




<b>ISSUE DATE</b> July 20, 2018	<b>EFFECTIVE DATE</b> Immediately	<b>NUMBER</b> 3130-18-06
<b>SUBJECT</b>  Revised and Reissued Indian Child Welfare Act	<b>BY</b>   Cathy A. Utz, Deputy Secretary Office of Children, Youth & Families	

**SCOPE**

County Children and Youth Social Service Agencies  
 Private Children and Youth Social Service Agencies  
 County Children and Youth Solicitors  
 County Chief Probation Officers  
 County Commissioners  
 Juvenile Court Judges  
 Orphans Court Judges

**PURPOSE**

The purpose of this bulletin is to update established policy requirements relative to the protection of Indian children as required in the Federal Indian Child Welfare Act (ICWA) (P.L. 95-608). This bulletin establishes policy and procedures for the handling of ICWA cases as it relates to the transfer of responsibility for the placement and care of Indian children under Pennsylvania’s Title IV-E state plan to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement as required by federal policy in the Administration on Children, Youth and Families’ ACYF-CB-PI-13-05 and the ICWA Proceedings Final Rule, 25 CFR Part 23, issued on June 14, 2016.

This bulletin rescinds and replaces Office of Children, Youth and Families (OCYF) Bulletin #3130-09-01 entitled Implementation of the Indian Child Welfare Act of 1978 issued on March 9, 2009.

For the purposes of this bulletin, the term “Indian children” encompasses children who are referred to as American Indian, Native American, or Alaska Native. ICWA covers child custody proceedings and adoption proceedings involving any Indian child who is either a member or citizen of a federally recognized tribe/Alaska Native village or is eligible for membership or citizenship in a federally recognized tribe/Alaska Native

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village and is the biological child of a member/citizen of a federally recognized tribe/Alaska Native village. The term "tribe" includes all federally recognized Alaska Native villages and tribes located in the United States (U.S.). All tribes have the right to determine who is a citizen of their tribe and different tribes have different requirements for eligibility. ICWA does not apply to custody disputes between parents, juvenile delinquency proceedings where the offense would still be considered criminal if the child was an adult (e.g., not truancy or incorrigibility), or cases under tribal court jurisdiction.

## **BACKGROUND**

The preservation of families, through the prevention of unnecessary foster care placement, and the safe reunification of children with their families when a placement is necessary, is a critical concern of the child welfare system. These are also vital and ongoing concerns of the American Indian Community. In recognition of, and in an attempt to redress the "alarmingly high percentage of Indian families broken up by removal", the U.S. Congress legislatively mandated the proactive protection and preservation of Indian tribes and families through ICWA (25 U.S.C. §1902).

Like the Adoption and Safe Families Act of 1997 (ASFA) (P.L. 105-89), ICWA established a clear responsibility to focus energies toward supporting and preserving families, whenever possible, and to create other, preferred permanent alternatives for children if family preservation/reunification cannot be achieved. Unlike ASFA, however, the intent of ICWA is focused solely on the protection of Indian children and the promotion of stability in Native American families. Through the execution of this intent, ICWA preserves and maintains the integrity of tribal government and Native American cultures.

Under ICWA, Indian tribes were granted extensive jurisdiction in child welfare cases involving Indian children, recognizing "that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children". When ICWA applies to a child's case, the child's tribe and family have a right to be involved in decisions affecting services for the Indian child. A tribe or a parent can also petition the court to transfer the case to their own tribal court. ICWA established "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". The Howard M. Metzenbaum Multiethnic Placement Act of 1994 (MEPA) (P.L. 103-382) and the Small Business Job Protection Act (P.L.104-188) do not impact ICWA provisions.

According to the 2010 U.S. Census Bureau data (the most recent available), there were 12,702,379 people living in Pennsylvania, with 81,092 identified as Native American or Alaska Native exclusively or in combination with one or more other races. The Indian population is widely scattered throughout the entire Commonwealth with small concentrations in the northwestern section of Pennsylvania and in the large urban areas of Philadelphia and Pittsburgh. They originate from various tribes and nations throughout the U.S. and Canada. While there are no federally recognized tribes in Pennsylvania, there are Indian organizations, most notably The Council of Three Rivers American Indian Center, Inc. located in Pittsburgh and the Lenape Nation in Southeastern Pennsylvania. As of March 31, 2017, there were 65 children

noted in the Adoption and Foster Care Analysis and Reporting System (AFCARS) as Native American or Alaskan Native.

### **STATUTORY AND REGULATORY AUTHORITY**

**ACYF-CB-PI-13-05** <https://www.acf.hhs.gov/sites/default/files/cb/pi1305.pdf>

State Title IV-E agencies must establish and maintain procedures for the transfer of responsibility for the placement and care of a child under a state Title IV-E plan to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

**77 FR 896** <http://www.nicwa.org/downloads/TribalIVEInterimfinalruleJan62012.pdf>

The Administration for Children and Families (ACF) issued this interim final rule to implement statutory provisions related to the tribal Title IV-E program. Effective October 1, 2009, Section 479B(b) of the Social Security Act (the Act) authorizes direct federal funding of Indian tribes, tribal organizations, and tribal consortia that choose to operate a foster care, adoption assistance, and, at tribal option, a kinship guardianship assistance program under Title IV-E of the Act. The Fostering Connections to Success and Increasing Adoptions Act of 2008 requires that ACF issue interim final regulations. These regulations must address procedures to ensure that a transfer of responsibility for the placement and care of a child under a state Title IV-E plan to a tribal Title IV-E plan occurs in a manner that does not affect the child's eligibility for Title IV-E benefits or medical assistance under Title XIX of the Act (Medicaid) and such services or payments; in-kind expenditures from third-party sources for the tribal share of administration and training expenditures under Title IV-E; and other provisions to carry out the tribal-related amendments to Title IV-E. This interim final rule includes these provisions and technical amendments necessary to implement a tribal Title IV-E program.

