

## ICWA CHECKLIST

1. Did the court ask each participant in the child custody proceeding<sup>i</sup> 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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>i</sup> “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.

