

ICWA Attorney Practice Guide: Questions to Strengthen Kin, Tribal, and Community Connections

The Indian Child Welfare Act (ICWA) recognizes that a child's safety, well-being, and permanency are strengthened by maintaining connections with family, Tribe, culture, and community. Attorneys play an important role in helping the court move beyond technical compliance with ICWA and toward decisions that preserve these essential relationships.

This resource is intended to support attorneys in complying with ICWA throughout the life of a case, as a companion to [*Representing Indian Children: What Judges and Attorneys Should Know About ICWA, Kinship, and Native Culture*](#). The following questions are intended for attorneys to ask their clients, to promote thoughtful advocacy for preserving a child's connections throughout the life of an ICWA case.

Agency Attorney – Questions to Ask Caseworker/Agency Representative

- ▶ Have the important people in the child's life been identified and engaged—including siblings, other relatives, Tribal community members, family friends, and other trusted adults? Have they been involved in planning for this child, and if so, how?
- ▶ What active efforts are being made to help the child remain connected to their Tribe, culture, extended family, and community, in addition to addressing the reasons for agency involvement?
- ▶ What has the family been offered or connected with, in terms of Tribal programs, cultural activities, or community resources?
- ▶ If the child cannot safely remain at home, what placement options have been explored that would preserve the child's relationships with their family members and Tribal community?
- ▶ How is the agency helping maintain meaningful contact between the child and their parents, siblings, extended family, and Tribal community throughout the case?
- ▶ What additional support or resources have been identified that could help strengthen this family's natural support network?
- ▶ If the child cannot be safely reunified with their parents, how will the proposed permanency plan preserve and strengthen the child's connections to their extended family, Tribe, culture, and Native community?

Parent's Attorney – Questions to Ask Your Client

- ▶ Who are the people you trust most to help care for and support your child during this case? Who are the people you can count on to help you during this case?
- ▶ Are there any relatives, close family friends, or community members you would like to be involved in planning or decision-making for your child?
- ▶ Which cultural traditions, ceremonies, or Tribal activities are most important for your child to continue participating in to maintain their connection to their Tribal heritage and community?
- ▶ Have you been offered services or support through your child's Tribe or Tribal community? What resources do you think would help your family?
- ▶ If your child cannot be with you right now, how do you want your child to stay connected to you, your family, your child's Tribe, and your community throughout the case?
- ▶ Are there barriers preventing your child from staying connected with extended family or their Tribe or community that we should bring to the court's attention?
- ▶ If your child cannot return safely home, what would you want to happen to make sure that your child continues to be connected to their extended family, Tribe, culture, and Native community?

Child's Attorney – Questions to Ask Your Client, When Developmentally Appropriate

- ▶ Who are the people you feel closest to, who make you feel safe and supported? Who have you celebrated holidays with, called to share good news, or lived with or spent time visiting in the past?
- ▶ Are there siblings, other relatives, or other important people you would like to visit or spend time with regularly?
- ▶ What parts of your Tribe, culture, traditions, or community are important to you?
- ▶ Are there Tribal activities, cultural events, or ceremonies that you would like to participate in or learn more about?
- ▶ Is there anything about where you're living now that makes it harder to stay connected with your family or Tribe or honor your Tribal customs?
- ▶ Is there anything that would help you feel more connected to your family, culture, or community right now?
- ▶ If you can't live with your parent(s), what would help you stay connected to your extended family, Tribe, culture, and the people who are important to you?

Practice Reminder for All Attorneys in ICWA Cases

Maintaining family and Tribal connections is an ongoing responsibility throughout every stage of an ICWA case. Attorneys can help ensure that court decisions support not only legal compliance, but also the child's enduring relationships, cultural identity, and sense of belonging. **One question every attorney in an ICWA case should always ask: “What can we do, beginning today, to strengthen the child’s connections to family, Tribe, culture, and community?”**

The Grandfamilies & Kinship Support Network: A National Technical Assistance Center (Network) helps government agencies and nonprofits in states, Tribes, and territories work across jurisdictional and systemic boundaries to improve supports and services for families in which grandparents, other relatives, or close family friends are raising children whose parents are unable to do so. For more information, please visit www.GKSNetwork.org.

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