

Native American Inquiry Request (NAIR)



5th Annual ICWA Institute



Washington State Department of
CHILDREN, YOUTH & FAMILIES

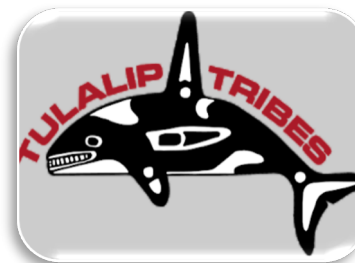
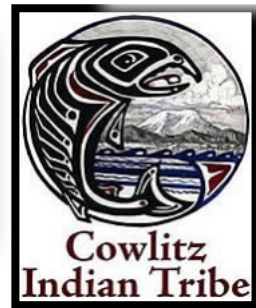
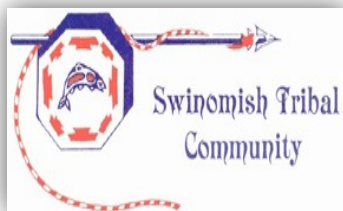
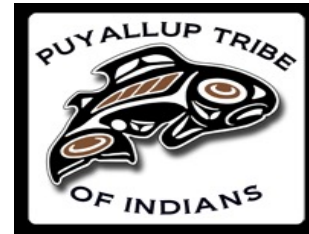
Identifying Indian Children

Why do we ask?

- Indian Child Welfare Act of 1978 (ICWA)
- Washington State Indian Child Welfare Act (WICWA)
RCW 13.38
- Department of Children, Youth & Families (DCYF)
ICW Policies and Procedures
3. Inquiry and Verification of Child's Indian Status



29 federally-recognized tribes in WA State



Identifying Indian Children

- Determining a child's Indian status must be made as soon as possible to serve the best interests of the Indian child and to protect the interests of the child's tribe RCW 13.38.070(2).
- DCYF Caseworkers must identify and verify whether a child meets the definition of an Indian child early in the case to preserve the child's culture.



Identifying Indian Children

- The **Indian Identity Request** (09-761) must be completed during the initial contact with the parent(s)/Indian Custodian for **each** screened in Intake on all cases for each child, including those who have not been identified as victims.
- Upload the completed **Indian Identity Request** in FamLink – for **all** case types, regardless of the answers provided.
- Complete a **Family Ancestry Chart** (04-220) if the family identifies tribal affiliation, even when the family states or provides documentation they are a member.

Washington State Department of
CHILDREN, YOUTH & FAMILIES

Indian Identity Request

The federal and state Indian Child Welfare Acts require that all Indian children be identified. To assist in this process all biological parents need to complete this form.

NAME OF CHILD	PERSON ID NUMBER	DATE OF BIRTH	CASE NUMBER

I, _____, and I, _____,
BIOLOGICAL MOTHER'S NAME BIOLOGICAL / ALLEGED FATHER'S NAME
hereby acknowledge that _____ is of the following Indian ancestry:
NAME OF CHILD

Mother:

Indian ancestry: Yes No

Tribe(s): _____

Identity of the Tribe unknown

Father:

Indian ancestry: Yes No

Tribe(s): _____

Identity of the Tribe unknown

Name and relationship of person(s) other than parents providing information:

MOTHER'S SIGNATURE	DATE	FATHER'S SIGNATURE	DATE

Parent refused to sign
 Parent not available for signature

Parent refused to sign
 Parent not available for signature

CASE WORKER'S SIGNATURE	DATE	CASE WORKER'S NAME

AGENCY STREET ADDRESS CITY STATE ZIP CODE

The DCYF caseworker must:

- Upload the completed form in FamLink.
- Complete the Family Ancestry Chart (DCYF 04-220) in FamLink, if one or both parents answer yes.
- Send a referral to Native American Indian Request (NAIR) to DCYF.NAIR@dcyf.wa.gov within 10 working days of Native American identification.



Helpful Hints

- Ask! Even if the family has been asked before and said that they are not, ask again. Ask at every case transfer.
- If the family reports affiliation with a large tribe, attempt to gather more information. Ask if they know the band of the tribe that their family hails from or the village. Examples:
 - ✓ 22 federally-recognized Chippewa Tribes
 - ✓ 16 federally-recognized Sioux Bands & additional Sioux Bands in Canada
 - ✓ Approximately 90 Tribes/Native Villages of Aleut
- If the parents are not directly available, ask a representative from each side of the family, the person who has placement of the child or anyone else that can reasonably be expected to have information.



Identifying Indian Children



- When a family identifies **Blackfeet** affiliation, clarify with them if they are from **Blackfeet Tribe** of Montana or from the **Blackfoot** Canadian First Nation.
- **Blackfeet/Blackfoot**
- ICWA only applies to federally-recognized Tribes.



