

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 10, 1981

ALL COUNTY LETTER NO. 81-11

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: FOSTER CARE PROVISIONS OF THE INDIAN CHILD WELFARE ACT OF
1978 (ICWA)

The purpose of this letter is to provide county welfare departments (CWDs) with the state regulations that implement the foster care provisions of the Indian Child Welfare Act of 1978 (ICWA) which was adopted by Congress on November 8, 1978 and implemented on May 7, 1979. Attached are Manual of Policies and Procedures (MPP) regulation Sections 30-002.6-.14; 30-109.344; 30-204.239-.240; 30-206.152; and 30-206.155-.159, which were filed and effective on December 28, 1980.

As you know, the intent of the Act is to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families. The Act establishes uniform standards for the removal and placement of Indian children which will preserve the unique values of Indian cultures. These federally mandated standards are reflected in the attached regulations pertaining to the removal and placement of non-Indian children.

The ICWA also provides for the reassumption of jurisdiction over child custody proceedings by tribal courts, the establishment of such courts where they do not exist, and for financial assistance from the Bureau of Indian Affairs in the form of grants to Indian tribes and organizations for the establishment of approved service programs to serve the Indian population. It should be noted that there are no established tribal courts within California at this time, although tribal courts do exist outside of California, many of which adjudicate child custody proceedings potentially involving Indian children of that tribe who reside in California.

Public agency staff are to adhere to specific ICWA foster care provisions in state regulations when initiating dependency petitions and out-of-home placements for Indian children. These provisions involve: 1) identification of Indian children, their parent(s) and tribe(s); 2) confirmation of the child's eligibility to receive special consideration under the Act's provisions; 3) notification to specific parties regarding involuntary

placements; 4) documentation of efforts to rehabilitate the family before the child's removal from his/her home is necessary; 6) proof "beyond a reasonable doubt" that termination of parental rights is necessary; 7) specific procedures including court appearance to secure parental consent in voluntary foster placements; 8) specific placement preference order when placing an Indian child in foster care; 9) placement of an Indian child in an out-of-home setting that most closely resembles the child's own home, the suitability of a foster home by the social and cultural standards of the Indian community.

County staff must apply the above provisions in all situations which involve an Indian child. Specifically, the procedures are to be initiated anytime an Indian child is removed from his/her home is in need of out-of-home care, or when the child is moved from one foster home setting to another (with the exception of when the child is returned home).

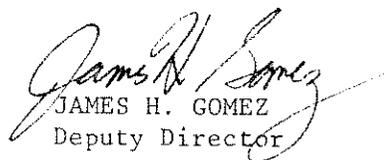
In order to facilitate implementation of the Act, CWDs should immediately identify all current Indian child foster care cases. County welfare departments may also wish to compile a list of Indian foster homes within the county.

To assist county staff in meeting the requirements of the new regulations, the state has developed three forms to be used in Indian child foster care placements. These are: "Request for Confirmation of a Child's Status as Indian" (SOC 318); "Notice of Involuntary Child Custody Proceedings Involving an Indian Child" (SOC 319); and, (for Indian placements only) "Placement Agreement - Parent/Agency" (SOC 155C). These forms may be ordered by submitting a completed Form GEN 727-B to the State Department of Social Services Warehouse, 6150 - 27th Street, Sacramento, CA 95822. In addition, planning is nearly complete for a series of one day training sessions during April which will focus on the federal Act, the state regulations, and general factors important in understanding Indian culture. A future All County Letter will convey the details of this training effort.

Inquiries regarding the recruitment of Indian foster homes should be directed to Barbara Renick, Department of Social Services, Government and Community Affairs Liaison, 744 "P" Street, Room 680, M.S. 8-192, Sacramento California 95814, telephone (916) 322-4270. Questions regarding the licensing status of Indian foster homes should be directed to the appropriate contracting county licensing agency or the appropriate district office of the Community Care Licensing Division in the State Department of Social Services. If you need assistance regarding the ICWA foster care provisions described above, please contact your Family and Children's Services Program Operations field consultant at (916) 445-7653.

The State Department of Social Services supports the goals of the ICWA. We urge county agencies to take all necessary steps to ensure that the foster care provisions described above are followed and that these goals are met. We appreciate your support and cooperation in this effort.

