addition, when there were categorical variables, a regression analysis was run on the variables of interest. The statistically significant findings are reported in Table 3, along with the p values that identify the level of statistical significance.

Factors Related to Preferred Placement

Six factors were related to the child being placed in a preferred placement on average across the life of the case. These were time to notice, the average application construct, the mother and father’s presence across the life of the case, and the presence of the mother’s and father’s attorney across the life of the case. For time to notice, longer times to noticing the tribe were related to less preferred placements on average. For all other variables, higher percentages of each were related to better placement along the placement preferences continuum. For example, when parents’ attorneys are present more often across the life of the case, placements are better across the life of the case.

Predictors of Reunification

The mother’s presence across the life of the case was the best predictor of reunification. This is not to say that the mother being present causes reunification, but that there is a relationship here. It could be a third factor (e.g., motivation) that both increases mother’s presence at hearings and increases likelihood of reunification. Average application of ICWA was not correlated with reunification on its own; however, when placed in a regression model with mother’s average attendance, it was a significant predictor of reunification. In addition, the presence of the tribe at the initial hearing approached but did not reach statistical significance. However, cases where the

tribe was present at the initial hearing had a 52% reunification rate compared to cases where the tribe was not present (40% reunification rate). It may be an indirect relationship because presence of the tribe was also related to greater application of ICWA overall.

Predictors of Timely Permanency

Five variables predicted timely permanency, or the child's time in care. These included an active efforts finding at the initial hearing, the tribal representative being present at the first hearing, the time to confirmation of ICWA status, and the placement at the first hearings. When a tribal representative was present, time to permanency was shorter (424 compared to 549 days). Placements that were higher (less preferred) on the placement continuum at the first hearing were also related to longer times to permanency. Longer times to confirmation of ICWA status were also related to longer times to permanency. Cases that made active efforts findings at the initial hearing took longer to get to permanency.

Predictors of Time to Return Home

The sample size of cases where we were able to get a date that the child was returned home was small (n= 24 cases). However, we did explore some correlation analyses with these cases. We found that time to ICWA confirmation was significantly related to time to return home, in that longer time to confirmation was related to longer time until the child was returned home. In addition, the tribe being present at the first hearing was related to longer times to return home. When the tribe was present at the first hearing, the average time to return home was 158 days compared to 379 days when the tribe was not present at the first hearing.

Predictors of Relative Custody and Adoption

The sample size for adoption cases was fairly small (n=17), which affects the likelihood of finding statistically significant relationships. The sample size for outcomes of guardianship/relative custody was larger (n=42). However, we found no relationships between ICWA application variables and the outcome of relative custody.

Predictors of Enhanced ICWA Application

In addition to specific case outcomes, we explored variables that may be related to enhanced ICWA application, that is a higher percentage of application of the variables of interest (e.g., active efforts finding, QEW, etc.). Several variables were related to enhanced ICWA application. These included the initial finding of ICWA applicability at first hearing, and tribal presence across the life

of the case which were both related to enhanced application. The average presence of both mother's and father's attorneys were also related to more application of ICWA in cases. In addition, we found that making an initial finding of ICWA at the first hearing was related to increased tribal presence across the life of the case. Longer times to notice to the tribe was related to less application of ICWA in cases.

Table 3: ICWA Application Factors Related to Outcomes					
ICWA Application Factors	Preferred Placement	Reunification	Timely Permanency	Time to Return to Parent	Average ICWA Application
Time to Notice	.29* p = .09				-.14* p = .05
Active Efforts at First Hearing			.25** p < .000		
Percentage of Hearings with Active Efforts Finding			.17* p = .05		
Time to Confirmation of ICWA Status			.78** p < .001	.73** p < .001	
Tribe Present at Initial Hearing			t = -2.21 p = .07	-.32* p = .07	
Average Tribe Presence Across Case					.57** p < .001
Percentage of Hearings Tribe Present					.44** p < .001
Placement at First Hearings			t = 2.30 p = .05		
Presence of Parent Attorney Across Life of the Case	-.12* (Mo) p = .07 -.26 (Fa) p < .001	B = 1.75 p = .05			.22** (Mo) p < .001 .21** (Fa) p < .001
Average Application Variable	-.26* p = .002				
Presence of mother across the life of the case	-.21* p = .01	.35** p < .001			
Presence of father across the life of the case	-.30** p < .001				