**45 CFR 1356.67** <https://www.acf.hhs.gov/sites/default/files/cb/fr012500.pdf>

Procedures for the transfer of placement and care responsibility of a child from a state to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

- (a) "Each State with a title IV-E plan approved under section 471 of the Act must establish and maintain procedures, in consultation with Indian tribes, for the transfer of responsibility for the placement and care of a child under a State title IV-E plan to a tribal title IV-E agency or an Indian tribe with a title IV-E agreement in a way that does not affect a child's eligibility, receipt of services, or payment of, title IV-E and the child's eligibility for medical assistance under title XIX of the Act."

**25 CFR Part 23** <https://www.bia.gov/cs/groups/xraca/documents/text/idc1-034264.pdf>

The final rule adds a new subpart to the Department of the Interior's regulations for implementing the ICWA. The final rule addresses requirements for state courts in ensuring implementation of ICWA in Indian child welfare proceedings and requirements to maintain records under ICWA. This rule became effective December 12, 2016.

**DEFINITIONS:** Definitions referenced within this bulletin derive from the federal ICWA regulation and guidelines.

Active efforts - Affirmative, active, thorough, and timely efforts intended primarily to maintain and reunite an Indian child with his or her family. Where a CCYA is involved in the child custody proceeding as defined below, active efforts must involve assisting the parent or parents or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe.

Child custody proceeding - Any action, other than an emergency proceeding, that may culminate in one of the following outcomes:

- (1) Foster care placement - Any action removing an Indian child from his or her parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
- (2) Termination of parental rights (TPR) - Any action resulting in the termination of the parent-child relationship;
- (3) Pre-adoptive placement - The temporary placement of an Indian child in a foster home or institution after the TPR but prior to or in lieu of adoptive placement; or
- (4) Adoptive placement - The permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

Clear and convincing evidence - Evidence that results in reasonable certainty of the truth of the ultimate fact in controversy. More than a preponderance of the evidence but less than beyond a reasonable doubt.

Designated tribal agent – An agent designated by the tribe for service of ICWA notice.

Extended family member (for ICWA purposes) – The law or custom of the Indian child's tribe or, in the absence of such law or custom, is a person who has reached age 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

Foster care – Twenty-four hour substitute care for children placed away from their parents or guardians and for whom the state agency has placement and care responsibility.

Indian child – Any unmarried person who is under age 18 and either: (1) a member (or citizen) of an Indian tribe; or (2) is eligible for membership (or citizenship) in an Indian tribe and the biological child of a member/citizen of an Indian tribe.

Qualified expert witness - A person who is qualified to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious

emotional or physical damage to the child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe. A person may be designated by the Indian child's tribe as being qualified to testify to the prevailing social and cultural standards of the Indian child's tribe.

Tribe - Any Indian tribe, band, nation or other organized group, or community of Indians recognized as eligible for the services provided to Indians by the Secretary of Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. §1602(c).

## **DISCUSSION**

Through ICWA, Congress expressed clear intentions: 1) to keep Indian children with their families by establishing higher standards for court findings in removals; 2) to defer to tribal judgment on matters concerning the custody of Indian children through notification for intervention and jurisdictional transfer opportunities; and 3) to place Indian children who must be removed from their homes with their own families or Indian tribes through a preferred placement hierarchy.

Under ICWA, the court must ask each participant in a child custody proceeding whether the participant knows or has reason to know that the child is an Indian child and instruct all parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child. Custody proceedings, as defined in 25 U.S.C. §1902(1) of ICWA, include any foster, pre-adoptive, or adoptive home placement or TPR. If there is reason to know the child is an Indian child but the court lacks sufficient evidence to make a determination that the child is or is not an Indian child, the court must confirm by way of report, declaration, or testimony that the county children and youth agency (CCYA) used due diligence to identify and work with all tribes relevant to the child and the court must treat the child as an Indian child unless and until it is determined the child is not an Indian child. A court has reason to know if a child is an Indian child if:

- (1) Any participant in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization, or the CCYA informs the court the child is an Indian child or that it has newly discovered information indicating the child is an Indian child;
- (2) The child who is the subject of the proceeding gives the court reason to know he or she is an Indian child;
- (3) The court is informed that the domicile or residence of the child, the child's parent, or the child's Indian custodian is on a reservation or in an Alaska Native village;
- (4) The court has information that the child is or has been a ward of a tribal court; or
- (5) The court is informed that either parent or the child possesses an identification card indicating membership in an Indian tribe.

Refer to 25 CFR Part 23.107 for a description on a court's "reason to know". If the child does not meet ICWA's definition of Indian child, ICWA does not apply to the child's case.

A written notice of Indian child custody proceedings must be sent to the parents and/or Indian custodians and to any tribes identified as having a possible affiliation with the child and family. The notice must be sent by registered mail with return receipt requested.

The determination by a federally recognized tribe that a child is or is not a member, is or is not eligible for membership, or that the biological parent is or is not a member, is final. If the tribe the child is affiliated with is unknown or if assistance is needed to identify all appropriate tribes, the Bureau of Indian Affairs (BIA) must be consulted. Ideally, the CCYA should contact the BIA Regional Office in the region where the tribe is most likely located but any BIA office can help direct the search. For children who may be eligible for membership in more than one tribe, deference is given to the tribe in which the child is already a member unless otherwise agreed by the tribes. If the tribes cannot agree, the court can decide using the criteria in 25 CFR Part 23.109. Per 25 CFR Part 23.107, courts must routinely inquire of the participants in child custody proceedings whether there is reason to know the child is an Indian child so that notice and inquiry into eligibility can be determined.

Unless there are extraordinary circumstances, if the court takes temporary emergency custody, it shall not be continued for more than 30 days without a determination by the court, supported by clear and convincing evidence and the testimony of at least one qualified expert witness, that custody of the child by the parents or Indian custodian is likely to result in serious emotional or physical damage to the child. A court may extend an emergency proceeding only if it makes the following determinations:

- (1) The child still faces imminent physical damage or harm if returned to the parent or Indian custodian;
- (2) The court has been unable to transfer the proceeding to the jurisdiction of the appropriate Indian tribe; and
- (3) It has not been possible to initiate a child custody proceeding.