Sincerely,


JAMES H. GOMEZ
Deputy Director

Attachment

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE OFFICE OF ADMINISTRATIVE LAW
AND WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11343.1)

ORD 579-26a

RECEIVED FOR FILING

OCT 30 1980

Office of Administrative Law

ENDORSED
APPROVED FOR FILING

NOV 28 1980

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Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

Dept. of Social Services
(Agency)

68000
(Billing Code)

Date of adoption, amendment, or repeal:

September 23, 1980

By: Marilyn Wash

Director
(Title)

ENDORSED FILED
IN THE OFFICE OF

NOV 29 4 50 PM 1980

MARION TORO EU
SECRETARY OF STATE
OF CALIFORNIA

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The attached regulations which are being adopted, amended or repealed are contained in Title _____ of the California Administrative Code.
Division, Part, Chapter, etc., affected by this order: _____

TYPE OF ORDER (Check as applicable)

- Emergency (Attach Finding of Emergency)
- Certificate of Compliance
- Certificate of Non-Compliance
- Regular
- Procedural and Organizational

CHECKLIST OF MANDATORY REQUIREMENTS

- One Certified Copy With Original Signature and Six Copies of Order or Certificate of Compliance Attached
- Regulation Summary (Form 690), Attached (1 copy)
- Publication Date: (in Notice Register) of Notice for Attached Order or Certificate of Compliance is 1/30/80
- Authority and Reference Citation Placed Beneath Each Section in Attached Order
- Cost Statement Attached (Refer to SAM Section 6050)
- Effective Date:
 - On _____ as Specified by Statute _____, or
 - On _____, if Later Than 30 Days After Filing With the Secretary of State (Emergency regulations will be effective upon filing with the Secretary of State; all other regulations will be effective 30 days after filing with the Secretary of State.)
- Rule-Making File

BUILDING STANDARDS (Check one)

- These regulations contain no building standards under Health and Safety Code Sections 18900-18915.
- These regulations do contain building standards under Health and Safety Code Sections 18900-18915. The attached copy contains Building Standards approval.

CONFLICT OF INTEREST (Check one if attached are Conflict of Interest Regulations)

The attached Conflict of Interest Regulations contain the FPPC approval stamp and:

- Are to be published in full in the Administrative Code.
- Are to be codified by appropriate reference in the Administrative Code, and include a statement as to where the full text may be obtained.

CAMPAIGN DISCLOSURES (Check if emergency Campaign Disclosure Regulations)

- These are emergency regulations pertaining to campaign disclosure law and were adopted by unanimous vote of all board or commission members present at the regulation adoption proceeding.

CONTINUATION SHEET
 FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE
 (Pursuant to Government Code Section 11380.1)

FINAL STATEMENT OF REASONS

Existing regulation makes no special provision for the foster care placement of Indian children, as required by the federal Indian Child Welfare Act of 1978 (ICWA). The attached regulations promote the stability and security of Indian tribes and families by preventing unwarranted removal of Indian children from their homes and by establishing standards which preserve familial or cultural ties when placement of an Indian child in a foster home is necessary, as required by the ICWA of 1978. The regulations also require that the public agent involved in placing the child gather certain information to insure that the Indian foster child can establish eligibility for available services and benefits.

The attached regulations implementing the foster care aspects of the ICWA were presented at public hearing on March 11, 12 and 14, 1980. Included in the same hearing package were regulations to implement the adoptions-related portions of the ICWA. Since the latter regulations are still awaiting Department of Finance approval, the foster care regulations are being processed and adopted separately. Following is a response to public hearing testimony concerning the foster care regulations. (Response to testimony which addressed adoptions regulation per se will be included with the final ICWA adoptions regulations.)

Section 30-002

One testifier asked for an additional statement to explain that whereas in California the state has child custody jurisdiction, tribes have that jurisdiction in certain other states. This information was not added as these regulations deal only with the Act's application in California.

A definition of "tribal court" has been added.

Section 30-109.34

Clarification was requested concerning who is and is not subject to the provisions of the Act, in order to define more clearly what a social worker should do in cases where a child is not covered under the Act.

