

Frequently asked questions about the Minnesota Indian Family Preservation Act notice

Q: What is the Minnesota Indian Family Preservation Act?

- A. The Minnesota Indian Family Preservation Act (MIFPA) strengthens and expands federal law and the Indian Child Welfare Act. It requires greater tribal involvement and notification to tribes for both involuntary and voluntary case management. It includes allocating appropriate funding for provision of services to American Indian children and families.

Q: What is the purpose of MIFPA notice?

- A. MIFPA notice is to immediately involve an Indian child's tribe/s at the earliest point possible when they come to the attention of a child welfare agency. This early engagement may establish a positive working partnership and collaboration from inception of case opening, potentially leading to better outcomes for Indian children and families.

Q: When is a MIFPA notice required?

- A. There are two instances when a MIFPA notice is required of local social services agencies. When agency staff has information at the time of a screened in Family Assessment or Investigation that may involve an Indian child, staff must notify their tribe/s of the assessment or investigation within 24 hours by telephone and a follow-up email or fax.

When agency staff has information that a child receiving voluntary services (i.e., children's mental health, Parent Support Outreach Program (PSOP), voluntary placements, etc.), may be an Indian child, staff must notify their tribe/s within seven days of starting services by telephone and follow up with an email or fax. MIFPA notices are not required for evaluations in determining fiscal services.

MIFPA notices are not required to be sent by certified and/or registered mail. Requirements of this notice are to provide notification by phone with a follow-up fax or email to known tribal affiliations or lineage.

Q: Who should receive a MIFPA notice?

- A. MIFPA notice is sent to all known tribal affiliations and lineage identified through inquiry of reporter, family, or other appropriate persons. Notice must be sent to any identified federally recognized tribe/s regardless of being in or outside of Minnesota. MIFPA notice is not sent to parents and/or Indian custodians. This notice is not sent to the Bureau of Indian Affairs (BIA) if tribe/s is/are known.

Q: What if child's tribe/s is/are unknown?

- A. MIFPA notice is provided to the regional BIA office, requesting assistance in identifying tribal affiliation and/or lineage. This notice is provided via phone and fax, or email, providing all known familial information to assist in identifying tribe/s.

Q: Does an additional MIFPA notice need to be provided if a case closes and reopens, or changes from involuntary to voluntary?

- A. Yes, each time services stop and/or cases are closed for more than seven days and reopen, a MIFPA notice must be provided. If ongoing case management occurred and another report is received, a MIFPA notice is not required, however, child's tribe/s, through local social services active efforts, should communicate newly received reports through ongoing communication and case management with Indian child's tribe/s.

If a case track changes from involuntary to voluntary, or the reverse, and services continue, a MIFPA notice to tribe/s is provided of a change in track.

Resources

For questions about ICWA/MIFPA email: DHS.ICWA.MIFPA@state.mn.us

[Minnesota Indian Family Preservation Act Notice to Indian Child Tribe/s](#)
[Indian Child Welfare Act/Minnesota Indian Family Preservation Act Genogram](#)
[Indian Child Welfare Landing Series](#)

Relevant state and federal laws and guidelines

- Minnesota Indian Family Preservation Act, Minn. Stat. 260.751 – 260.835
- Indian Child Welfare Act, 25 U.S. Code (U.S.C.) 1901 – 1923
- Bureau of Indian Affairs, 2016 Regulations for Indian Child Welfare Act Proceedings, 25 Code of Federal Regulations (CFR), part 23
- BIA 2015 Guidelines for State Courts and Agencies in Indian Child Custody Proceedings