If the child cannot be safely returned to the parents or custodian, the child must either be transferred to the jurisdiction of the appropriate Indian tribe or a child custody proceeding must be initiated. ICWA requires that an emergency removal or placement of an Indian child must terminate immediately when it is no longer necessary to prevent imminent physical damage or harm to the child. Moreover, under ICWA the court is required to make a determination that the CCYA petitioning for dependency made 'active efforts' to avoid the child's removal. ICWA requires, that if at any time the court finds that the petitioner is responsible for the improper removal or retention of an Indian child, the child shall be immediately returned to his or her parents or Indian custodian.

ICWA applies to Pennsylvania residents even though there are currently no federally recognized tribes/nations within the Commonwealth. It is important to acknowledge that CCYAs may also become involved with Indian children that are not Pennsylvania residents such as runaways or victims of human trafficking. Pennsylvania Act 91 of 2012 allows youth who were formerly adjudicated dependent the ability to reenter the foster care system prior to reaching 21 years of age provided that dependency jurisdiction was terminated 90 days prior to the youth's 18<sup>th</sup> birthday or on or after the youth's 18<sup>th</sup> birthday, but before the youth reaches age 21. However, provisions under

ICWA do not apply to youth who request resumption of court jurisdiction because ICWA defines a child as a person under 18 years of age. Therefore, youth of Indian descent who request to reenter the foster care system would be readmitted under existing Pennsylvania law, not under ICWA. There may be instances in which action must be taken with respect to a child who, while physically located off of a reservation, is subject to exclusive tribal jurisdiction, at the tribe's discretion. Per 25 U.S.C. §1911(b) of ICWA, the parent(s), the Indian custodian, or the Indian child's tribe may request the court to transfer the child custody proceedings to the tribal court of the child's tribe. The transfer request can be made at any stage in each foster care or TPR proceeding. The court is only authorized to refuse to transfer a case if the parent or Indian custodian object, if the tribal court declines the transfer of jurisdiction or good cause exists. However, notification must still occur.

An eligible Indian child, a parent or Indian custodian, and the Indian child's tribe may petition any court of competent jurisdiction to invalidate an action for foster care placement or TPR under state law where it is alleged that 25 U.S.C. §1911 (relating to jurisdiction), 1912 (relating to notice, right to counsel, discovery, active efforts and standards of evidence in placement and termination hearings), or 1913 (relating to voluntary procedures) has been violated. A petition to invalidate an action does not necessarily affect only the action that is currently before the court. For example, an action to invalidate a TPR may affect an adoption proceeding. The rule does not require the court to invalidate an action, but requires the court to determine whether it is appropriate to invalidate the action under the standard of review under applicable law.

## **POLICY AND PROCEDURES**

Since ICWA was established over 39 years ago, most child welfare professionals are familiar with the requirements of the Act. However, implementation and interpretation of the Act has been inconsistent across and even within states. On June 14, 2016, Federal ICWA regulations were released to help guide states in the implementation of ICWA and in December 2016, the "Guidelines for Implementing ICWA" were issued to complement the new regulations at <https://www.bia.gov/cs/groups/public/documents/text/idc2-056831.pdf>. Many received training on the requirements through the Department of Human Services' (DHS) collaboration with The Pennsylvania Child Welfare Resource Center. OCYF recommends utilizing the guidelines when additional clarification of ICWA components is necessary. The guidelines are intended to provide an increased understanding to those involved in child custody proceedings and ensure the ICWA regulations are applied uniformly across all states. Family Design Resources' Indian Child Welfare Act Search Guide at <http://www.familydesign.org/icwa-search-guide/icwasearchguide.html> can also assist child welfare professionals to perform a comprehensive search to identify and locate potential tribal connections to allow the tribe to determine eligibility and placement under ICWA. Historically, the challenge for practitioners in Pennsylvania was to remain aware of ICWA requirements in the face of infrequent opportunity to apply them. Per ICWA, the court must ask each participant in a child custody proceeding whether the participant knows or has reason to know that the child is an Indian child and instruct all parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child. Despite that infrequency, practitioners must remember that ICWA applies to all Indian children no matter where they live as long as they qualify as an Indian child. Therefore, through this bulletin, OCYF establishes minimum expectations of CCYAs to ensure consistent

adherence to ICWA provisions throughout the Commonwealth. The bulletin, regulations, and the guidelines should be used in tandem to implement best practices in regard to ICWA requirements.

### Intake Procedure

CCYAs must insure that demographic information collected during the intake process includes information about whether or not the child and/or the child's parent(s) claim any American Indian or Alaska Native heritage and, if so, can they identify the affiliated tribe. *This information must be specifically requested of the family.* It is not sufficient to ask the child or parent to identify his or her race or ethnicity. Many individuals who may identify themselves as Caucasian, African-American, or Mexican, for example, may not include American Native heritage in their initial self-identification. If such information is revealed at a later critical juncture, the CCYA may face significant timeliness delays in any child custody proceedings.

Per 25 U.S.C. §1903(4) of ICWA, a child will qualify as an Indian child if he or she is unmarried, under 18 years of age, and is either (a) a member or citizen of an Indian tribe; or (b) eligible for membership or citizenship in an Indian tribe and is the biological child of a member/citizen of an Indian tribe. In many cases, a parent may state affiliation with a tribe but be unsure of membership. While it is up to the identified tribe to determine membership, the following information will assist the child welfare professional in gathering the appropriate details for notification to the tribe when interviewing the child/parent:

- (1) Length of residence on/near the reservation of and frequency of contact with the tribe;
- (2) Child's participation in activities of the tribe;
- (3) All known tribal affiliation of individuals within the family;
- (4) Child's fluency in the language of the tribe;
- (5) Whether or not there has been a previous adjudication of the child by a tribal court;
- (6) Residence on or near the tribe's reservation by the child's relatives; and
- (7) The child's/parent's self-identification.