Digging into Active Efforts

The active efforts findings was rarely related to improved outcomes in the case. In addition to tracking the finding, this study explored the specific active efforts that the agency indicated that they completed for each hearing. These were coded based on the BIA guidelines related to active efforts. We also tracked whether the court made a detailed active efforts finding that included the actual efforts. That is, instead of just finding “active efforts were made” the court spelled out in the order what active efforts have been made. The active efforts findings were tracked at six key hearings on the case. These are the points in the process where we saw a correlation with reunification and the specific effort that was related to it:

- ▶ At Adjudication
 - ▶ Identifying appropriate services and actively assisting parents in obtaining such services
 - ▶ Providing post reunification services and monitoring
- ▶ At Disposition
 - ▶ Providing post reunification services and monitoring
- ▶ At Review
 - ▶ Comprehensive assessment of Indian child's circumstances (with focus on safe reunification)
 - ▶ Identifying appropriate services and actively assisting parents in obtaining such services
 - ▶ Identifying, notifying, and inviting reps of Indian child's Tribe
 - ▶ Identifying community resources and actively assisting Indian child's parents in access and utilization
 - ▶ Monitoring progress and participation services
 - ▶ Providing post reunification services and monitoring
- ▶ At Permanency
 - ▶ Providing post reunification services and monitoring

When the court made detailed active efforts findings at review, this was correlated with reunification ($r = .28, p = .02$). The court detailing active efforts findings at the initial hearing ($r = .45, p = .03$), the disposition hearing ($r = .49, p = .03$), and the review hearing ($r = .63, p = .02$) were are related to *longer* times to return home.

Limitations

This study was meant to provide baseline data for sites who are interested in learning more about their application of ICWA and to serve as a baseline measure of the relationship between ICWA application and case outcomes. The data are preliminary. There were several limitations important to note for the study. The sample size for the study was relatively small. While efforts were made to include approximately 50 cases at each site and the total sample was 272 cases, a large percentage of these were later determined not to be ICWA cases, reducing the overall sample to 151 confirmed ICWA cases. With a smaller sample size, it is harder to find significant relationships between variables. In addition, several cases were missing data, making the sample size even smaller for specific analyses. The missing data could skew the findings. That is, there may have been more placement in preferred settings, but the coders were unable to determine this based on the data that they had. In addition, we were limited by what was in the case file. Judges could have been making verbal findings on the record or including a QEW in the hearing process that was not later reflected in the case file documentation.

Implications and Using Findings Effectively

The data from this study can be used in several ways. First, it is important as a resource for the sites to have access to their own data. Efforts like this can be maximized to provide the most utility. Individual reports of the data, for instance, were provided directly to each site to give them baseline information of recent practice. Second, a collaborative effort with the Duluth site resulted in sharing of the raw data with a researcher tasked with exploring the effectiveness of the ICWA collaboration and ICWA court on site. As a result, they were able to use the data collected for this study to make pre and post-test comparisons from before and after implementation of the ICWA court in Duluth. Findings suggest a positive change of practice related to greater implementation of ICWA. Third, this data can be used as an example to sites for consideration of the variables that may be of interest to collect for ICWA application studies for their own use. The tools are provided in an appendix and may be used or adapted in the field for future data collection purposes.

Finally, this report can be useful in considering if there are things that could be helpful to a site when they are applying ICWA that may be more related to improved outcomes than others. For example, the finding that a tribal representative being present early and often in the case was related to timely permanency is an important consideration as well as factors such as time to confirmation and presence of parents' attorneys. These factors should be taken into consideration

for sites to try to enhance practice in these areas. Findings from this study can also be used as a starting point for conversation about ICWA application and the importance of specific practices in improving outcomes for Indian youth in foster care.