Completing a Family Ancestry Chart

Case Name Jackson, Shyna Case Number 9875430 Child Person ID Number 1234890 APPLICANT (Child's Name) Jackson, Nina W. Tribe(s) Colville, Muckleshoot Date of Birth 07/1/2019 Place of Birth Spokane, WA	FATHER Roberts, Robert W. (Adopted) Tribe(s) None indicated Date and Place of Birth 4/3/1981 Forrest City, AR Father's Aliases _____	PATERNAL GRANDMOTHER Bio-mother: Black, Brenda Tribe(s) None indicated Date and Place of Birth 7/1/1957 Little Rock, AR	
	MOTHER Jackson, Shyna Tribe(s) Colville, Muckleshoot Date and Place of Birth 03/31/1983 Deer Park, WA Mother's Maiden Name Lucas, Shyna Rae Mother's Married Name(s) Jackson, Shyna Rae Mother's Aliases _____	MATERNAL GRANDFATHER Lucas, Paul Donald Tribe(s) Unknown Tribe Date and Place of Birth 6/6/1945 Chewelah, WA	MATERNAL GRANDMOTHER Lucas (Boyd), Sue Ellen Tribe(s) Muckleshoot Date and Place of Birth 4/10/1951 Auburn, WA
	INFORMATION SOURCES Maternal grandma, FamLink #12367, ACES	PREPARED/REVISED BY SW Peterson	DATE PREPARED OR REVISED 9/11/19

Remember:
Last name, First name, Middle name

If no Tribal affiliation is identified, input **None indicated**

If the name of the Tribe is unknown, input **Unknown Tribe**

Don't forget to include your name/date prepared

Making a NAIR referral

Send To... DCYF.NAIR@dcyf.wa.gov
Cc...
Subject NAIR #1098756 Smith, L.


Good afternoon NAIR team,


I request a NAIR for the following person(s):
~Smith, Gage DOB 09/09/2003
~Smith-Johnson, Brittany DOB 03/05/2007

Case# 1098756 / Lauren Smith

Information was obtained from Maternal Great Grandmother,
Ruth Ann Smith 360-416-7558 or RuthSmith@gmail.com

Respectfully,
DCYF Caseworker

 Washington State Department of
CHILDREN, YOUTH & FAMILIES

 Rodriguez, Naomi (DCYF) ■ Walker, Heidi (DCYF)

NAIR Smith, Lauren # 1098756

Hi Heidi,

Thank you for your referral, it is now entered in our referral log. Have a good day.

NAOMI RODRIGUEZ
NAIR UNIT SUPERVISOR
Washington State Department of Children, Youth & Families
1720 Ellis St., Suite 100
Bellingham, WA 98225
www.dcyf.wa.gov
naomi.rodriguez@dcyf.wa.gov / phone 360 927-0918 / fax 360 738-6275
She/Her/Hers

Processing a NAIR referral

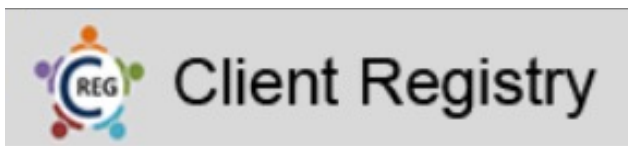


Barcode



Native American Heritage

Dawes Rolls



Processing a NAIR referral

Name of child(ren):						Date: 10/21/2021	NAIR Specialist: Shaun Van Harmelen
Paternal Relative Name	DOB/DOD	Place of Birth/ Death	Relation	Tribe listed on referral	Additional Tribe identified	Information Source	Comments:
	05/07/1971	Spokane, WA	Alleged Father	Spokane Tribe		Referring Social Worker	
	07/21/1953	Spokane, WA	Grandfather	Spokane Tribe		WHALES	
	1923	WA	Great Grandfather	Not indicated		WHALES	
	09/28/1899	WA	Great Great Grandfather			WHALES, Ancestry.com	
	08/28/1900	Lane County, OR	Great Great Grandmother			WHALES, Ancestry.com	
	02/09/1928	Shreveport, LA	Great Grandmother	Not indicated		WHALES, Ancestry.com	
	1902	AR	Great Great Grandfather			Ancestry.com	
	1909	TX	Great Great Grandmother			Ancestry.com	
	10/23/1952	Spokane, WA	Grandmother	Not indicated		WHALES	
	1919	ND	Great Grandfather	Not indicated		WHALES	
Maternal Relative Name	DOB/DOD	Place of Birth/ Death	Relation	Tribe listed on referral	Additional Tribe identified	Information Source	Comments:
	01/07/2000	Moses Lake, WA	Mother	Blackfeet		Referring Social Worker	
	10/01/1980	Yakima, WA	Grandfather	Blackfeet		Referring Social Worker, WHALES	
	08/21/1957	Los Angeles, CA	Great Grandfather	Not indicated		WHALES, SEMS, TLOxp, Ancestry.com	
	04/22/1958	Yakima, WA	Great Grandmother	Not indicated		WHALES, SEMS, TLOxp, Ancestry.com	
	1930	Ava, MO	Great Great Grandfather	Not indicated		WHALES, Ancestry.com	
	04/14/1931	Minocqua, WI	Great Great Grandmother	Not indicated		WHALES, Ancestry.com	
	01/22/1983	Salem, OR	Grandmother	Not indicated		Referring Social Worker	
	04/25/1959	Peoria, AZ	Great Grandmother	Not indicated		Referring Social Worker	