While this information may be helpful in identifying the tribe, it should not be used to argue "good cause" which will be discussed below.

### Notification

Per 25 CFR Part 23.111, if the CCYA plans to petition the court for any child custody proceeding that involves any child who has been identified as, or may be, American Indian or Alaska Native, the CCYA must ensure that the identified tribe or nation receives proper notification. If several tribes or nations are identified by a family, notifications must be sent to all identified tribes or nations. This notice is required in addition to the informal contacts (phone calls/emails) made such as those to verify tribal membership. The intent of the notice is to provide opportunity for transfer to or jurisdictional intervention by the tribe if the child is determined to be an Indian child pursuant to ICWA. In addition to the tribe, a copy of the notice must be sent to the appropriate Regional Director listed below:



Eastern Regional Director  
Bureau of Indian Affairs  
545 Marriott Drive, Suite 700  
Nashville, Tennessee, 37214

Notification is required for a TPR proceeding, even if notice was previously given for the child's foster care proceeding. Notification of any such proceeding involving a juvenile for any status offense(s) is also required. OCYF also recommends that notice of the following be given to each individual:

- (1) Any change in placement;
- (2) Each hearing within a proceeding;
- (3) Any change to the child's permanency plan or concurrent plan; and
- (4) Any transfer of jurisdiction to another state or receipt of jurisdiction from another state.

Notice must be sent to the parents, the Indian custodians, and the child's tribe by registered mail, return receipt requested. A copy of the notice must be sent to the Eastern BIA Regional Director even when the identity of the child's parents, Indian custodian, and tribes can be ascertained.

The Department of the Interior, BIA, maintains a list of 'Designated Tribal Agents for Service of Notice'. It is a comprehensive listing of over 500 federally recognized tribes throughout the U.S., by region, with contact information for the individual tribes, as well as each regional office. This listing, which is published in the Federal Register, may be accessed at the following link: [www.bia.gov](http://www.bia.gov) by typing the following key words in the search box, "Indian Child Welfare Act Designated Tribal Agents Service of Notice". If the tribal affiliation in which the Indian child is a member or eligible for membership is unknown but there is reason to know the child is an Indian child, the CCYA must send the notice to the appropriate regional office in which the CCYA suspects the tribe is located. The Regional Office has 15 days to provide notice to the appropriate tribe or nation.

Notices of final adoption decrees are required to be sent within 30 days to the BIA Central Office located at the address below:

U.S. Department of Interior Bureau of Indian Affairs  
1849 C Street, NW  
Washington, D.C. 20240

Sample cover letters and the notification form are included as Appendices A, B, and C to this bulletin. If a CCYA chooses to develop its own notification letter, it must include the following information:

- (1) The child's name, birthdate, and birthplace;
- (2) The name of each Indian Tribe in which the child is a member (or may be eligible for membership if a biological parent is a member);
- (3) All known names, birthdates, and birthplaces of the child's parents, including mother's maiden name;

- (4) If known, the names, birthdates, birthplaces, and tribal enrollment information of other direct lineal ancestors of the child, such as grandparents;
- (5) A copy of the petition, complaint or other document by which the child custody proceeding was initiated and, if a hearing has been scheduled, information on the date, time, and location of the hearing;
- (6) Statements setting out:
  - (i) The name of the petitioner and the name and address of petitioner's attorney;
  - (ii) The right of any parent or Indian custodian of the child if not already a party to the child custody proceeding to intervene in the proceedings;
  - (iii) The Indian Tribe's right to intervene at any time in a state court proceeding for the foster care placement of or TPR to an Indian child;
  - (iv) That if the child's parent or Indian custodian is unable to afford counsel based on a determination of indigency by the court, the parent or Indian custodian has the right to court-appointed counsel;
  - (v) The right to be granted, upon request, up to 20 additional days to prepare for the child custody proceedings;
  - (vi) The right of the parent or Indian custodian and the Indian child's tribe to petition the court for transfer of the foster care placement or TPR proceeding to tribal court as provided by 25 U.S.C. §1911 and 25 CFR Part 23.115;
  - (vii) The mailing addresses and telephone numbers of the court and information related to all parties to the child custody proceeding and individuals notified under this section;
  - (viii) The potential legal consequences of the child custody proceedings on the future parental and custodial rights of the parent or Indian custodian; and
  - (ix) That all parties notified must keep confidential the information contained in the notice and the notice should not be handled by anyone not needing the information to exercise rights under ICWA.

Timely notification to a child's parent or Indian custodian and tribe is paramount to timely court proceedings. 25 U.S.C. §1912(a) of ICWA sets time limits regarding when court proceedings may begin in relation to when these notifications were provided:

- (1) Ten days after the parent or Indian custodian has received notice;
- (2) Ten days after the Indian child's tribe has received notice;
- (3) Thirty days after the parent or Indian custodian has received notice, if the parent or Indian custodian has requested an additional 20 days to prepare for the proceedings; or
- (4) Thirty days after the Indian child's tribe has received notice if the tribe has requested an additional 20 days to prepare for the proceedings.

*Note: While notification is absolutely required in any non-voluntary proceeding, OCYF recommends notification in all cases with potential child custody proceedings that may*

*result in placement or loss of parental rights. Per 25 U.S.C. §1911(c) of ICWA, the child's tribe has the right to intervene at any point in any such proceeding with no reference to whether it is voluntary or involuntary; intervention is not possible without notification. Moreover, CCYAs may find it helpful to provide notification at the earliest possible date regardless as to whether or not a custody proceeding is being considered since many tribes may have resources or assistance to offer directly to assist the family thereby avoiding possible placement. Tribal members could be relatives or help to identify relatives for Act 55 of 2013 and Fostering Connections purposes. Additionally, the services of a qualified expert witness will need to be arranged in any custody proceeding.*

### Communication with the Tribe

Once the tribal affiliation is determined, the CCYA must contact the designated tribal agent to obtain information and verification regarding the contact information for receipt of notice. The tribe is the only entity that can determine or confirm the child's membership or eligibility for membership in the tribe. The CCYA must provide the designated tribal agent and/or ICWA representative with all of the identifying information of the child/family to assist in confirmation or determination of membership. Open communication between the CCYA and the tribal agent enables coordination on services that may be available to the family. OCYF suggests using the BIA template provided in the appendices (Appendix C).