Appendix A: Case File Review Tool

ICWA Baseline Measures Case File Review Tool

Case No.
 Coder A Ar E S
 State Cg Mf M
 Sibling group Y N
 Reliability Y N
 Site 1 2 3
 Child's Tribe(s)
 Other:

Jurisdiction
 Does the petition identify whether the child is domiciled or residing on the reservation? Y N
 Does the court exercise jurisdiction over an Indian child domiciled or residing on the reservation? Y N
Additional Time Request
 Does a party (i.e., parent, tribe) request additional time to prepare for proceeding? Y N
 If yes, does the court grant them up to 20 additional days to prepare? Y N

Child DOB		
MONTH	DAY	YEAR
1	J	
2	F	
3	M	<input type="radio"/> 0 <input type="radio"/> 0 <input type="radio"/> 0
4	A	<input type="radio"/> 1 <input type="radio"/> 1 <input type="radio"/> 1
5	M	<input type="radio"/> 2 <input type="radio"/> 2 <input type="radio"/> 2
6	J	<input type="radio"/> 3 <input type="radio"/> 3 <input type="radio"/> 3
7	J	<input type="radio"/> 4 <input type="radio"/> 4 <input type="radio"/> 4
8	A	<input type="radio"/> 5 <input type="radio"/> 5 <input type="radio"/> 5
9	S	<input type="radio"/> 6 <input type="radio"/> 6 <input type="radio"/> 6
10	O	<input type="radio"/> 7 <input type="radio"/> 7 <input type="radio"/> 7
11	N	<input type="radio"/> 8 <input type="radio"/> 8 <input type="radio"/> 8
12	D	<input type="radio"/> 9 <input type="radio"/> 9 <input type="radio"/> 9

Transfer
 Did the tribe move to transfer the case? Y N If yes, when? Mo. Day Yr.
 Were they denied the transfer? Y N NA
 Hearing transfer requested at:

Intervention
 Does the tribe move to intervene? Y N
 Does the court Grant or Deny motion? G D U

Petition

Mo. Day Yr.

File Date:

Does the petition identify the ICWA applicability of the child? Y N

Does the petition identify the tribe(s)? Y N

Notice of petition filing (tribe)? Y N

Notice date: Mo. Day Yr.

Notice of State Filing Date: Mo. Day Yr. ND

Notice of State Filing Receipt Date: Mo. Day Yr. ND

Child's Gender M F

Allegations

M F O

Y Y Y Physical Abuse

Y Y Y Sexual Abuse

Y Y Y Neg./Abandon

Y Y Y Mental/Emo. Abuse

Y Y Y Other

Child Removed? Y N

Removal Date? Mo. Day Yr.

Child's Race/Ethnicity

NA Native American

C Caucasian

AA African American

A Asian

H Hispanic

M Multiracial

U Undetermined

O Other

Presenting Problems

M F O

Y Y Y Crim. Act.

Y Y Y Child Beh.

Y Y Y DV

Y Y Y FTP

Y Y Y Homeless

Y Y Y Sub. Abuse

M F O

Y Y Y Alc. Abuse

Y Y Y MH issues

Y Y Y Other

Y Y Y Unfit home

Y Y Y Hist. w/ court

Y Y Y Hist. w/ agency

Notes:

• Is this an ICWA case? (Y) (N)

Adj. w/Disposition (Y) (N)

Date ICWA Confirmed: (Y) (N)

Mo. Day Yr. [][] [][] [][]

EPC hearing Admit/Deny (Adi) hearing Adi Trial hearing
Mo. Day Yr. Mo. Day Yr. Mo. Day Yr.

Table with 3 columns for hearing types and rows for findings like 'Flagged for ICWA applicability', 'ICWA applicability finding', etc.