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California has a unique problem regarding the definition of "Indian child", since many California Indians do not have federally recognized tribal affiliations. In practice, whether or not a child has tribal affiliation, if the federal Bureau of Indian Affairs (BIA) certifies that a child comes within the provisions of the Act, it is incumbent upon agencies to follow the order of placement preference as outlined in the Act and the regulations. The department is unable to expand the federal definition of "Indian" as provided by the Act, but clarification of procedures to follow in determining Indian status has been added to this Section in .3441.

The department agreed to clarify that the standards set forth apply to Indian children who are determined to be covered by the Act. This clarification appears in .3441(a) and (b). A recommendation was also accepted to clarify that all of the criteria under 30-002.6, .7, .10, .13 must be met for a child to be subject to the provisions of the Act. However, at the department's own motion, language was also added to .3441 to clarify that "if there is evidence of Indian ancestry" the SOC 318 and a copy of the child's birth certificate shall be sent to the BIA for their determination of the child's eligibility.

A request was denied to add in .3441 an alternative method of confirming tribal eligibility/enrollment which would precede the SOC 318 notification process. Social workers will have neither the time nor the resources available to view tribal enrollment cards and obtain statements from the tribe in lieu of sending the SOC 318 to the BIA.

It was also suggested that when the child's parent(s), or Indian custodian/tribe are sent notification via the SOC 319, that names, addresses and phone numbers of local Indian agencies be included which could provide assistance in the proceedings. It would be difficult, if not impossible for individual county welfare departments to obtain data on all Indian agencies/entities which could provide such assistance, particularly those that are out-of-county or out-of-state. Further, the SOC 319 is to advise parents, custodians and tribes of the pending proceedings and their right to intervene; it is not intended to be a referral document to aid parties in securing additional legal assistance. Thus, the suggestion was not incorporated.

A question was raised regarding the maximum timeframe for documenting an Indian child's ancestry when dependency petitions are initiated by social services staff. Further, it was asked whether the subsequent placement of a child with possible Indian ancestry in a foster home would follow the Act's order of placement preference. This department

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is unable to mandate that the BIA meet a particular timeframe for the certification process. However, a turnaround time of 10 days has been the established average and represents a reasonable timeframe. Effort will continue to maintain such a timeframe. For any child where circumstances indicate Indian ancestry, the placement preference order should be followed.

Another recommendation was to specify in .3442 who in the tribe is responsible for receiving notification of pending proceedings. Since tribal entities vary greatly in organization, it would be difficult to ascertain particular tribal authorities to receive notification. If the social worker is lacking such information, the BIA can be contacted

It was suggested that statements be added to detail parental and tribal rights in petitioning a court for transfer of the involuntary child custody proceeding to the child's tribal court, and the court's right to refuse the request for good cause. The department did not concur as these provisions are directed toward county welfare departments and do not regulate state court activities.

It was recommended that .3442 be clarified regarding: 1) the process for handling notification procedures when a child is eligible for membership in more than one tribe; and, 2) the rights of the parent(s) or custodian and tribe to intervene. Such clarification has been included in .3442 and a new .3443.

A concern was expressed about the lack of confidentiality provisions relating to tribal notification. According to the Act, the child's tribe does in fact have access to the case record. When more than one tribe is involved, the court decides with which tribe the child has the most significant contacts, and that tribe has access to the record.

A recommendation was received to require that the county social worker notify and coordinate with local Indian agencies when continuing "to make efforts to identify the Indian child's parent(s), Indian custodian(s) and/or tribe...". The required notification to the Secretary of the Interior will trigger BIA's involvement in these efforts. The BIA should be able to notify and coordinate with local Indian agencies whenever possible. The social worker will also pursue notification and coordination with such local Indian agencies when possible.

Per testimony, language has been added to .3444 to clarify that notice to the Secretary of the Interior be "by registered mail, return receipt

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requested". A request was granted to include in these regulations the required contents of the notice. This information is contained in (a) through (d).

In response to testimony, the following provision has been added to .3445: "Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child".

Clarification was requested on the meaning of "qualified expert witness". The term is taken from the federal Act. The court decides who is qualified to testify depending on the circumstances of the case at hand.

DO NOT WRITE IN THIS SPACE A question was raised concerning precedence of one tribe over another in the custody of a child who is descended from Indian parents of two different tribes. The court would establish this by determining with which tribe the child has the more significant contacts.

