

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31
Sacramento, CA 95814

December 18, 1986



ALL COUNTY LETTER NO. 86-132

TO: All County Welfare Directors
All Public and Private Adoption Agencies
All SDSS Adoptions District Offices

SUBJECT: INDIAN CHILD WELFARE ACT (ICWA)

REFERENCE: All County Letter No. 85-113

Recently we were informed by the Bureau of Indian Affairs (BIA) that if the adoption agency obtained a copy of the hospital birth certificate, the BIA would forward this certificate to the tribe along with the form AD 4311 entitled, "Information on American Indian Child," when: (1) the child with Indian heritage is a newborn and a certified copy of the birth certificate is not yet available and (2) the parent of Indian heritage is named on the hospital birth certificate. The tribe will then determine whether this documentation is acceptable. Most tribes will accept only a certified copy of the child's birth certificate as proof of Indian lineage. However, with those tribes who might accept the hospital birth certificate, ICWA procedures could be expedited by the use of this certificate.

Once the tribal contact person and tribe's address is identified for the adoption agency, the adoption agency will keep in contact with the tribe in order to determine whether further information or documentation is required. The tribal contact person and tribe's address will be identified for the adoption agency in the BIA's letter forwarding information to the appropriate tribal office. If a particular tribe cannot be contacted, the BIA agency or area offices will identify for the adoption agency, by letter, the child's degree of Indian blood and tribal enrollment requirements.

Adoption agencies are reminded that the applicability of the ICWA cannot be determined on an unborn child. However, the adoption agency can encourage the prospective birth parent who is of Indian heritage to obtain his/her own Certification of Degree of Indian Blood (CDIB) and a determination of the parent's tribal membership. ICWA procedures could thereby be expedited when the child is born.

The BIA agency offices in California can issue CDIBs and make tribal membership determinations for parents affiliated with California tribes. California BIA agency offices can assist parents affiliated with out-of-state tribes by referring the parents to the appropriate out-of-state BIA agency office.

BIA agency offices in California are:

Superintendent
BIA, Northern California Agency
P.O. Box 367
Hoopa, CA 95546
Telephone: (916) 625-4287

Superintendent
BIA, Southern California Agency
3600 Lime Street, Suite 722
Riverside, CA 92501
Telephone: (714) 351-6630/6634

Superintendent
BIA, Central California Agency
1800 Tribute Road, Suite 111
Sacramento, CA 95815
Telephone: (916) 978-4346

Adoption agencies are also reminded that if a parent requests that the adoption plan remain confidential, the agency should indicate this fact in the box provided on the AD 4311, so that special procedures will be followed by the BIA to protect the parent's right to confidentiality.

Adoption agencies may contact their Adoptions Branch Program Consultant at (916) 322-5973 (ATSS 492-5973), if there are questions regarding this matter.



LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA