Indian Child Welfare Jurisdictional Provisions

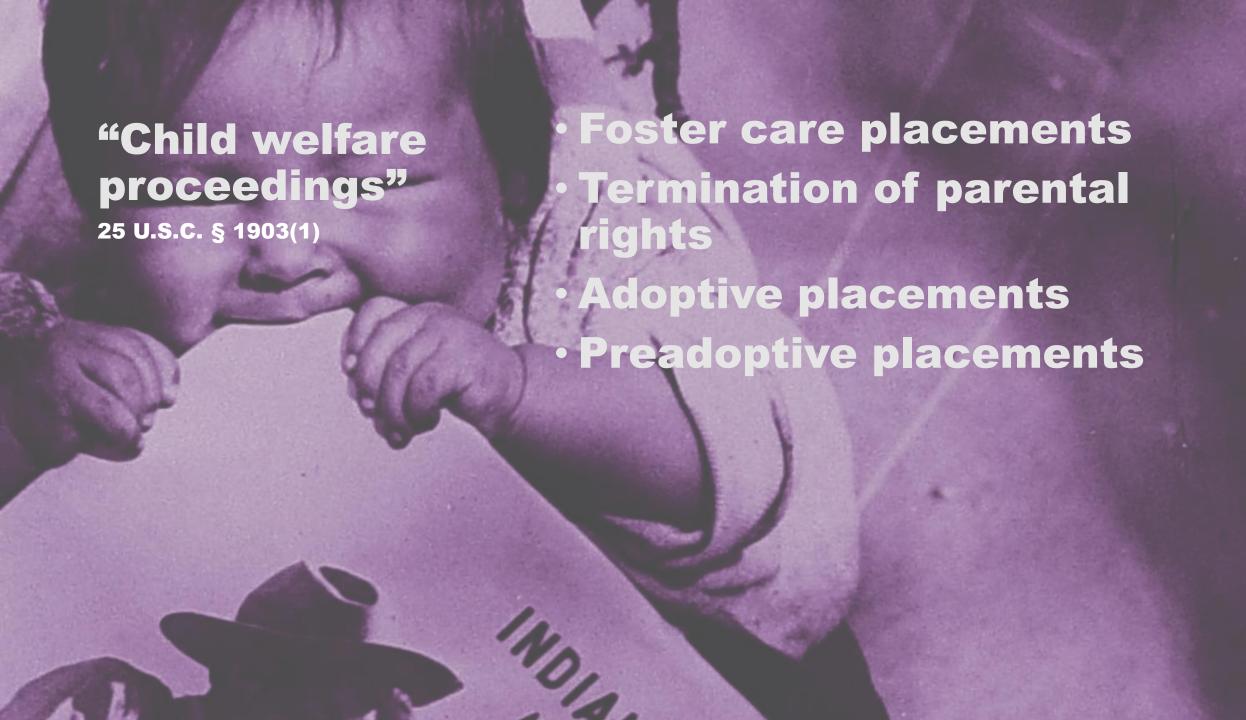
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Members of federally recognized Indian tribes, or

Children who are eligible for membership in a federally recognized tribe with a parent who is a member of a federally recognized tribe





25 U.S.C. §§ 1911(a), (b)

- Tribal Court Jurisdiction Exclusive Indian child domiciled on an Indian reservation
- Tribal Court Jurisdiction Presumptive – Indian child domiciled outside of an Indian reservation

Where ICWA Jurisdictional Provisions are Working

Successful Jurisdictional Provisions

- Tribal Court Jurisdiction Enhanced tribal court and tribal services capacities
- Authorization for cooperative agreements
- Full faith and credit provision
- State law providing greater protection for Indian parents

Where ICWA Needs Improvement

Recommendations

- Enforcement mechanisms needed:
- 1. Interlocutory Opinions
- 2. Attorney Fees
- 3. Additional Tribal Resources
- Codify Regulations on Tribal Court Transfer and Indian Child Definition
- Tie State Compliance to Title IV-E Money