**Section 307.35 Placement of an Indian Child**

a) In choosing an adoptive placement, the Department shall assure that the child is placed in accordance with the provisions of 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:

1) a member of the Indian child's extended family;

2) other members of the Indian child's tribe; or

3) other Indian families. (See 25 USC 1915(a).)

b) In choosing a foster care or preadoptive placement, the Department shall assure that the child is placed in the least restrictive setting that most approximates a family and in which his or her special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In addition, preference must be given in the following order, absent good cause to the contrary, to the placement of an Indian child with:

1) a member of the Indian child's extended family;

2) a foster home licensed or approved or specified by the Indian child's tribe;

3) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

4) an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs. (25 USC 1915(b).)

c) In the case of a placement under subsection (a) or (b) of this Section, if the Indian child's tribe establishes a different order of preference by resolution, the Department or court selecting the placement shall follow that order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this Section. When appropriate, the preference of the Indian child or parent shall be considered, provided that, when a consenting parent expresses a desire for anonymity, the court or Department shall give weight to that desire in applying the preferences.

d) The standards to be applied in meeting the preference requirements of this Section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.

e) The Department shall maintain a record of each placement of an Indian child thatincludes efforts to comply with the order of preference specified in this Section. The Department shall make these records available for inspection, at any time, upon the request of the Secretary or the Indian child's tribe.