All inquiries and communication regarding the child's tribal status must be included in the case record. When the tribal status is determined, it must be clearly documented in the case record. The CCYA must inquire with the tribal social service worker and/or ICWA representative if the tribe is (a) a tribal Title IV-E agency; and (b) willing to assume custodial responsibility of the child. All notifications sent to the tribe must be documented in the case record.

### Removal Standards

Per 25 U.S.C. §1912(d) of ICWA, when the CCYA petitions the court for removal of an Indian child from his or her parent(s) or Indian guardian(s), the court must make a judicial determination that the CCYA has made *active efforts* to provide remedial and rehabilitative services to the family, to prevent the break-up of the Indian family and that these efforts were unsuccessful. Active efforts must be documented in detail in the record. Additionally, ICWA provides that active efforts are to be tailored to the facts and circumstances of the case and may include, for example:

- (1) Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;
- (2) Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services;
- (3) Identifying, notifying, and inviting representatives of the Indian child's Tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues;
- (4) Conducting or causing to be conducted a diligent search for the Indian child's extended family members, and contacting and consulting with

- extended family members to provide family structure and support for the Indian child and the Indian child's parents;
- (5) Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child's Tribe;
  - (6) Taking steps to keep siblings together whenever possible;
  - (7) Supporting regular visits with parents or Indian custodians in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child;
  - (8) Identifying community resources including housing, financial, transportation, mental health, substance use, and peer support services and actively assisting the Indian child's parents or, when appropriate, the child's family, in utilizing and accessing those resources;
  - (9) Monitoring progress and participation in services;
  - (10) Considering alternative ways to address the needs of the Indian child's parents and, where appropriate, the family, if the optimum services do not exist or are not available; and
  - (11) Providing post-reunification services and monitoring.

Further, under ICWA, the court may only order placement if the court has determined by *clear and convincing evidence* that the child's continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. Moreover, in court proceedings for TPR, the court must determine *beyond a reasonable doubt* that the child's continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the child.

To these ends, the testimony of a *qualified expert witness* is required. Both removal of an Indian child from his or her family and TPR must be based on competent testimony from one or more experts qualified to speak specifically to the issue of whether continued custody by the parent(s) or the Indian custodian(s) is likely to result in serious physical or emotional damage to the child. The following guidelines should be used to determine if an individual qualifies as an expert for purposes of Indian child custody proceedings:

- (1) A member of the tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and childrearing practices;
- (2) A lay expert witness having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and childrearing practices within the Indian child's tribe; or
- (3) A professional person having substantial education and experience in the area of his or her specialty, preferably as it pertains to Native American families. (The child welfare professional regularly assigned to the Indian child cannot serve as the qualified expert witness.)

*Note: The court or CCYA may request that the tribe or BIA office assist in locating a qualified expert.*

### Placement Preference

Adoption and Safe Families Act (ASFA) does not supersede ICWA requirements – ICWA requirements must still be met. Just as there is a hierarchy of permanency options that must be followed under ASFA and the Juvenile Act, eliminating each ‘most preferred’ option before moving on to the next one, there is also a hierarchy of preferred placements that must be followed, *absent good cause* (to be determined by the court), when placing an Indian child in foster care or for adoption. The child’s tribe may choose to establish its own order of placement preferences rather than adhering to the recommended order provided by ICWA.

Per 25 U.S.C. §1915(b) of ICWA, placement preferences for foster care are as follows:

- (1) A member of a child’s extended family;
- (2) A resource home approved or licensed by the tribe;
- (3) An Indian resource home of another tribe licensed by the appropriate agency; and
- (4) A tribal-approved institutional placement for children that is suitable to the child’s needs.

Per 25 U.S.C. §1915(a) of ICWA, placement preferences for adoptive placements are:

- (1) A member of the child’s extended family;
- (2) Other members of the child’s tribe;
- (3) Members of other tribes; and
- (4) A non-Indian family.

*Note: The child must be placed in the least restrictive most family-like setting taking into consideration sibling attachment that allows the Indian child’s special needs (if any) to be met, and is in reasonable proximity to the Indian child’s home, extended family, or siblings. Where appropriate, ICWA provides that the court can consider the placement preference of the Indian child or Indian child’s parent. Allowable under ICWA, a court can deviate from the placement preferences referenced above however good cause must exist and the court’s determination that good cause exist must be made on the record or in writing and should be based on one or more considerations listed in 25 CFR Part 23.132 (relating to how is a determination of good cause to depart from the placement preferences made).*

Given Pennsylvania’s Kinship Policy established in OCYF Bulletin #00-03-03, further reinforced by relative notification requirements in the federal law, “Fostering Connections to Success and Increasing Adoptions Act” (P.L. 110-351), and most recently, Pennsylvania’s Family Finding and Kinship Care Act (Act 55 of 2013), agencies should already be exploring relative/kin placement (“extended family”) options prior to any removal of a child. Act 92 of 2015 amends Section 1303 of the Human Services Code by extending the relative notification requirements to include each parent who has legal custody of a sibling of a dependent child. The ICWA statute provides a definition of “extended family member” which supersedes any other

definitions for “relative” or “kin” provided within other federal or state statutes. See the definition of extended family member on page 4 of this bulletin. The existing strategies and resources that an agency uses to assist with the ongoing diligent efforts to identify, engage, and gain commitment from relatives and kin to support a child or parent receiving services will facilitate the placement preference options established by ICWA. These strategies and resources include, but are not limited to, the following:

- (1) Statewide Adoption and Permanency Network Legal Services Initiative Program (LSI);
- (2) LSI Diligent Search Packet (<http://www.diakon-swan.org>);
- (3) Accurant;
- (4) Family Group Decision Making/Family Group Conferencing;
- (5) Family Team Meetings; and
- (6) Family Finding.