One issue raised in testimony remains unresolved pending legal review. The concern is over who has responsibility for services and cost of transporting an Indian child to an out-of-state tribe which legally has and is willing to assume jurisdiction. When that issue is resolved, these regulations will be amended accordingly.

Section 30-204.239

The proposed regulation stated that the consent to foster care placement must be signed before a judge if the voluntary placement by a parent who is considering relinquishment continues for more than 30 days. It was asserted that 30 days was unrealistic, and that a 60-day time limit would be more appropriate. However, the 30-day limit is believed to more closely conform to the intent of the ICWA and the section has therefore remained unchanged.

It was suggested that this section be revised to clarify the intervention rights of the parent(s) or custodian and tribe. The section now indicates "...the consent may be withdrawn and the child returned to

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(Pursuant to Government Code Section 11380.1)

the parent(s) at any time". The time period of up to seven days which is allowed for return of a child to a parent withdrawing consent was cited as too short. However, the indeterminate time period suggested by the testifier does not meet the provisions of the Act which establish parent rights to return of the child upon withdrawal of consent.

Section 30-206.15

One testifier felt it was unclear whether the requirements of this section, that the child "be placed within reasonable proximity" to his home, would hinder or disallow the placement of a child with out-of-state relatives who wanted him. Since "any special needs of the child" must also be taken into account by the agency and the court (.152), and the order of placement preference (.155) indicates "a member of the Indian child's extended family" is the first choice (barring good cause to the contrary or a different order of preference established by tribal resolution), it is felt the section is adequate. One testifier asked if a separate resolution is required for each child's case, or if such a resolution can be across the board. The resolution must be on a case-by-case basis.

It was further suggested that: 1) the intent of Congress was not to preclude placement with a non-Indian family; 2) a fifth alternative, that of a non-Indian home, be added to the placement preference list; 3) the preference of a child or parent should be considered as a reason for changing the placement preference order; 4) a definition be added of "good cause for modifying the placement preference". The department will not address these concerns through additional regulations since the Act includes provision for the court to modify the placement order on several grounds, and if necessary, to place the child in a non-Indian home if it would best meet the child's needs. A definition of "good cause for modifying the placement preference" does not exist in federal law or regulation, and thus will not be added to state regulations at this time.

A recommendation was turned down that would have included in the placement preference list Indian foster homes "licensed by an authorized Indian licensing authority" or "licensed by the Indian child's tribe". In California, at this time, tribes cannot license homes; they are not organized to provide such services. However, the licensing issue has been resolved, based upon discussions with department licensing staff,

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by the addition of clarifying language to the section.

It was recommended that social workers be required to document in the case record all efforts they make to comply with the placement order, including any variations to that order. It was also suggested that this information be made available to authorized persons upon request as required by the Act. The department has concurred with these requests by adding this information to Section 30-206.155, and new Sections .156 and .157 (previous Sections .156 and .157 have been renumbered accordingly).

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SB 90 DISCLAIMER

There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because this order merely affirms for the state that which has been declared existing law or regulation through action by the federal government. Local costs are estimated to be negligible and will no result in a fiscal burden on local government.

COST ESTIMATE

While the proposed regulations may require some additional casework activity for Indian Child Welfare Act children, because of the limit size of the affected caseload the costs would be negligible.

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 (Pursuant to Government Code Section 11390.1)

- (1) RENUMBER SECTIONS 30-002.6 THROUGH 30-002.14 AS SECTIONS 30-002.15 THROUGH 30-002.23.

Note: Authority cited: Health and Safety Code Section 1530; and Welfare and Institutions Code Sections 10553 and 16100. Reference: Health and Safety Code Section 1530; and Welfare and Institutions Code Sections 10553 and 16502.

- (2) ADOPT NEW SECTIONS 30-002.6 THROUGH 30-002.14 TO READ:

30-002 SPECIAL DEFINITIONS (CONTINUED)

.6 Indian means any person who is a member of an Indian tribe, or who is an Alaskan Native and a member of a Regional Corporation as defined in Section 1606 of Title 43, U.S. Code.

