

This chart provides an abbreviated summary of Native data elements in the Adoption and Foster Care Analysis Reporting (AFCARS) data system prior to the 2016 Final Rule (original 1994 regulations), those included in the 2016 Final Rule, and changes to the 2016 Final Rule that were included in the 2019 Notice of Public Rulemaking (NPRM) and 2020 Final Rule. To see a full description of these regulations please go to the appropriate regulations.

American Indian and Alaska Native AFCARS Data Elements Comparison Chart			
Data Element	Pre-2016 AFCARS	2016 Final Rule	2020 Final Rule
Race of child	Yes (self-identifying, does not include whether child is a member of an Indian tribe)	Yes	Yes. Under American Indian and Alaska Native choice it includes any child that has origins in any of the original peoples from North <u>or South Americas</u> .
Race of caregivers	Yes (self-identifying, does not include whether child is a member of an Indian tribe)	Yes	Yes. Under American Indian and Alaska Native choice it includes any caregiver that has origins in any of the original peoples from North <u>or South Americas</u> .
ICWA status inquiry	No	1) Did inquiry occur with father, mother, Indian custodian, child, and extended family	Asks if Title IV-E made inquiries into child's Indian status
Child is member or eligible for tribal membership	No	1) Is child is a member or eligible for membership, 2) Is domicile or residence of child on tribal lands	Asks if child is a member or eligible for membership in an Indian tribe
Application of ICWA	No	1) Title IV-E agency's first knowledge of child as Indian and date, and 2) State court determination of application and date.	Asks Title IV-E agency to identify whether ICWA applies (Is this an Indian child?) and date that child's tribe or state or tribal court notified the Title IV-E agency that ICWA applies

Identification of child's tribe	No	Identify all Indian tribes child is eligible for membership in identified by the Title IV-E agency and state court	Identify all Indian tribes child is eligible for membership in (Title IV-E agency only)
Notification of court proceedings	No	1) Was notice sent to parents or Indian custodian, child's tribe(s), and names of tribes, 2) Was notice sent within ICWA timeline and by prescribed method, and 3) If tribe requested additional information did state provide	Asks if notice was sent to child's tribe within ICWA timeline and method prescribed under ICWA.
Tribal membership of mother and father	No	2) Identify if mother and father are members of an Indian tribe and identify their tribe	Identify if mother and father are members of an Indian tribe (not required to identify their tribe)
Request to transfer jurisdiction to tribe	No	1) Did a request for transfer occur, 2) Was petition approved or denied, and 3) what was the basis for denial to transfer	Identify the type of agency a child was transferred to including a tribal IV-E or non-Title IV-E agency (this data element is not specific to ICWA or Indian children and includes other agencies like states, mental health, juvenile justice, etc.)
Active efforts	No	1) Did the state court make a determination on active efforts, 2) What date did Title IV-E agency begin active efforts, 3) What active efforts were provided by Title IV-E agency, and 4) Were active efforts unsuccessful (state court determination)	No
Removals (foster care)	No	1) Did state court rule that removal met ICWA legal requirements	No
Foster care placement	No, does not include if placement meets ICWA placement preferences	1) What ICWA placement preference homes were available (may not have been used), 2) Does current placement meet ICWA preferences (identify which	Identify if foster parents are members of an Indian tribe and if relative, non-relative, or kin placement

		preference), and 3) If not, did state court find good cause and identify basis for it	
Termination of parental rights	No, does not include if ICWA requirements were met	1) Identify if voluntary or involuntary and 2) Were ICWA requirements met (specify)	No, does not include if ICWA requirements were met only if placement was voluntary or involuntary
Adoptive or guardianship placement	No, does not include if ICWA placement preferences were met	1) What placement preference homes were available (may not have been used), 2) Does current placement meet ICWA preferences (identify which preference), and 3) If not, did state court find good cause and basis for it	Identify tribal membership of adoptive parents and if relative, non-relative, or kin placement