

SUPERIOR COURT OF THE STATE OF ARIZONA
_____ COUNTY JUVENILE COURT

PRELIMINARY PROTECTIVE HEARING
Minute Entry Order
Indian Child Welfare Act Compliance

Case Name: _____ Case No: _____

Hearing Date: _____ Hearing Scheduled Time: _____ Judicial Officer: _____

1. Indian Child Welfare Act **Inquiry.**

_____ Pursuant to A.R.S. § 8-815(A), the Court has reason to believe the child may be an Indian child subject to the Indian Child Welfare Act.

_____ The child's Indian status is undetermined, therefore, the Petitioner is ordered to obtain verification of the child's Indian status prior to the next hearing. If the identity or location of the parent(s) or Indian custodian(s) and the Indian child's tribe cannot be determined, pursuant to 25 U.S.C. § 1912(a), the Petitioner is ordered to provide notice to the Secretary of the Interior.

2. Applicability of the Indian Child Welfare Act.

_____ The child is an Indian child within the meaning of 25 U.S.C. § 1903(4).

The Court finds **either**:

_____ the child is a member of the _____ Indian tribe; **or**

_____ the child is eligible for membership in an Indian tribe and is the biological child of _____, who is a member of the _____ Indian tribe.

3. Exclusive or Concurrent Jurisdiction of the Tribal Court.

_____ The residence or domicile of the child is on the reservation of the _____ Indian tribe,

_____ the Indian tribe of the child has exclusive jurisdiction pursuant to 25 U.S.C. § 1911(a).

_____ the child is temporarily located off the reservation and State custody pursuant to 25 U.S.C. § 1922 is necessary in order to prevent imminent physical damage or harm to the child.

_____ Notwithstanding residence or domicile, the child is a ward of the court of the _____ Indian tribe, and therefore the Indian tribe of the child has exclusive jurisdiction pursuant to 25 U.S.C. § 1911(a).

_____ The residence or domicile of the child is not on an Indian reservation and the child is not a ward of the tribal court, therefore, the Indian tribe of the child has concurrent jurisdiction with this Court pursuant to 25 U.S.C. § 1911(a).

4. Notice to the Child's Indian Tribe.

_____ Pursuant to 25 U.S.C. § 1912(a), the Petitioner has provided written notification of these proceedings to the Indian tribe of the child on (date) _____ by: ___ fax; mail; ___ registered mail, return receipt requested; ___ other _____.

_____ Petitioner has not provided written notification of these proceedings to the Indian tribe of the child as required by 25 U.S.C. § 1912(a), and therefore this preliminary protective hearing must be rescheduled to _____ at _____.

_____ The Indian tribe of the child ___ has ___ has not appeared for this hearing.

_____ The Indian tribe of the child waives the requirement for ten days' prior written notification of these proceedings, and therefore this preliminary protective hearing may proceed.

_____ The Indian tribe of the child does not waive the requirement for ten days' prior written notification of these proceedings, and therefore this preliminary protective hearing must be rescheduled to _____ at _____.

_____ The Indian tribe of the child has requested additional time to prepare for these proceedings pursuant to 25 U.S.C. § 1912(a), and therefore this preliminary protective hearing must be rescheduled to _____ at _____.

5. Intervention of the Child's Indian Tribe.

_____ Pursuant to 25 U.S.C. § 1911(c), the child's Indian tribe has moved to intervene, which motion is ___ granted ___ denied ___ set for hearing on _____.

_____ The child's Indian tribe has not moved to intervene at this time.

6. Transfer of Jurisdiction.

_____ Pursuant to 25 U.S.C. § 1911(b), the child's parent/Indian custodian/Indian tribe has moved to transfer jurisdiction to the child's Indian tribe, which motion is ___ granted ___ denied ___ set for hearing on _____.

_____ No motion for transfer of jurisdiction is made at this time.

7. Consent to Foster Care Placement.

____ Pursuant to 25 U.S.C. § 1913(a), the child's parent(s) or Indian custodian(s) have voluntarily consented to foster care placement of the child. The Court certifies that the consent is in writing and recorded before this Court, that the consent was given more than 10 days after the birth of the child, that the terms and consequences of the consent were explained in detail to the child's parent(s) or Indian custodian(s) in English, or translated into a language they understand, and that the terms and consequences of the consent were understood by the child's parent(s) or Indian custodian(s).

[If consent is given, skip to § 10.]

____ The child's parent(s) or Indian custodian(s) have not consented to foster care placement of the child.

[If consent is not given, continue with § 8.]

8. Testimony of Qualified Expert Witnesses.

____ Petitioner has presented the testimony of _____, qualified expert witnesses within the meaning of 25 U.S.C. § 1912(e) and the Bureau of Indian Affairs *Guidelines for State Court; Indian Child Custody Proceedings*, 44 Fed.Reg. 67584, 67593 (November 26, 1979), and the Court ___ finds ___ does not find by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

____ Petitioner has not presented the testimony of qualified expert witnesses.

9. Active Efforts.

____ Pursuant to 25 U.S.C. § 1912(d), the Court finds that the Petitioner ___ has ___ has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts ___ have ___ have not proved unsuccessful.

10. Placement.

____ The child is placed in accordance with the placement preferences of 25 U.S.C. § 1915(b).

____ The child is not placed in accordance with the placement preferences of 25 U.S.C. § 1915(b), but there is good cause to deviate from the placement preferences of 25 U.S.C. § 1915(b).

Dated: _____

Judicial Officer