

IN THE DISTRICT COURT OF \_\_\_\_\_ COUNTY, KANSAS

IN THE INTEREST OF:

Name \_\_\_\_\_ Case No. \_\_\_\_\_

Year of Birth \_\_\_\_\_ A  male  female

**INDIAN CHILD WELFARE ACT**  
**ORDER GRANTING MOTION TO INTERVENE**

Pursuant to K.S.A. 38-2203(a) and 25 U.S.C. § 1911(c)

NOW, on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, this matter comes on before the Court on a motion to intervene, Judge \_\_\_\_\_ presiding.

The \_\_\_\_\_ is the child’s Tribe. Pursuant to the Indian Child Welfare Act, the child’s Tribe is a party to this case.

IT IS SO ORDERED.

## Authority

K.S.A. 38-2203(a) and 25 U.S.C. § 1901 *et seq.*

## Notes on Use

At any point in the proceedings, regardless of whether notice has been given, the Tribe has the right to participate in the child in need of care proceedings. The Kansas statutes governing the intervention of a party in a case do not apply to the child's Tribe. ICWA controls and gives the child's Tribe has the right to participate in the case at any time regardless of whether the Tribe has participated before or ever motioned the court to intervene. No court order granting the child's Tribe party status is necessary; however, if the Tribe does make a motion to intervene, the court may use this order to document the motion and ruling.

If an Indian child is a member of more than one Tribe or is eligible for membership in more than one Tribe, the court must provide the opportunity for the Tribes to determine which should be designated as the Indian child's Tribe for the purposes of ICWA. If the Tribes reach an agreement, the agreed-upon Tribe should be designated as the Indian child's Tribe. 25 C.F.R. 23.109. If the Tribes are unable to reach an agreement, the court must make a determination pursuant to the factors provided in 25 C.F.R. 23.109.

Tribe