Impacts of failing to send a NAIR referral



- May directly affect appropriate and timely ICWA application (Concurrent Jurisdiction, Placement Preference, Active Efforts, etc.).
- May result in possible:
 - Continuance of termination trial.
 - Overturning of a termination ruling by the court.
 - Inability for the court to accept a parent's relinquishment.
 - Vacating of an adoption ruling.



Impacts of failing to send a NAIR referral


- May lead to unexpected change of placements.
- Missed cultural and familial connections.
- Failed access to culturally appropriate services and providers for family.
- Lost resources and support for the family including education, health care, financial benefits, etc.
- Possible impact on relationships between WA State and federally-recognized sovereign nations.





DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
OLYMPIA WA 98504

Inquiry to Indian Tribe

Inquiry number: 

Date: _____

To: **Tribe**
C/O
Street Address
City, State Zip Code

Case ID Number: _____

Person ID Number: _____

Name of Child: _____

Date of Birth: _____

FOLD

This agency recently received a referral regarding the above referenced child. We need your help to determine whether this child is subject to the provisions of the Indian Child Welfare Act 25 U.S.C. 1901. et seq. (and RCW 13.38) I have attached a family ancestry chart regarding the child's family members and Indian ancestry as identified by the family to help with this process.

The federal Indian Child Welfare Act (ICWA) defines an "Indian child" as an unmarried person under the age of 18 years who is either: (a) a member of a federally recognized Indian Tribe; or (b) eligible for membership in a federally recognized Tribe and is the biological child of a member of a federally recognized Indian tribe. 25 U.S.C. 1903(4).

To help establish whether this child is an Indian child for the purposes of ICWA, please answer the following questions:

- Is the child a member of your Tribe? Yes No
Is the child the biological child of a member and eligible for membership? (See attached Ancestry Chart.)
 Yes No
- Mother's Name: _____ Mother's Birth Date: _____
Is the mother of the child a member of your Tribe? Yes No
- Father's Name: _____ Father's Birth Date: _____
Is the father of the child a member of your Tribe? Yes No
- For purposes of case planning by the DCYF worker if the child is a member or the biological child of a member and eligible for membership does.
 - The Tribe plan to formally intervene in this case? Yes No
 - The Tribe plan to participate in case planning which may include placement, court involvement, specialized services, case reviews, culturally relevant events, etc.? Yes No
 - If yes, what services can the Tribe provide: _____

- If the child is not an Indian child as defined by state and federal law, confidentiality requirements limit the extent to which DCYF can share information with the tribe. To the extent that the child and/or family have contact with the Tribe/s they have identified are you willing to be a resource for the case worker in their work with the family to develop culturally appropriate case planning, services or placement? Yes No

Please provide a contact name and number, for the agency, regarding this matter in the area below:

NAME	PHONE NUMBER (INCLUDING AREA CODE)
------	------------------------------------

DISTRIBUTION: Child's Tribe; Service File

Please provide the information requested below:			
SIGNATURE OF TRIBAL REPRESENTATIVE		DATE	
PRINTED NAME OF TRIBAL REPRESENTATIVE		TELEPHONE NUMBER (INCLUDING AREA CODE)	
MAILING ADDRESS / STREET ADDRESS		CITY	STATE ZIP CODE
Your earliest response is appreciated. If you do not respond in a timely manner, the child may not be treated as an Indian child for legal or case planning purposes. If you need additional time or information in order to determine the child's Indian status, please immediately contact me at the address or telephone number listed below.			
If the Tribe does not respond to this letter, please be advised that case planning and court activities may proceed without Tribal participation.			
Please feel free to contact me if you have any questions or require further assistance.			
NAME OF SOCIAL WORKER		E-MAIL ADDRESS	
MAILING ADDRESS / STREET ADDRESS		CITY	STATE ZIP CODE
TELEPHONE NUMBER (INCLUDING AREA CODE)		FAX NUMBER (INCLUDING AREA CODE)	

Family Ancestry Chart, DCYF 04-220, attached

Inquiry to Indian Tribe & the Family Ancestry Chart will be sent to all identified federally-recognized Tribes.