.7 Indian child(ren) means any unmarried person who is under eighteen years of age and who is either a member of an Indian tribe, or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

.8 Indian child's extended family means that defined by the law or custom of the Indian child's tribe; or in the absence of such a law or custom, a person who has reached the age of eighteen and is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

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- .9 Indian child's parent means any biological parent of an Indian child or any Indian person who has lawfully adopted an Indian child, including adoptions under tribal law or custom. It does not include the unwed father where paternity has not been acknowledged or established.
- .10 Indian child's tribe means the Indian tribe in which an Indian child is a member or is eligible for membership; or in the case of an Indian child who is a member of or is eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
- .11 Indian custodian means any Indian person(s) who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of such child.
- .12 Indian organization means any group, association, partnership, corporation, or other legal entity owned or controlled by Indians, or a majority of whose members are Indians.

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.13 Indian tribe means any Indian tribe, band, nation or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaska native village as defined in Section 1602c of Title 43, U.S. Code.

.14 Tribal court means a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.

Note: Authority cited: Health and Safety Code Section 1530; and Welfare and Institutions Code Sections 10553 and 16100. Reference: Welfare and Institutions Code Section 10553 and 16502; Section 1913, Title 25, U.S. Code; and Health and Safety Code Section 1530.

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(3) ADOPT NEW SECTION 30-109.344 TO READ:

30-109 SERVICE DELIVERY STANDARDS (CONTINUED)

.344 Where Dependency Petitions are initiated by social service staff on behalf of Indian children, there shall be:

.3441 Identification that the child is Indian. The worker shall obtain all available information from the child's parent(s), extended family, or Indian custodian regarding the Indian ancestry of a child to determine if all the criteria of Sections 30-002.6, .7, .10 and .13 are met. If there is evidence of Indian ancestry, Form SOC 318 and a copy of the child's birth certificate shall be submitted by the placement agency to the Bureau of Indian Affairs (BIA) for confirmation of tribal enrollment/eligibility.

- a. Once it is determined that provisions of the Act apply to a given child, procedures under the Act should be followed.
- b. If the BIA determines that the provisions of the Act do not apply to a given child, the worker shall follow appropriate procedures outlined in Sections 30-100 and 30-200, et seq.
- c. If a determination has not or can not be made at the time of the court appearance, the court shall

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30-109

SERVICE DELIVERY STANDARDS (CONTINUED)

be advised of information which indicates the child may be an Indian child and the worker shall request direction from the court on how to proceed.

.3442 Notice given to the Indian child's parent(s) or Indian custodian(s) and the child's tribe(s), by registered mail with return receipt requested, of the pending proceedings and their right to intervene at any point in the proceedings. This notice shall be made on Form SOC 319 and shall be made within 72 hours of the date that the Dependency Petition was filed, but shall be made no later than 10 days prior to the hearing date.

.3443 Notice given to the Secretary of the Interior by registered mail, return receipt requested, when the identity or location of the parent(s), Indian custodian(s) or tribe cannot be determined within the 72-hour requirement. (Mailing address for the Secretary: Sacramento Area Office, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.) The worker shall continue to make efforts to identify the Indian child's parent(s), Indian custodian(s) and/or tribe and shall notify the clerk of the court that notice has been given to the BIA.

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30-109 SERVICE DELIVERY STANDARDS (CONTINUED)

.3443 (Continued)

The notice shall include the following information if known

- a. Name of the Indian child, birthdate, and birthplace.
- b. Indian child's tribal affiliation.
- c. Name(s) of Indian child's parent(s) or Indian custodian.
- d. A copy of the petition, complaint or other document by which the proceeding was initiated.

.3444 Documentation that efforts have been made to provide services and rehabilitative programs designed to prevent the breakup of the Indian family, and that such efforts were unsuccessful. It shall not be necessary to show such efforts have been made in emergency situations prior to temporary removal from the home where it is determined that such removal is essential to protect the child from serious physical or emotional damage. Efforts to provide services shall be made subsequent to such emergency removal. Where an emergency situation exists and it has been determined that an Indian child must be temporarily removed from the home, the worker shall make efforts to place the child in an Indian home, and shall notify the appropriate

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Indian tribal entity of the removal in order to solicit tribal assistance and support in the placement of the child.

