

## **Memorandum of Understanding on Interagency Collaboration Regarding the Indian Child Welfare Act**

This Memorandum of Understanding (MOU) is entered into and by and between the U.S. Department of Health and Human Services (HHS), the Department of the Interior (DOI), and the Department of Justice (DOJ) (the Partners). Through this MOU, HHS, DOI, and DOJ will to work together in order to promote implementation of and compliance with the Indian Child Welfare Act of 1978 (ICWA).

ICWA was enacted “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture,” and to provide “assistance to Indian tribes in the operation of child and family service programs.” 25 U.S.C. § 1902. In finding that Federal standards are necessary for state-court child-welfare proceedings involving Indian children, Congress expressly recognized the “special relationship between the United States and the Indian tribes and their members and the Federal responsibility to Indian people.” *Id.* § 1901.

To further these purposes and the special relationship between the United States and federally recognized Indian tribes, and to promote improved outcomes for Indian children in foster-care and child-welfare proceedings, the Partners are collaborating on matters related to implementing the letter and spirit of ICWA and its regulations. To formalize this interagency collaboration, the agencies are entering into this Memorandum of Understanding (MOU).

### **I. Purposes**

The purposes of this MOU are:

- To establish the Partners’ commitment to the continued importance of ICWA and its implementation for the health and well-being of Indian children, families, and communities.
- To formally establish the ICWA Interagency Workgroup to promote the purposes of ICWA and the Partners’ mutual interests in ensuring ICWA implementation and compliance.
- To promote communication and collaborative efforts on Federal activities that support ICWA implementation and compliance.
- To establish structures and procedures to ensure that the Workgroup operates effectively and efficiently.

### **II. Participating Federal Agencies**

The ICWA Interagency Workgroup’s permanent members are the Department of the Interior (DOI), the Department of Health and Human Services (HHS), and the Department of Justice (DOJ). Each agency will designate the appropriate components or subcomponents to participate in the Workgroup. Other Federal agencies may participate in the activities of the

ICWA Interagency Workgroup as appropriate and, with the written agreement of all then-current permanent members, may also become permanent members of the Workgroup by signing this MOU.

### **III. Co-Chairs**

The Principal co-chairs of the ICWA Interagency Workgroup are the DOI Assistant Secretary-Indian Affairs; the HHS Assistant Secretary for the Administration of Children and Families; and the DOJ Assistant Attorney General for the Environment and Natural Resources Division. Each agency will designate a senior staff member to serve as a staff co-chair of the Workgroup.

### **IV. Participants**

Each Department will designate appropriate staff to participate in the Workgroup to provide technical or other expertise and input. These participants will include key personnel who are involved with ICWA implementation, Indian child welfare, and related topics. The staff co-chairs will maintain a list of members of the Workgroup.

### **V. Meetings**

The ICWA Interagency Workgroup will meet monthly at a staff level. Principal-level meetings will be held twice per year, or as otherwise convened by the co-chairs.


### **VI. Activities**

- A. **Interagency collaboration.** The ICWA Interagency Workgroup will facilitate interagency communication and will identify opportunities for interagency collaboration on ICWA-related activities and issues.
- B. **Committees and Areas of Focus.** The Workgroup will create committees to carry out its work. These committees may be changed over time, but as of the date of signing include: Data Collection; Authorities/Legal Issues; Training and Capacity Building; and Funding.
- C. **Priorities and Goals.** The Workgroup will identify priorities, goals, and tasks on an annual basis.
- D. **Tribal and Stakeholder Input.** The Workgroup will identify ways to obtain input from, and conduct outreach to, federally recognized Indian tribes and other stakeholders. This may include utilizing the participating Federal agencies' existing tribal advisory groups, stakeholder groups, tribal consultations, listening sessions, and public meetings.

**VII. Miscellaneous**

- A. **Effective Date, Amendment.** This MOU becomes effective when it has been signed by all three Partners. The MOU may be amended by written agreement of the then-current signatory Federal agencies. This MOU may be ended by any Partner upon issuance of written notice to the other Partners.
  
- B. **Applicable Law.** Nothing in this MOU shall be construed to impair or otherwise affect authority granted by law to, or responsibility imposed by law upon, a Federal agency, or the head thereof, or the status of that agency within the Federal Government. By signing this MOU the Partners are not bound to take any action or fund any activity or initiative beyond those delineated in this MOU. This MOU shall be implemented consistent with applicable law and subject to the availability of appropriations.
  
- C. **Fiscal.** This MOU is not a fiscal or financial obligation. It does not obligate a Federal agency to expend, exchange, or reimburse funds, services, or supplies, or to transfer or receive anything of financial or other value.
  
- D. **Internal Management.** This MOU and activities under it relate only to internal procedures and management of the Federal agencies and the ICWA Interagency Workgroup. They are not intended to and do not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party in any matter, civil or criminal, against the United States, its agencies or other entities, its officers, employees, or agents, or any other person.

The individuals whose signatures appear below attest to having the right, power, and authority to enter into this MOU on behalf of each Federal Agency and agree this Memorandum shall become effective on the date of the last signature.

  
\_\_\_\_\_  
John E. Cruden  
Assistant Attorney General  
Environment and Natural Resources Division  
Department of Justice

3/25/2016  
Date

\_\_\_\_\_  
Lawrence S. Roberts  
Acting Assistant Secretary-Indian Affairs  
Department of the Interior

\_\_\_\_\_  
Date

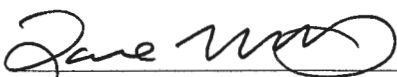
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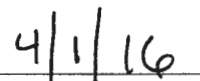
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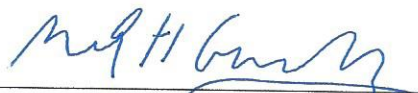
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Assistant Attorney General  
Environment and Natural Resources Division  
Department of Justice

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Date

  
\_\_\_\_\_  
Lawrence S. Roberts  
Acting Assistant Secretary-Indian Affairs  
Department of the Interior

  
\_\_\_\_\_  
Date



Mark H. Greenberg  
Acting Assistant Secretary  
for Children and Families  
Department of Health and Human Services

MAR 29 2016

Date