Inquiries must be sent out on behalf of each sibling separately.

NAIR Specialists must send out 2 Inquiry letters to out-of-state federally-recognized Tribes and 3 Inquiry letters to WA State federally-recognized Tribes.



Who determines eligibility?

- Only a tribe can determine a child's tribal membership status.
- A tribe's determination of membership or eligibility for membership is final.
- Neither the DCYF Caseworker, NAIR Unit, the court nor LICWAC can make the determination of an Indian child's membership status with a tribe.



Person Status definitions:

- **Member:** The tribe has responded that the child is a member. ICWA applies to the case.
- **Eligible for Membership:** The tribe has responded that the child is the biological child of a member and eligible for membership. ICWA applies to the case.
- **Non-ICWA:** The tribe has responded that the child is not a member, or the biological child of a member and is not eligible for membership. ICWA does not apply to the case.
- **Unable to determine:** inquiry letters have been sent, but the tribe(s) have not replied with a determination of a person's status or more information is needed for the tribe(s) to make a determination.



Tribal Involvement definitions:

- **No reply:** The Department has sent an inquiry to the tribe(s) but hasn't received a response yet
- **ICWA – Jurisdiction:** The tribe has assumed jurisdiction.
- **ICWA – Party to Case:** A federally recognized tribe has determined that the child is either: (1) a member, or (2) eligible for membership and the biological child of a member. The tribe has requested to be a party to the case in State court.
- **ICWA – Consultant:** A federally recognized tribe has determined that the child is either: (1) a member, or (2) eligible for membership and the biological child of a member. The tribe will be involved in case planning but chooses not to take jurisdiction or have party status at this time.
- **ICWA – Non Involved/Notified:** The child meets the federal ICWA definition of an Indian child, but the tribe will not be involved in the case at this time.
- **None:** The child is not a member or eligible for membership and the biological child of a member; therefore no tribal involvement in this case.



Basic	Additional	AKA	Address	Relationship	ICW	Background Check	Training History
ICW Involvement							
Tribal Name: Sherwood Valley Rancheria Of Pomo Indians							
Person's Status with Tribe: Non-ICWA				Tribal Involvement: None			
NAIR Process Completed: 02/28/2018							
Tribal Name: Suquamish Indian Tribe							
Person's Status with Tribe: Eligible for Membership				Tribal Involvement: ICWA - Consultant			
NAIR Process Completed: 08/16/2018							
Tribal Name: Nisqually Indian Tribe							
Person's Status with Tribe: Member				Tribal Involvement: ICWA - Party to Case			
NAIR Process Completed: 10/30/2018							
Tribal Name: Chalkyitsik Village							
Person's Status with Tribe: Unable to determine				Tribal Involvement: No Reply			
NAIR Process Completed: 07/27/2018							
Tribal Name: Cherokee Nation							
Person's Status with Tribe: Unable to determine				Tribal Involvement: None			
NAIR Process Completed: 10/30/2018							
Tribal Name: Tulalip Tribes of Washington							
Person's Status with Tribe:				Tribal Involvement:			
NAIR Process Completed:							

- Actions**
[Actions Log Page](#)
[Health/Mental Health](#)
- Documents**
 [Family Ancestry Chart \(04/2008\)](#)
- Directories:**
[BIA: Tribal Leaders Directory](#)
[Fed. Register: Addresses to serve Legal Notice](#)
- Washington State Tribes:**
[ICW Social Services Directors](#)
[Intake Referral and After Hours Contact](#)
[Intake Contact and Coordination Guidelines](#)
[State/Tribal Memos of Understanding](#)
- Washington State Courts:**
[Washington Courts Dependency Forms](#)

NAIR Data Report

Native American Inquiry Request	2017	2018	2019	2020
Referrals received	5201	7854	4911	4941
Inquiries completed	3448	3560	3176	2822
1st letters sent	16207	15960	14099	11712
2nd letters sent @ 60 days due to no reply	3728	6146	7066	7072
3rd letters sent @ 120 days due to no reply (WA State)	191	468	282	326
Search Outcomes				
Children identified as Tribal Members	188	543	283	168
Children determined to be Eligible for Membership	413	864	353	101
Children identified as Descendants	139	159	115	27



Questions?

Heidi Walker, Native American Inquiry & Relative Search
Program Manager
Eligibility and Provider Supports
Department of Children, Youth & Family Services
(C)253.208.8825 Heidi.Walker@dcyf.wa.gov

Naomi Rodriguez, NAIR Unit Supervisor
Eligibility and Provider Supports
Department of Children, Youth & Family Services
(C)360.927.0918 Naomi.Rodriguez@dcyf.wa.gov

