



Possible Inquiry Results

Inquiry is required in all state child custody cases and results in one of the following categories (that may be subject to change based upon additional information):

| Category/Class | What it is | What it requires |
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| Non-Indian | No indication that the child is Indian (member or eligible for membership and the child of a member) | There is a continuing duty to inquire about whether the child is or may be an Indian child throughout the life of all state child custody cases. ICWA does not otherwise apply. |
| <i>Reason to believe</i> (Heritage cases) | While at times a child’s Indian status and identify of their tribe can be readily confirmed, commonly this information is not available. Rather, inquiry may produce vague statements of possible heritage and guesses at possible tribal affiliation, often to historic/ancestral tribal groups rather than to specific federally recognized tribes. AB 3179 refers to this group as <i>reason to believe the child may be an Indian child</i> . | <i>Reason to believe</i> requires only further inquiry/investigation to confirm Indian status and identification of child’s federally-recognized tribe(s). Due diligence is required but ICWA does not otherwise apply. |
| <i>Reason to know</i> | Federal ICWA regulations and state law list facts that provide reason to know the child is Indian (i.e., a member or eligible for membership and the child of a member of a federally-recognized tribe). | Reason to know requires further inquiry and application of ICWA minimum federal standards to the case (e.g., notification, active efforts, expert testimony, placement preferences, etc.) |
| <i>Indian child</i> | Children whose Indian status can be confirmed (i.e., children who are a member or eligible for membership and the child of a member of a federally-recognized tribe) | Indian status requires application of ICWA minimum federal standards to the case (e.g., notification, active efforts, expert testimony, placement preferences, etc.) The child’s tribe may exercise rights and opportunities provided by ICWA to the child’s tribe. |
| non-federally-recognized Indian child | Non-federally-recognized tribes are groups that may be self-identified, petitioning for federal recognition, or state recognized. They do not enjoy the rights and privileges of federally recognized tribes. | WIC §366.6 permits a court to allow a child’s non-federally-recognized tribe to participate in a juvenile case, similar to a CASA volunteer. ICWA does not otherwise apply. |