



# Defining Active Efforts in the Indian Child Welfare Act

Edwards, L. (2019). Defining active efforts in the Indian Child Welfare Act. *The Guardian*, 41(1), 1-8. [http://jud-geleonardedwards.com/docs/guardian\\_2019\\_v41n01-icwa.pdf](http://jud-geleonardedwards.com/docs/guardian_2019_v41n01-icwa.pdf)

## WHAT IS THIS RESOURCE?

Written by a retired judge, this article defines and explains active efforts according to the 2016 Bureau of Indian Affairs (BIA) final rule. Information includes how active efforts are different from reasonable/passive efforts.

## WHAT ARE THE CRITICAL FINDINGS?

Despite the adoption of the Indian Child Welfare Act of 1978, the number of American Indian/Alaska Native children placed in non-Indian foster homes and adoptions continues to increase. Child welfare practices known as **active efforts** were created to decrease the number of American Indian/Alaska Native children in state systems by helping to maintain and reunify families. Active efforts require more planning and implementation work and go above and beyond reasonable practice efforts.

### What active efforts look like in child welfare practice:

- In 2016 the Bureau of Indian Affairs (BIA) [outlined 11 specific case examples](#) of what active efforts look like to help guide practice

### Other practice examples include:

- Documenting active effort practices in the case file
- Court records that specify how active efforts were employed in the case
- If active efforts were used and failed, documentation that explains why

## Child welfare programs can ensure active efforts by:



Image by [Roy N from Pixabay](#)

**Collaborating** with the child's tribe throughout the case

**Partnering** with the tribe to help the family access resources and services that are:

- Based upon the specifics of the case
- Needs-driven
- Particular to the cultural and social customs of the tribe

## WHAT ARE THE IMPLICATIONS FOR OUR WORK?

**State compliance with ICWA is not optional** for children who are members of, or are eligible for membership in, federally recognized tribal nations. Skilled, evidence-based practice built on federal policy is essential to improve reunification efforts for American Indian/Alaska Native children. Deliberate and thoughtful adherence to ICWA's guidelines involving family, tribal, cultural, and social collaborations and services can lead to improved outcomes for American Indian/Alaska Native children and families.

### Supporting Resources:

- [The Heart of ICWA \(National Indian Child Welfare Association\): Becky](#) (video)
- [Setting the Record Straight: The Indian Child Welfare Act Fact Sheet](#)
- [Improving Outcomes in Indian Child Welfare Cases: Strategies for State-Tribe Collaborations](#)