.3445 Presentation to the court of clear and convincing evidence, by qualified expert witnesses in addition to testimony of county welfare staff involved in the dependency action, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Where the county welfare department provides an expert witness, the witness shall:

- a. Be knowledgeable in the area of the social and cultural standards of the Indian tribe of which the child is a member or eligible for membership, and be capable of objectively reviewing the case.
- b. Not be the caseworker who initiated the dependency action.

NOTE: Authority cited: Section 1530, Health and Safety Code; and Sections 10553 and 16502, Welfare and Institutions Code. Reference: Sections 10553 and 16502, Welfare and Institutions Code; Sections 1903 and 1912, Title 25, U.S. Code; and Section 1530, Health and Safety Code.

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(4) ADOPT NEW SECTIONS 30-204.239 AND .240 TO READ:

30-204 PERSONS SERVED (CONTINUED)

.239 When an Indian child's parent(s) or Indian custodian voluntarily consent to a foster care placement, the authorized agency official and the Indian child's parent(s) or Indian custodian shall appear together before a judge of the Superior Court to sign the consent Form SOC 155-C. If a parent wishes to make a voluntary foster care placement of a newborn through a licensed adoption agency and is considering relinquishment of the newborn to the agency, the appearance before the judge shall not be required unless the foster care placement continues for more than 30 days, i.e., if the relinquishment is not taken within 30 days. In the presence of the judge and before the consent can be signed, the agency official shall explain the terms and consequences of the consent in detail to the Indian child's parent(s) or Indian custodian in a language understood by the parent(s) or Indian custodian. In order for the consent to be valid, the judge must certify in writing that the terms and consequences of the consent were fully explained in detail and fully understood, including that:

a. The consent may be withdrawn and the child returned to the parent(s) at any time.

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b. The placement of the child will be in accordance with the order of placement preference set forth in Section 30-206.155.

c. The return of the child shall be within an agreed upon time period, which would ordinarily not exceed 3 working days. In no case shall the return of the child require more than 7 calendar days following the parent's request.

.240 Any consent given prior to, or within 10 days of the birth of the Indian child shall not be valid. During that time period, the child shall be provided with Child Protective Services if necessary.

NOTE: Authority cited: Sections 10553 and 16502, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 16502, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 1913, Title 25, U.S. Code.

(5) AMEND SECTION 30-206.152 TO READ:

30-206.15 SELECTION AND PLACEMENT (CONTINUED)

.152 The child shall be placed within reasonable proximity to his or her home, taking into account any special needs of the child.

NOTE: Authority cited: Sections 10553 and 16502, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 16502, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 1915, Title 25, U.S. Code.

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 (Pursuant to Government Code Section 11380.4)

(6) ADOPT NEW SECTIONS 30-206.155 THROUGH .159 TO READ:

30-206.15 SELECTION AND PLACEMENT (CONTINUED)

.155 In any placement of an Indian child, the agency shall select the least restrictive placement which most approximates a family. Efforts to comply with the placement preference order below shall be documented in the case record, with any deviations to the order explained fully. This order of placement preference does not override current state licensing regulations. In addition, licensure by an Indian child's tribe does not constitute licensure by the state nor does license by the state constitute licensure by the Indian child's tribe. Unless there is good cause to the contrary or the child's tribe establishes a different order of preference by resolution, the order of placement preference shall be:

.1551 A member of the Indian child's extended family.

.1552 A foster home approved, specified or licensed by the Indian child's tribe.

.1553 An Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

.1554 An institution for children approved by an Indian tribe or operated by an Indian organization which

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has a program suitable to meet the Indian child's ne

.156 To comply with requirements regarding case records all Indi
child placements shall be clearly documented on the "Place-
ment History" form (SOC 153) as described in Section 30-209.

.157 The placement history shall be available to the Secretary of
the Interior and/or the child's Indian tribe, upon request
to the county.

.158 The standards to be applied in Indian child placements shall
be the prevailing social and cultural standards of the India
community in which the parent or extended family member main-
tains social and cultural ties.

.159 Where a consenting parent evidences a desire for anonymity,
the agency shall inform the court of the desire and shall
request direction from the court in applying the preferences.

NOTE: Authority cited: Sections 10553 and 16502, Welfare and Institutions Code; and Section 1530, Health and Safety Code. Reference: Sections 10553 and 16502, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Section 1915, Title 25, u.s. Code.

DO NOT WRITE IN THIS SPACE