Date notice received by tribes: (JD) Mo. Day Yr. Tribe Unknown (Y) (N) Notice sent to BIA (Y) (N)

Date hearing notice received by mother: (JD) Mo. Day Yr. Date hearing notice received by father: (JD) Mo. Day Yr.

Disp. Rev Hearing Perm Progress hearing
Mo. Day Yr. Mo. Day Yr. Mo. Day Yr.

Table with 3 columns for hearing types and rows for findings like 'Flagged for ICWA applicability', 'ICWA applicability finding', etc.

Date notice received by tribes: (JD) Mo. Day Yr. Tribe Unknown (Y) (N) Notice sent to BIA (Y) (N) Date hearing notice received by mother: (JD) Mo. Day Yr. Date hearing notice received by father: (JD) Mo. Day Yr.

Service Plan

M F C

- Drug/Alcohol Assessment
- Drug/Alcohol Treatment
- Random UAs
- Parenting Skills/Mentoring
- Psychological Evaluation
- Individual Counseling
- Family Counseling
- Anger Management
- Domestic Violence
- Job Skills
- Maintain Suitable Housing
- Medical
- Dental
- Educational
- Independent Living Skills
- Other:
- Other:
- Other:

Mother Appointed Counsel?

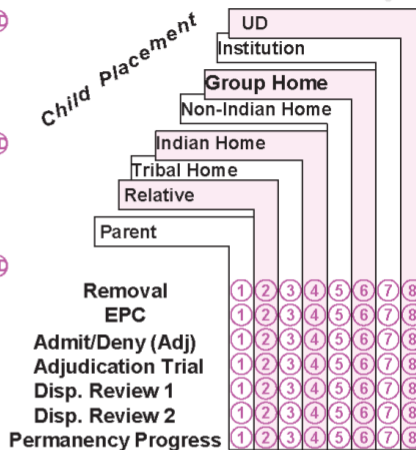
Appointed date:

Father Appointed Counsel?

Appointed date:

Child Appointed Counsel?

Appointed date:



Case Closed?

Case closure date:

Mo. Day Yr.

Case Outcomes

- ① Reunified with Charged Parent
- ② Placed with Non-Charged Parent
- ③ Guardianship
- ④ Permanent Legal Custody to Relative
- ⑤ TPR/Adoption
- ⑥ Aged Out/Emancipation
- ⑦ Dismissed (pre or at ADJ)
- ⑧ Tribe Assumed Jurisdiction
- ⑨ Other:

Tot. # Place

Tot. # Hearings

Returned Home Date:

Mo. Day Yr.

Types of active efforts?

- Court orders identifies specific active efforts
- Comprehensive assessment of Indian child's circumstances (with focus on safe reunification)
- Identifying appropriate services & actively assisting parents in obtaining such services
- Identifying, notifying, and inviting reps. of Indian child's Tribe
- Diligent search for Indian's child's extended family members & contacting & consulting with them
- Offering and employing all available & culturally appropriate family preservation strategies
- Taking steps to keep siblings together whenever possible
- Identifying community resources & actively assisting Indian child's parents in access and utilization
- Monitoring progress and participation in services
- Considering alternative ways to address needs of Indian child's parents
- Providing post-reunification services and monitoring
- Other:
- Other:

Notes:

Permanency Petition

Case No.

Does the court dismiss the TPR petition? Y N

Type of Petition: PR TLC PCA

TPR case dismissal date: Mo. Day Yr.

Date Perm Petition Filed:

Mo. Day Yr.

Date of notice to tribes:

Mo. Day Yr.

Admit/Deny Hearing:

Mo. Day Yr.

Trial:

Mo. Day Yr.

