



## Tribal Customary Adoption (TCA)

**Tribal Customary Adoption (TCA)** is a permanency option in Juvenile Court proceedings involving Indian Children<sup>1</sup> under the jurisdiction of Iowa's Juvenile Court. TCA can be used to achieve permanency for a child when reunification with parents is not possible despite active efforts. The child's Tribe must agree to the TCA as the child's permanent plan.

TCA is an adoption that does not require a termination of the parental rights of the birth parents. The practice of TCA is more culturally appropriate than the practice of termination of parental rights and traditional adoption due to our country's policies of forced assimilation aimed at Native Americans in many aspects of our country's legal system.

**TCA is intended to establish permanency for the Indian Child without disrupting tribal ties and erasing cultural connections.**



Federal information for Indian Child Welfare Act (ICWA) - Child Welfare Information Gateway:  
[bit.ly/indian-child-welfare-act](https://bit.ly/indian-child-welfare-act)

### TCA Process

**Active efforts to reunify a child with their family are required under state and federal law.**

If Juvenile court determines the child cannot safely be returned to the home of the child's biological parents despite these efforts, HHS will initiate a conversation with the child's Tribe to determine if the Tribe agrees with a recommendation for TCA.

If the Tribe agrees, an adoption **social work case manager (SWCM)** from HHS will be assigned to follow the Child in Need of Assistance (CINA) case and help with the TCA process. At the same time the current "ongoing" HHS SWCM will retain primary responsibility for the case.

<sup>1</sup> Indian child is defined as "any unmarried person who is under age 18 and either: (1) is a member or citizen of an Indian tribe; (2) or is eligible for membership or citizenship in an Indian Tribe and is the biological child of a member/citizen of an Indian Tribe." 25 CFR 23.2. The Indian Child Welfare Act (ICWA) applies to all cases involving Indian Children.

## Permanency Hearing Process



The CINA permanency hearing will be set in Juvenile Court. The Juvenile Court is required to give the biological parents legal notice of these proceedings.



The adoption HHS SWCM will discuss with the prospective adoptive family the services and supports, including eligibility for the adoption subsidy if applicable, through the TCA process<sup>2</sup>.



At the permanency hearing, if the Juvenile Court agrees that the permanency goal should be changed to TCA, the Court will grant guardianship to Iowa HHS for the purpose of completing a TCA. At this point the HHS SWCM will transfer the case to the HHS adoption SWCM and the adoption SWCM will take over primary responsibility over the case.



The prospective adoptive family must be approved by the licensing authority in their state to adopt a child. This will require an adoptive home study by the state the family resides in and potentially by the Tribe as well.



Once the permanency order establishes TCA as the goal, the HHS adoption SWCM will meet with the prospective adoptive family to sign all necessary paperwork.



Once the adoption decree is filed in Tribal Court, the document is sent to Juvenile court to be registered with the state of Iowa. The adoptive family will work with the HHS adoption SWCM to finalize details including obtaining a new birth certificate.

## Things To Know About TCA

- ▶ This process may vary depending on the tribe involved and the practices of your local court.
- ▶ The adoptive family may be required to attend Tribal Court for the final adoption. If that is necessary, your HHS SWCM will discuss that with you.
- ▶ The adoptive parent of an Indian child is expected to support the child's culture and keep them connected to the Tribe. The adoptive family may have the opportunity to develop a Cultural Plan to support the child's connection to their heritage with the Tribe.

<sup>2</sup> Children are not always eligible for Iowa's Adoption Subsidy Program. An individual eligibility determination is made for each child. Prospective adoptive families who have not received the HHS brochure outlining Iowa's Adoption Subsidy Program (Comm. 385) should request one from their HHS SWCM.