

ICWA CHECKLIST

1. Did the court ask each participant in the child custody proceedingⁱ to state on the record whether the participant knew or had reason to know or reason to believe that any child involved in the proceeding was an Indian child?

Yes.

No. The court did not ask the following participants: _____

The designated record contains the following inquiries and reports of potential tribal affiliation: *Use initials to identify children and their relatives. C.A.R. 32(f)(2).

Participant Role	Name or Initials*	Dates of Inquiry/Report	Record Citations	Heritage Indicated
Parents*				
Special Respondent*				
Department				
GAL				
Intervenor*				

2. If applicable, did the court make a proper inquiry after a motion to terminate parental rights or allocate parental responsibilities to a nonparent was filed?

Yes.

No. The court did not ask the following participants: _____

3. Did the petitioning party send notices to the child(ren)'s parents, the child(ren)'s Indian custodian(s), the Bureau of Indian Affairs (BIA), or the child(ren)'s tribe(s) or potential tribe(s)?

Yes.

No. Notice was not required because _____

No. The following entities were omitted: _____

4. Copies of ICWA notices and other communications intended to provide such notice appear in the designated record at the following locations: _____

5. Postal return receipts for ICWA notices appear in the designated record at the following locations: _____

6. Responses from the parent(s) or Indian custodian(s) of the child(ren), the BIA, and child(ren)'s tribe(s) or potential tribe(s) appear in the designated record at the following locations: _____

7. Copies of additional ICWA notices sent to non-responding tribe(s) or the BIA appear in the designated record at the following locations: _____

8. Did the court find that any child involved in the proceeding is an Indian child?

Yes. The court found that _____ is an/are Indian child(ren).

No.

9. Dates and precise locations in the designated record of any ruling as to whether each child is or is not an Indian child: _____

ⁱ “Child-custody proceeding” means and includes any action, other than an emergency proceeding, that may culminate in one of the following outcomes:

- (i) Foster-care placement, which is 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;
- (ii) Termination of parental rights, which is any action resulting in the termination of the parent-child relationship;
- (iii) Preadoptive placement, which is the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; or
- (iv) Adoptive placement, which is the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

25 U.S.C. § 1903(1)(i) (2012).

An action that may culminate in one of these four outcomes is considered a separate child-custody proceeding from an action that may culminate in a different one of these four outcomes. There may be several child-custody proceedings involving any given Indian child. 25 C.F.R. § 23.2.