### Transfer of Jurisdiction

Once a tribe has been notified of an impending custody proceeding regarding an Indian child and has made the determination that the child is a member or eligible for membership, the tribe may choose to petition the court for transfer of the custody proceeding or indicate a wish to be kept informed on the case. The child’s parent or Indian guardian may also petition to have the case transferred to the tribe; however, the tribe may decline to take jurisdiction. Under ICWA, if the tribe accepts jurisdiction, the court *must* transfer the case, unless the parent or Indian guardian objects to the transfer, or the court can show *good cause not to do so*. Even in such cases, the tribe must be notified and retains the right to intervene at any time in the court proceedings.

*Good cause* to deny the transfer of jurisdiction is not defined in ICWA, however, when determining whether good cause exists, the federal regulation clearly identifies that the court must NOT consider:

- (1) Whether the foster care or TPR proceeding is at an advanced stage if the Indian child’s parent, Indian custodian, or tribe did not receive notice of the child custody proceeding until an advanced stage;
- (2) Whether there have been prior proceedings involving the child for which no petition to transfer was filed;
- (3) Whether transfer could affect the placement of the child;
- (4) The Indian child’s cultural connections with the tribe or its reservation;
- or
- (5) Socioeconomic conditions or any negative perception of tribal or BIA social services or judicial systems.

When jurisdiction and responsibility for the placement and care of an Indian child will transfer to a tribe, CCYAs must collaborate with the federally recognized Indian tribe and the child’s parent(s) or Indian guardian to coordinate tribe and child-specific procedures. The transfer procedure shall not impact the child’s eligibility, receipt of services, or payment under Title IV-E or the medical assistance program operated under Title XIX. At a minimum, CCYAs must adhere to the following related to the case transfer process:

- (1) The CCYA shall provide essential documents and information necessary to continue the child's eligibility under Title IV-E and Medicaid to the tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement. These documents include, but are not limited to the following:
  - (a) All judicial determinations, specifically those that include the required Title IV-E language (contrary to the welfare/best interest, reasonable efforts to prevent removal, and reasonable efforts to finalize the permanency plan);
  - (b) Other documentation that the CCYA has that relates to the child's Title IV-E eligibility under Sections 472 and 473 of the Social Security Act (CY-60, CY-61, supporting Aid to Families with Dependent Children (AFDC) documents);
  - (c) Information and documentation available to the CCYA regarding the child's eligibility or potential eligibility for other federal benefits;
  - (d) Copies of Risk and Safety Assessments, Family Service Plans, and Child Permanency Plans, including health and education records of the child;
  - (e) A copy of the child's birth certificate, Social Security card, and insurance cards;
  - (f) Documentation of the child's placement setting, including documentation of the licensure of the current placement;
  - (g) Any other documentation that the tribe may request (identifying information on the child and parents, special needs the child may have, abuse/neglect concerns that caused the removal of the child); and
  - (h) Information about any relative or other significant person who is willing and able to care for the child.
- (2) When the physical and legal custody transfer of the child to the tribe occurs, the transfer should be documented by written verification of the tribal representative's authority and acceptance of custody should be obtained and kept in the case file.

### Voluntary Proceedings

Per 25 U.S.C. §1913(a) of ICWA, in any proceeding in which a parent or Indian custodian voluntarily consents to placement of an Indian child in foster care or voluntarily consents to TPR, if the court or petitioning CCYA has reason to believe that a parent or Indian custodian is not likely to understand the contents of the notice due to a language barrier, the court or CCYA shall arrange to have the notice explained to that person in the language that he or she best understands. While ICWA addresses language barriers in this subsection only, *at all times*, CCYAs must be mindful of their responsibility to follow applicable requirements when serving children and families with limited English. Please refer to OCYF Bulletin #00-02-09, "Title VI of the Civil Rights Act of 1964 as it Pertains to Persons with Limited English Proficiency (LEP)".

Per 25 U.S.C. §1913(a) of ICWA, no consent for an adoption of an Indian child may be given prior to or within 10 days after birth. (*Note: The time period is only 72 hours in the Adoption Act at §2711 (c); the ICWA standard is a 'higher' standard than the standard which applies to non-Indian children.*)

Per 25 CFR Part 23.127 (relating to how is withdrawal of consent to a foster care placement achieved), the parent or Indian custodian may withdraw consent to voluntary foster care placement at any time. To withdraw consent, the parent or Indian custodian must file a written document with the court or otherwise testify before the court, and when the consent is withdrawn the court must ensure that the Indian child is returned to that parent or Indian custodian as soon as practicable. If the CCYA believes it is unsafe to return or maintain a child within the parent or Indian custodian home, the CCYA shall file a petition with the court related to those safety concerns. If a dependency or emergency custody hearing is initiated for an Indian child, the CCYA must follow all necessary ICWA requirements.

Per 25 U.S.C. §1913(c), a voluntary consent to terminate parental rights or to adoption may be withdrawn at any time, for any reason, prior to the entry of a final decree of adoption. *(Note: The time period for consent revocation is only 30 days in the Adoption Act at §2711(c)(1) so, again, a higher standard exists under ICWA.)*

Per 25 U.S.C. §1913(d), the adoption of an Indian child can be overturned anytime within the first two years after the final decree if fraud or duress is proved. *(Note: The time period to challenge the validity of a consent by alleging fraud or duress is up to 30 days after the final decree is issued, per the Adoption Act at §2711(c)(3); the ICWA standard is higher than the standard that applies to non-Indian children.)*

A voluntary consent by the parent(s) or Indian guardian(s) of an Indian child to terminate parental rights or to a foster care, pre-adoptive, or adoptive placement, must be completed in writing and recorded in court before a judge. There must be certification presented that the parent(s) or Indian guardian(s) understood what the consent signifies. The parent has the right to request, in writing or a statement on the record, the desire for anonymity. When seeking verification of the child's status, the court must keep relevant documents pertaining to the identity of the parent confidential and under seal. A request for anonymity does not relieve the court or CCYA from any duty of compliance with ICWA.

