

ICWA Compliance

Misty Butler
2014 Court Improvement Summit

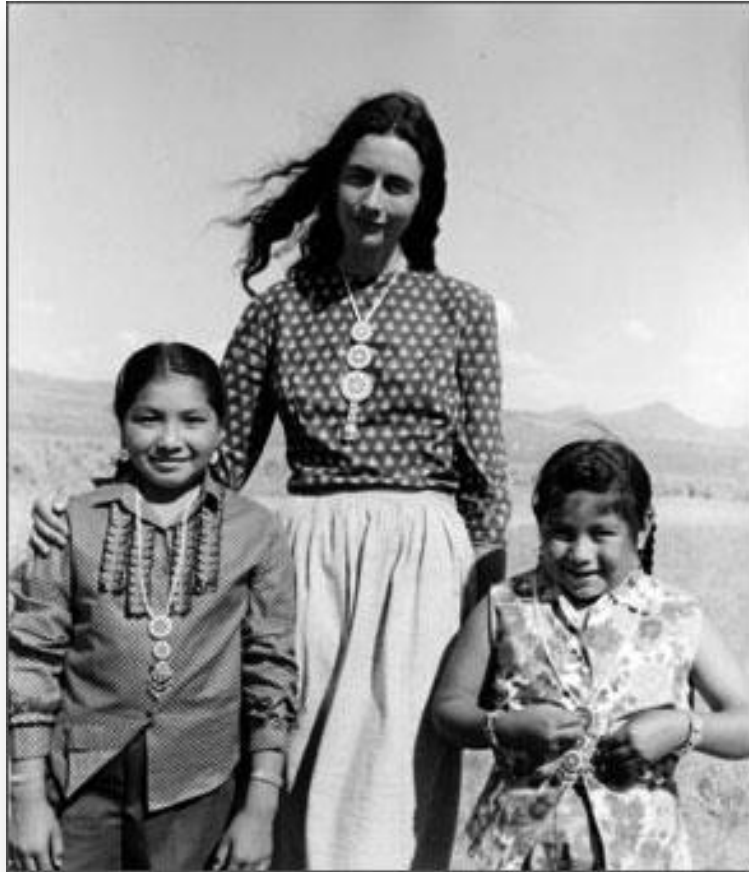
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Utah Indian Child Welfare Committee







Indian Child Welfare Act (1978)









**Am I
eligible?**





**INDIAN CHILD WELFARE ACT
COMPLIANCE ASSESSMENT
STATE OF UTAH**



JUVENILE JUDGES CONFERENCE

April 10, 2014, 10:45 to Noon, Bryce, Utah

Proposed findings

Martha Pierce

I. Does ICWA apply? Indian child + child custody proceeding = ICWA applies.

A. Indian child status.

1. Legal confirmation of Indian status. (Tribe's determination of membership is conclusive. Court makes legal conclusion of Indian child status).

ADOPTION

WHO SHOULD ALWAYS BE PRESENT AT AN UNCONTESTED ADOPTION HEARING:

- Judge;
- Adoptive parents;
- Assigned caseworker, if any;
- Tribal caseworker or representative, if any;
- GAL/CASA or advocate for the child, if any;
- Court reporter or suitable alternate;
- The child.

WHO SHOULD ALWAYS BE PRESENT AT A CONTESTED ADOPTION HEARING:

- Judge;
- Prospective adoptive parents;
- Assigned caseworker;
- Agency attorney;
- GAL/CASA or advocate for the child, if any;
- Tribal representative and/or advocate, if any;
- Parties contesting the adoption (including the biological custodian if there is one);
- Attorneys for all parties;
- Court reporter or suitable alternate;
- Security personnel.

WHO MAY ALSO BE NEEDED AT AN ADOPTION HEARING:



