



## **SECOND JUDICIAL DISTRICT ICWA COURT**

The Second Judicial District Court ICWA Court provides a unique way for Native American families to work on addressing issues that have brought their children into CYFD's legal custody. These families will work with the permanency planning workers of CYFD's ICWA Unit in finding services that will help these families reunify.

### **Requesting a case be moved into ICWA Court**

**The Cases:** The ICWA Court and its staff want to create an environment for the best possible outcomes for all the families. To that end, not every ICWA case pending in the Second Judicial District is appropriate for ICWA Court. Cases that are still within the first six months after filing may be good candidates for a transfer to ICWA Court. In addition, those cases where the family may have one case in ICWA Court and another out of it are good candidates for consideration to meet the needs of the whole family. Finally, if there are cases where having a closer working relationship and more frequent contact with the family is what is necessary for a successful reunification, then those cases will also be considered.

**The Process:** For cases filed prior to January 1<sup>st</sup>, 2020, a party or tribe may request a case be considered for ICWA Court. The party or tribe will need to provide sufficient information from which the staffing team can understand the needs of the family to assess whether ICWA Court is the right program for the family. Please fill out the attached form with the required attached page indicating why the case should be considered for ICWA Court. Please notify the other parties to this case that you are requesting the case be transferred into ICWA Court.

**The Response:** These requests are addressed as they are received, and each request will be reviewed at the first available staffing. Your request will be addressed at our next available staffing and you may be asked to provide more information, if needed. Our goal is to provide you a response fairly shortly thereafter. If a case is moved into ICWA Court, ICWA Court attorneys will be assigned to the cases.

**JQ case number(s):** \_\_\_\_\_ **Judge(s):** \_\_\_\_\_  
 Respondent: \_\_\_\_\_ Attorney: \_\_\_\_\_  
 Respondent: \_\_\_\_\_ Attorney: \_\_\_\_\_  
 Respondent: \_\_\_\_\_ Attorney: \_\_\_\_\_  
 Child (<14): \_\_\_\_\_ GAL: \_\_\_\_\_  
 Child (14+): \_\_\_\_\_ YA: \_\_\_\_\_  
 Date submitted: \_\_\_\_\_ Date Reviewed: \_\_\_\_\_

**1. Please check all of the following that are TRUE:**

- An ICWA Judicial Determination Order has been entered finding that ICWA applies;
- A child in this case is a member of a federally-recognized tribe (with a Certificate of Indian Blood, membership card, enrollment number, etc.);
- A tribe has stated that the child is a member or eligible for membership in their tribe (in writing, verbally, through a party/participant, etc.);
- A biological parent is a member of a federally-recognized tribe;
- A biological parent is eligible for membership with a federally-recognized tribe;
- A child has lived on or grown up on a reservation and the tribe is asking the Court to treat the case as an ICWA case while they continue to verify tribal membership.
- A child has been a ward of a tribal court;
- Father is a member of a federally-recognized Indian tribe, but he is not yet on the child's birth certificate;
- These children and/or parents had a prior case where ICWA applied to the proceedings in that case. Please list case number(s) \_\_\_\_\_;
- A biological parent in this case was adopted, and ICWA applied to their own adoption.
- A child in this case was adopted, and ICWA applied in their adoption;
- The case was filed in 2019;
- One of the biological parents of the Indian child has another case in ICWA Court;
- The case already has ICWA Court attorneys assigned to represent the parents;
- The tribe is considering a transfer to tribal court;
- The tribe is an Intervenor.

**2. The current permanency plan is:**

- |  |   |
|--|---|
| <input type="checkbox"/> Reunification | <input type="checkbox"/> Permanent Guardianship               |
| <input type="checkbox"/> Adoption      | <input type="checkbox"/> Permanent Planned Living Arrangement |

**3. Please submit a separate page indicating the reasons why this case should be considered for ICWA Court. Please note if there is any opposition to your request.**

**4. Name & email of person submitting request:** \_\_\_\_\_