### Access to Records

Indian children who were adopted and who have reached the age of 18 have the unique right, established by ICWA, to request information from their adoption records including tribal affiliation, parents' names, and any other information that will protect their rights as a tribal member. The individual needs to apply to the court that granted the adoption decree for access to these records. BIA should be contacted if the adoptee requires assistance in obtaining information pertaining to the request. If the adoptee seeking information was adopted in Pennsylvania, the adoptee can request the county of adoption from the Department of Health, Division of Vital Records to obtain information related to the request.

The CCYA must maintain a record of every voluntary or involuntary placement of an Indian child and make the record available within 14 days of a request by an Indian child's tribe or the U.S. Secretary of the Interior. These records shall be maintained according to Pennsylvania's maintenance and retention statutes and regulations. Court



records must contain at a minimum, the petition or complaint, all substantive orders entered in the child custody proceeding, the complete record of the placement determination (including, but not limited to, the findings in the court record and the child welfare professional's statement justifying the placement determination), and, if the placement departs from the placement preferences, detailed documentation of the efforts to comply with the placement preferences.

#### Vacated or Set Aside Adoptions

If an adoption is vacated or set aside, or the adoptive parent voluntarily consents to TPR, then the CCYA should work with the court to ensure that the notice requirements of 25 CFR Part 23.139 (relating to must notice be given of a change in an adopted Indian child's status) are fulfilled. This notice is required because, in the particular circumstances where an adoption is vacated or set aside, or the adoptive parent voluntarily consents to TPR, the ICWA statute provides certain rights to the biological parent or prior Indian custodian. In the case of a disrupted adoption, the biological parent or prior Indian custodian has the right to petition for the return of custody of the child and participate in any scheduled hearings. Notice of this right may be waived by executing a written waiver of notice and filing the waiver with the court.

*Appendix A*

*Use this cover letter when the identity or location of the child's tribe is KNOWN, and a petition has already been drafted or filed. This letter and the BIA notification form must be sent by registered mail with return receipt requested.*

(Agency Letterhead)

(Date)

RE: (Name of Indian child)

Dear:

Pursuant to the Indian Child Welfare Act, please accept this letter as your notice that (your agency name) is petitioning the court for (foster care placement of or termination of parental rights to) the child named above, born on (date of birth) in (city/state). We believe this child to be enrolled in or to be eligible for enrollment in the (Indian tribe).

Enclosed is information contained in the record or otherwise known to the agency, regarding the child's Indian lineage, as well as any known familial and custodial relationships. This information may not be complete but it represents all information that the agency has at this time.

Also enclosed please find a copy of the petition by which the aforementioned proceeding is to be initiated. This proceeding may result in the loss of (parental custody or parental rights) to the child named above. The proceeding is scheduled to be held at (name/address of court). The phone number for the court administrator is (number).

The child's parents, Indian guardians, and tribe have an absolute right to intervene in these proceedings and to request up to 20 additional days to prepare. The same parties have the right to petition the court for the transfer of the proceedings to the tribal court, absent objection by either parent. Such transfer shall be subject to declination by the tribal court. If the parents or guardians are without financial resources or otherwise unable to employ counsel, counsel will be appointed.

Should you have any questions regarding this notice, please contact me at (number). Thank you for your time and consideration.

Very truly yours,

---

(Child welfare professional/agency representative and title)

Enclosures: (Copy of petition, copy of information from family/child record/interviews)

c: (Regional director, parents or Indian guardians, agency attorney)

*Appendix B*

*Use this cover letter when the identity or location of the child's tribe is UNKNOWN, and a petition has already been drafted or filed. This letter and the BIA notification form must be sent by registered mail with return receipt requested.*

(Agency letterhead)

(Date)

U.S. Department of Interior  
Bureau of Indian Affairs  
1849 C Street, NW (or regional office and address if known)  
Washington, D.C. 20240

RE: (Name of Indian child)

Dear:

Pursuant to the Indian Child Welfare Act, please accept this letter as notice that (your agency name) is petitioning the court for (foster care placement of or termination of parental rights to) the child named above, born on (date of birth) in (city/state).

We believe this child to be enrolled in or to be eligible for enrollment in an Indian tribe; however, we have not been able to determine the specific tribal affiliation. Enclosed is information contained in the record or otherwise known to the agency, regarding the child's Indian lineage, as well as familial and custodial relationships. While this information may not be complete, it is all information that is known at this time.

Also enclosed please find a copy of the petition by which the aforementioned proceeding is to be initiated. This proceeding may result in the loss of (parental custody or parental rights) to the child named above. The proceeding is scheduled to be held at (name/address of court). The phone number for the court administrator is (number).

In addition to the requisite notification to the court, if within 15 days of receipt of this letter, you are unable to verify that the child meets the criteria of an Indian child, please notify me in writing. In your response, please indicate whether additional time is needed to establish tribal affiliation or whether, despite reasonable documented efforts, the child's tribal affiliation cannot be determined.

Should you have any questions regarding this notice, please contact me at (number). Thank you for your time and consideration.

