NICWA
National Indian Child Welfare Association

CPS receives allegation of abuse or neglect

Is the case "screened-in"?

No.
Refer to community services.

Yes, Investigation. Allegation Substantiated?
Active Efforts

No.
Refer to Alternative/ Differential Response or offer services.
Active Efforts

Yes, Investigation. Child in imminent risk of harm?
Active Efforts

No.
Refer to Alternative/ Differential Response or offer services.
Active Efforts

Yes, Child Removed

If services aren't successful, child removed.

CPS files a dependency petition

72 Hrs

Emergency/Shelter Care Hearing: Was removal necessary?

- Notify Tribe
- Placement Preferences
- Active Efforts
- Imminent Risk still present?

ICWA not applied? Compliant Hearing

10 days

No.
Return child and offer services.

15-90 days

Adjudicatory/Fact-Finding Hearing:
Is removal necessary?

- Notify Tribe
- Clear and Convincing Evidence
- Active Efforts
- Qualified Expert

No.
Return child, offer services, and monitor case.

3-30 days

Dispositional Hearing: What is the placement and treatment plan?
Placement Preferences

No.
Return Child, offer services, and monitor case.

Every 3-6 Mo.

Review Hearing: Is removal still necessary?
Active Efforts

12-18 Mo. after first hearing

Permanency Hearing: Is reunification still the best plan for permanency?
Placement Preferences

Termination of Parental Rights Proceeding

- Notify Tribe
- Beyond a Reasonable Doubt
- Active Efforts
- Qualified Expert

Reunification

Alternative Permanent Placement

Guardianship Proceeding
Placement Preferences

Adoption Proceeding
Placement Preferences