	Apply:	Apply:
Flagged for ICWA applicability	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
ICWA applicability finding	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
Active efforts finding	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
Testimony of qualified expert witness	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
Emotional or physical damage	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N
Clear and convincing evidence	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N
Imminent physical damage or harm	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N <input type="radio"/> N
Placement preferences finding	<input type="radio"/> JB <input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> JB <input type="radio"/> Y <input type="radio"/> N
Good cause not to follow placement preferences	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
Notice of next hearing	<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> Y <input type="radio"/> N
Parties Present	<input type="radio"/> M <input type="radio"/> F <input type="radio"/> C <input type="radio"/> TR	<input type="radio"/> M <input type="radio"/> F <input type="radio"/> C <input type="radio"/> TR
Attorney Present	<input type="radio"/> M <input type="radio"/> F <input type="radio"/> C	<input type="radio"/> M <input type="radio"/> F <input type="radio"/> C

Mother

Father

Date of notice to mother: Mo. Day Yr.

Date of notice to father: Mo. Day Yr.

Date Petition Filed: Mo. Day Yr.

Date Petition Filed: Mo. Day Yr.

Date of TPR/TLC Order: Mo. Day Yr.

Date of TPR/TLC Order: Mo. Day Yr.

Relinquished? Y N

Relinquished? Y N

Beyond reasonable doubt re: emo. or phys. damage? Y N

Beyond reasonable doubt re: emo. or phys. damage? Y N

Does beyond reasonable doubt apply? Y N

Does beyond reasonable doubt apply? Y N

Active efforts? Y N

Active efforts? Y N

Does active efforts apply?

Does active efforts apply?

Voluntary Termination? Y N

Voluntary Termination? Y N

If yes, is it in writing? Y N

If yes, is it in writing? Y N

Consented to Adoption? Y N

Consented to Adoption? Y N

If yes, is it in writing? Y N

If yes, is it in writing? Y N

Placement preference notes:

Active efforts notes:

