

FAQ:

Child Protective Services

If an Indian child is removed by the State, will that child be in the custody of the State?

Children removed by a State agency are placed in the custody of that particular state, however, if the child is Indian the tribe has concurrent jurisdiction with the state.

Can the family being investigated request that Absentee Shawnee Tribe Indian Child Welfare do the investigation instead of the State?

No. The family may request Absentee Shawnee Tribe Indian Child Welfare to be present during the investigation. However, the location of the family's residence will determine who has jurisdiction.

Does the State and Absentee Shawnee Tribe Indian Child Welfare investigate Indian families together or separately?

If the family lives on AST trust land, Absentee Shawnee Tribe Indian Child Welfare is the only party that can investigate the allegations. If the family lives on State Land the State is primarily responsible for the investigation but the tribe may conjointly participate.

If the State is investigating an Indian family how will Absentee Shawnee Tribe Indian Child Welfare know the family is being investigated?

The State is required under law and contracts to provide Absentee Shawnee Tribe Indian Child Welfare with any and all information regarding the investigation of a Absentee Shawnee child.

Can the state place a child with relatives?

Yes. According to federal and most state law, the prospect for relative placement must be explored immediately upon the child entering the custody of the state and if a feasible relative placement is found the state must place the child in the home of a relative exclusive to all other placements.

Will the state place an Indian child in a non-Indian foster home?

Federal law requires that an Indian child be placed in an Indian foster home. If at the time the child is removed there is not an Indian home available for immediate foster care placement, the Indian could be placed in a non-Indian foster home on a short-term basis for the safety of the child. However, according to federal law and state policy, the state agency must locate an appropriate Indian home as soon as possible and the child will be relocated to meet guidelines.