

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____

Year of Birth _____ A ☐ male ☐ female**INDIAN CHILD WELFARE ACT NOTICE OF THE PROCEEDING**
TO PARENTS, INDIAN CUSTODIANS, AND TRIBE

Pursuant to K.S.A. 38-2203(a), 25 U.S.C. § 1912(a) and 25 CFR 23.11

TO:

(Show Names, Addresses, and Telephone Numbers)

Parents: _____

Indian Custodian: _____

Tribe (*Designated agent for service*): _____

Secretary of the Interior/Bureau of Indian Affairs Area Director: _____

Notice is hereby given pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 *et seq.*, that a petition involving the child named above has been filed in the captioned county and court alleging that the child is within the jurisdiction of this court. A copy of the petition is attached. It is further alleged that the child is a member of or eligible for membership in the named Tribe, and that the Indian Child Welfare Act applies to this child custody proceeding.

1. Information on the child is as follows:

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

a. Name of child: _____

b. D.O.B.: ____/____/____

c. Current Residence: _____

d. Place of birth: _____

e. Where child was taken into custody: _____

f. Tribe(s) in which child is enrolled or may be eligible for enrollment: _____

g. Tribal Census or Enrollment Number: _____

(Attach a copy of the child's birth certificate and any Tribal registration card, if available.)

2. Information on the parents is as follows:

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

a. Mother's name: _____ maiden name: _____
aliases: _____
(1) Current Address: _____
(2) Former Address: _____
(3) Place of Birth: _____
(4) Date of Birth: ____/____/____
(5) Tribal Affiliation: _____
(6) Tribal Enrollment or Census Number: _____
(7) If deceased, date and place of death: _____
(8) Additional information: _____

b. Father's name: _____ aliases: _____
(1) Current Address: _____
(2) Former Address: _____
(3) Place of Birth: _____
(4) Date of Birth: ____/____/____
(5) Tribal Affiliation: _____
(6) Tribal Enrollment or Census Number: _____
(7) If deceased, date and place of death: _____
(8) Additional information: _____

3. The counsel for Petitioner in this proceeding is:

a. Name: _____
b. Address: _____
c. Phone: _____ FAX: _____
d. Title: ☐ County/District Attorney ☐ Assistant County/District Attorney
☐ Other _____

4. The social worker for the Secretary in this proceeding is:

a. Name: _____
b. Address: _____
c. Phone: _____ FAX: _____

5. The contact information for the District Court for _____ County, Kansas, is:

a. Address: _____
b. Phone: _____ FAX: _____

6. The petition has been filed in the District Court for _____ County, State of Kansas. A _____ hearing is scheduled for this matter on _____, _____ at _____ ☐ a.m. ☐ p.m. before Judge _____.
7. If the natural parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them. The parents or Indian custodians have the right to be represented by an attorney at every stage of this proceeding. The Court has appointed a guardian *ad litem*, _____, phone: _____, address: _____, to represent the best interest of the child in this proceeding.
8. The Tribe, the natural parents, and any Indian custodians of the above named child have the right to:
- intervene and be made a party in this proceeding under the Indian Child Welfare Act.
 - be granted an additional twenty (20) days to prepare for this proceeding if the additional time is requested. Such request may be made by motion in writing, or by calling the Clerk of the Court.
 - examine all documents or other material which may be used to make a decision in this matter if a request to do so is made. Such request shall be made in writing to the Clerk of the Court, or to the Court at the time of the hearing.
 - petition the Court to transfer the jurisdiction of the matter to the tribal court. Such petition shall be in writing and presented to the Clerk of the Court or orally to the Court at the scheduled hearing. The petition shall be granted in the absence of good cause to the contrary or the objection of either parent.
9. A decision in this matter may affect the future custodial rights of the Tribe, the natural parents, and the Indian custodians of the above named minor child, and may result in the temporary or permanent removal of the child from the child's home, the termination of parental rights to the child, and the permanent placement or adoption of the child.
10. The information contained in this Notice and the attached Petition is confidential and should be disclosed or revealed only to those persons or agencies necessary for proper notification of the natural parents, Indian custodians or the Tribe of the above named minor child and which is necessary for the exercise of rights under the Indian Child Welfare Act.

11. Information on the child's grandparents:

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

a. Mother's Biological Mother's (Child's Maternal Grandmother) name:

_____ maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

b. Mother's Biological Father's (Child's Maternal Grandfather) name:

_____ Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

c. Father's Biological Mother's (Child's Paternal Grandmother) name:

_____ maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

d. Father's Biological Father's (Child's Paternal Grandfather) name:

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

12. Information on the child's maternal great-grandparents:

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

a. Mother's Biological Grandmother's (Child's Maternal Great-Grandmother) name:

maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

b. Mother's Biological Grandfather's (Child's Maternal Great-Grandfather) name:

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

c. Mother's Biological Grandmother's (Child's Maternal Great-Grandmother) name:

_____ maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

d. Mother's Biological Grandfather's (Child's Maternal Great-Grandfather) name:

_____ Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

13 Information on the child's paternal great-grandparents:

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

a. Father's Biological Grandmother's (Child's Paternal Great-Grandmother) name:

_____ maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

b. Father's Biological Grandfather's (Child's Paternal Great-Grandfather) name:

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

c. Father's Biological Grandmother's (Child's Paternal Great-Grandmother) name:

maiden name: _____

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

d. Father's Biological Grandfather's (Child's Paternal Great-Grandfather) name:

Aliases: _____

(1) Current Address: _____

(2) Former Address: _____

(3) Place of Birth: _____

(4) Date of Birth: ____/____/____

(5) Tribal Affiliation: _____

(6) Tribal Enrollment or Census Number: _____

(7) If deceased, date and place of death: _____

(8) Additional information: _____

14. This Notice, and the Petition and/or application for *ex parte* order of temporary custody, are being sent via certified mail, return receipt requested, to the Indian parents, Indian custodians, the child's Tribe, and the Anadarko Regional Director of the BIA this ____ day of _____, _____.

Name: _____

[County/District Attorney ☐ Assistant]

[Supreme Court Number: _____]

Address: _____

Telephone Number: _____

[Fax Number]: _____

[E-mail Address]: _____

Authority

K.S.A. 38-2203(a), 25 U.S.C. § 1912(a) 25 C.F.R. 23.11, and 25 C.F.R. 23.111.

Notes on Use

This ICWA Notice of the proceeding is separate from any notice of hearing requirements under Kansas state law. The Notice of the proceeding must be served on all the required people at the beginning of a CINC case before adjudication and disposition. It must again be served on all the required people before the court terminates parental rights. Compliance with ICWA is jurisdictional. Failure to comply with ICWA may render orders devoid of authority.

ICWA applies to child custody proceedings, which include child in need of care proceedings. The purpose of ICWA is to preserve Indian families, culture and heritage to the greatest extent possible, while not threatening the safety and wellbeing of the child.

When a court knows or has reason to know a child involved in a child in need of care proceeding is an Indian child, ICWA applies. Notice of the proceedings (Form 210) must be sent by registered or certified mail with return receipt requested to the parents, Indian custodian, and the Indian child's Tribe's designated agent. Copies of the notices must be sent via registered or certified mail with return receipt requested to the Department of the Interior by serving Regional Director of the area office of the Bureau of Indian Affairs as indicated in 25 C.F.R. 23.11(b) (see address information below). 25 C.F.R. 23.11(a). "Notice may also be sent via personal service or electronically, but such alternative methods do not replace the requirement for notice to be sent by registered or certified mail with return receipt requested." 25 C.F.R. 23.111(c). If the identity or location of the child's parents, the child's Indian custodian, or the Tribes in which the Indian child is a member of eligible for membership cannot be ascertained, but there is reason to know the child is an Indian child, notice of the child-custody proceeding must be sent to the appropriate Bureau of Indian Affairs Regional Director. 25 C.F.R. 23.111(e).

The circumstances under which a court knows or has reason to know a child is an Indian child include, but are not limited to, the following: any party to the case, Indian Tribe, or agency informs the court that the child is an Indian child; any agency involved in child protection services or family support has discovered information suggesting that the child is an Indian child; the child gives the court reason to believe he or she is an Indian child; the residence of the child, parent(s), or custodian is known to be on a reservation or a predominantly Indian community; a parent of the child is enrolled in a Tribe; or an officer of the court has knowledge that the child may be an Indian child. 25 C.F.R. 23.107. "ICWA does not apply simply based on a child or parent's Indian ancestry. Instead, there must be a political relationship to the Tribe." BIA Guidelines for Implementing the Indian Child Welfare Act, B.1, pg. 9 (2016).

Notice of the proceedings should be given as early as possible. A Tribe may petition to transfer jurisdiction. Late notice may delay a Tribe's petition to transfer jurisdiction and result in a disruption of the proceedings and placement. Late notice may deny the Tribe an opportunity to influence the proceedings. Incomplete service information should not cause service to be delayed;

notice can be given again when more complete information is obtained, if service previously failed.

No foster-care-placement or termination-of-parental-rights proceeding may be held until at least 10 days after receipt of the notice by the parent (or Indian custodian) and by the Tribe (or the BIA). Each parent, Indian custodian, and Tribe have a right, upon request, to be granted up to 20 additional days from the date upon which notice was received to prepare for participation in the proceeding. 25 C.F.R. 23.112(a).

For proceedings in Kansas, notice for the Department of the Interior shall be sent to the BIA area office: **Anadarko Regional Director, BIA, P.O. Box 368, Anadarko, OK 73005**. 25 CFR 23.11(b). The designated agents of the different Tribes are published annually in the Federal Register. The website at the time of the publication of these forms is <https://www.bia.gov/regional-offices>.

“If there is a reason to know that the parent or Indian custodian possesses limited English proficiency and is therefore not likely to understand the contents of the notice, the court must provide language access services as required by Title VI of the Civil Rights Act and other Federal Laws.” 25 C.F.R. 23-111(f).