Appendix B: Court Observation Tool

ICWA Performance Measurement Tool						
Court Case File Number	Type of Hearing	Coder	Tribe(s) of Child		Date	
Judicial Officer	County/Jurisdiction	State	Num of children	# child selected:	M	D
					Y	Y
Reliability? <input type="checkbox"/> Y <input type="checkbox"/> N						
Parties Present at Hearing						
<input type="checkbox"/> Mother	<input type="checkbox"/> Mother's Atty	<input type="checkbox"/> Child	<input type="checkbox"/> Relatives	<input type="checkbox"/> Interpreter	<input type="checkbox"/> Foster Parent	
<input type="checkbox"/> Father	<input type="checkbox"/> Father's Atty	<input type="checkbox"/> Social worker	<input type="checkbox"/> Child's Atty	<input type="checkbox"/> Tribal Representative	<input type="checkbox"/> CASA	<input type="checkbox"/> Treatment Prov
Was an attorney appointed at <i>this hearing</i> for: the mother? <input type="checkbox"/> Y <input type="checkbox"/> N the father? <input type="checkbox"/> Y <input type="checkbox"/> N the child? <input type="checkbox"/> Y <input type="checkbox"/> N						
Was the parent/Indian custodian informed of right to counsel? <input type="checkbox"/> Y <input type="checkbox"/> N						
ICWA Applicability						
1. Application of ICWA						Yes No
Who was asked?						<input type="checkbox"/> Y <input type="checkbox"/> N
1b. Has the child's tribe(s) been identified?						<input type="checkbox"/> Y <input type="checkbox"/> N
1c. Is the child a member, or eligible for membership of a federally recognized tribe?						<input type="checkbox"/> Y <input type="checkbox"/> N
1d. Did the judge make a finding <i>orally on the record</i> that ICWA does/does not apply?						<input type="checkbox"/> Y <input type="checkbox"/> N
1e. Does ICWA apply in this case? (even if no finding)						<input type="checkbox"/> Y <input type="checkbox"/> N
2. Jurisdiction						Yes No
2a. Did the judge make a finding <i>on the record</i> that the tribe(s) received formal notice of petition filing?						<input type="checkbox"/> Y <input type="checkbox"/> N
2b. Is the child a ward of a tribal court?						<input type="checkbox"/> Y <input type="checkbox"/> N
2c. Is the child domiciled or living on the reservation?						<input type="checkbox"/> Y <input type="checkbox"/> N
2d. Does the state court have jurisdiction?						<input type="checkbox"/> Y <input type="checkbox"/> N
***If this is not the initial hearing, is there indication that this is an ICWA case?						<input type="checkbox"/> Y <input type="checkbox"/> N
ICWA Compliance						
3. Findings on the Record & Placement					Finding Made	Notice Given
3a. Did the judge make a finding that the tribe(s) received notice of this hearing?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3b. Did the judge make a finding that the mother received notice of this hearing?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3c. Did the judge make a finding that the father received notice of this hearing?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3d. Did the judge make a finding that the Indian custodian received notice of this hearing?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3e. Did the judge order the child in to (or to remain in) out of home placement?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3f. Did the judge make a finding that emergency removal was necessary to prevent <i>imminent physical damage or harm</i> to the child?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3g. Was there <i>qualified expert witness</i> testimony presented at this hearing?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3h. Did the judge make a finding that there was clear and convincing evidence that the child was likely to suffer <i>serious emotional or physical damage</i> if continued in the custody of the parent?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3i. Did the judge make a finding of <i>active efforts</i> <input type="checkbox"/> Y <input type="checkbox"/> N to prevent removal? <input type="checkbox"/> Y <input type="checkbox"/> N to return the child home?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3j. Was there discussion of why child was not placed with relatives?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
3k. Did the judge make a finding of good cause <i>not</i> to follow the placement preferences? If yes, why?					<input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N
4. Tribal Intervention						Yes No
4a. Did the tribe petition or move to intervene in the case?						<input type="checkbox"/> Y <input type="checkbox"/> N
4b. Did the judge grant the tribe's petition or motion to intervene in the case?						<input type="checkbox"/> Y <input type="checkbox"/> N
4c. Did the tribe have a recommendation to present to the court?						<input type="checkbox"/> Y <input type="checkbox"/> N
4d. Did the judge allow the tribe to present its recommendation to the court?						<input type="checkbox"/> Y <input type="checkbox"/> N
4e. Did the judge adopt all <input type="checkbox"/> Y adopt some <input type="checkbox"/> Y or not adopt <input type="checkbox"/> Y the tribe's recommendation?						<input type="checkbox"/> Y <input type="checkbox"/> N
5. Transfer to Tribal Court						Yes No
5a. Did a party request a transfer of the case to tribal court at this hearing?						<input type="checkbox"/> Y <input type="checkbox"/> N
5b. Did the judge make a decision about the transfer to tribal court? <input type="checkbox"/> Y <input type="checkbox"/> N						Grant <input type="checkbox"/> Y Deny <input type="checkbox"/> Y
5c. Did the judge make a finding of <i>good cause</i> to deny the request to transfer the case? If yes, why?						<input type="checkbox"/> Y <input type="checkbox"/> N
6. Engagement of Tribe						Yes No
6a. Was there discussion of how the tribe has been involved in case planning?						<input type="checkbox"/> Y <input type="checkbox"/> N
6b. Was there discussion of culturally appropriate services for the family?						<input type="checkbox"/> Y <input type="checkbox"/> N
6c. Was there discussion of how the tribe has been involved in locating relatives?						<input type="checkbox"/> Y <input type="checkbox"/> N
Child Placement Order: <input type="checkbox"/> New order <input type="checkbox"/> Continuation						
Is this an adoptive home? <input type="checkbox"/> Y <input type="checkbox"/> N						
<input type="checkbox"/> Home/Parent		<input type="checkbox"/> Indian Home		<input type="checkbox"/> Treatment Facility		
<input type="checkbox"/> Relative		<input type="checkbox"/> Non-Indian Home		<input type="checkbox"/> Unable to Determine		
<input type="checkbox"/> Tribal Home		<input type="checkbox"/> Group Home				