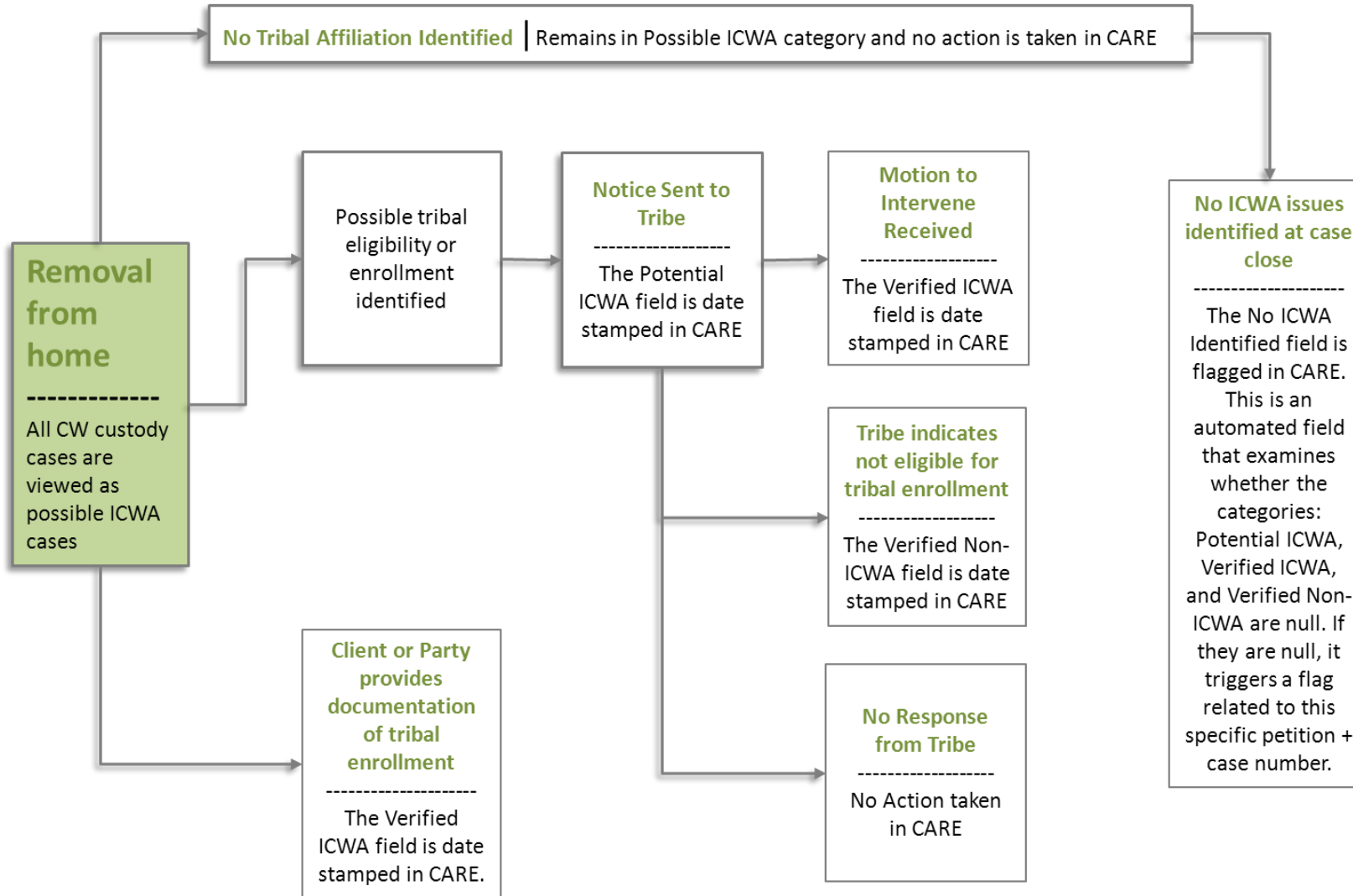
ICW
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SECOND EDITION

THE INDIAN CHILD WELFARE ACT HANDBOOK

A Legal Guide to the Custody and Adoption of Native American Children

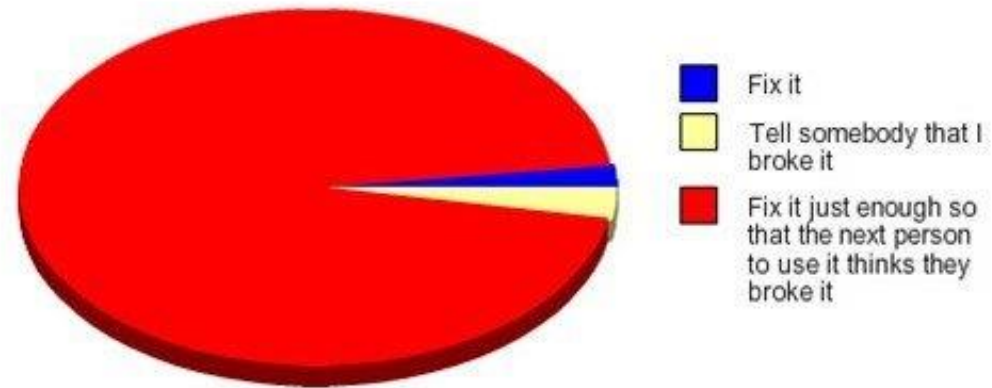
B.J. JONES • MARK TILDEN • KELLY GAINES-STONER





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What I do When I break Something





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