Very truly yours,

---

(Child welfare professional/agency representative and title)

Enclosures: (Copy of petition, copy of information from family/child record/interviews)

c: (Regional director, parents or Indian guardians, agency attorney)

Appendix C

CONFIDENTIAL

NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

Attorney or Party without Attorney

Name:
Address:
Telephone Number:
E-mail Address (Optional):
Attorney For (If applicable):
State Bar No. (If applicable):

Court Use Only

XXXX COURT OF [STATE], COUNTY OF:
Address:
Branch Name:
Telephone No.:

CASE NAME:

CASE NO.:

THIS IS A NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

TO (Check all that apply)

Parents or legal guardians Indian custodians Tribes\* BIA Regional Director

THAT based on the petition, a copy of which is attached to this notice, a child-custody proceeding under the Indian Child Welfare Act (25 U.S.C. §§ 1901 et seq) has been initiated for the following child: (a separate notice must be filed for each child)

Name:

Date of Birth: / / Place of Birth:

FOR the following proceeding: (Check all that apply)

Juvenile Dependency Delinquency Declaration of Freedom from Control of Parent
Adoption Custody Guardianship Termination of Parental Rights
Voluntary relinquishment of child by parent

WITH potential consequences of this proceeding are: (Describe here)

A HEARING WILL BE HELD on:

Date: Time: Location: Room:

Type of Hearing:

Address and telephone number of court:

TRIBES

The child is or may be a member (or the child of a member) of the following Indian Tribes: (List each)

\*Notice to the Tribe must be sent to the Tribe's chairman or designated agent for service of ICWA notices.

CASE NAME:

CASE NO.:

Under the Indian Child Welfare Act:

- The parent or Indian custodian has the right to intervene in the proceedings.
- The child's Indian tribe has the right to intervene at any time in a State court proceeding for the foster care placement of or termination of a parental right.
- If the Indian parent(s) or, if applicable, Indian custodian(s) is unable to afford counsel based on a determination of indigency by the court, counsel will be appointed to represent the parent or Indian custodian where authorized by State law.
- The parent, Indian custodian, and Tribe have the right to be granted, upon request, a specific amount of additional time (up to 20 additional days) to prepare for the proceedings due to circumstances of the particular case.
- The parent, Indian custodian, and Tribe have the right to petition the court for transfer of the proceeding to tribal court under 25 U.S.C. 1911, absent objection by either parent: Provided, that such transfer is subject to declination by the tribal court.

**INFORMATION ON THE CHILD**

- a. The child's birth certificate is: \_\_\_\_\_ attached \_\_\_\_\_ unavailable
- b. A copy of the Tribal registration card of \_\_\_\_\_ the child \_\_\_\_\_ the parent is attached
- c. Biological relative information is listed below.

*(Indicate if any information is unknown or does not apply. Do not use the abbreviation "N/A")*

<b>Biological Mother</b>	<b>Biological Father</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME:

CASE NO.:

**INFORMATION ON THE CHILD (CONTINUED)**

<b>Mother's Biological Mother (Child's Maternal Grandmother)</b>	<b>Father's Biological Mother (Child's Paternal Grandmother)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
<b>Mother's Biological Father (Child's Maternal Grandfather)</b>	<b>Father's Biological Father (Child's Paternal Grandfather)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:

CASE NO.:

## INFORMATION ON THE CHILD (CONTINUED)

<b>Mother's Biological Grandmother (Child's Maternal Great-grandmother)</b>	<b>Mother's Biological Grandmother (Child's Maternal Great-grandmother)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
<b>Mother's Biological Grandfather (Child's Maternal Great-grandfather)</b>	<b>Mother's Biological Grandfather (Child's Maternal Great-grandfather)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:



CASE NAME:

CASE NO.:

## INFORMATION ON THE CHILD (CONTINUED)

<b>Father's Biological Grandmother (Child's Paternal Great-grandmother)</b>	<b>Father's Biological Grandmother (Child's Paternal Great-grandmother)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:
<b>Father's Biological Grandfather (Child's Paternal Great-grandfather)</b>	<b>Father's Biological Grandfather (Child's Paternal Great-grandfather)</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

CASE NAME:

CASE NO.:

**INFORMATION ON THE CHILD (CONTINUED)**

<b>Indian Custodian Information</b>	<b>Indian Custodian Information</b>
Name (include maiden, married, and former names or aliases):	Name (include maiden, married, and former names or aliases):
Current address:	Current address:
Former address:	Former address:
Birth date and place:	Birth date and place:
Tribe and location:	Tribe and location:
Tribal membership or enrollment number, if known:	Tribal membership or enrollment number, if known:
If deceased, date and place of death:	If deceased, date and place of death:

**INFORMATION ON THE CHILD (CONTINUED)**

*(Answer "yes", "no", or "unknown")*

- a. Biological father is named on birth certificate \_\_\_\_\_
- b. Biological father has acknowledged parentage \_\_\_\_\_
- c. There has been a judicial declaration of parentage \_\_\_\_\_
- d. There are other alleged fathers \_\_\_\_\_ (If yes, name here: \_\_\_\_\_)

**PARTIES NOTIFIED**

Relationship to Child	Name	Address	Telephone Number

CASE NAME:

CASE NO.:

**The following optional questions may also be helpful:**

Has the child or any of the child's biological family members ever:

a. Attended an Indian school? \_\_\_\_\_

If so, provide details here: \_\_\_\_\_

b. Received medical treatment at an Indian health clinic or Health Service hospital? \_\_\_\_\_

If so, provide details here: \_\_\_\_\_

c. Lived on federal trust land, on an Indian reservation, or in an Alaska Native village? \_\_\_\_\_

Other relative information (e.g., aunts, uncles, first and second cousins, stepparents)

Name/relationship to child	Current and former address	Birth date and place	Tribe and location

**DECLARATION OF ACCURACY (to be completed by petitioner)**

I am the petitioner. I have given all the information I have about the relatives and, if applicable, the Indian custodian, of the child who is the subject of the child-custody proceeding named on this form. I declare under penalty of perjury that the foregoing and all attachments are true and correct.

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**DECLARATION OF MAILING (to be completed by social worker)**

I certify that a copy of this notice with a copy of the petition identified on page 1 of this notice was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, Tribe, or agency as indicated above. Each envelope was sealed and deposited with the U.S. Postal Service at [location] \_\_\_\_\_ on [date] \_\_\_\_\_

Name (printed) \_\_\_\_\_

Title (printed) \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

ATTACHMENTS

[END OF FORM]

