

NEVADA INDIAN CHILD WELFARE ACT

Letterhead (Each Agency)

State of Nevada
Department of Child and
Family Services

Clark County
Department of Family Services
Washoe County

Human Services Agency

INDIAN CHILD WELFARE ACT - DETERMINING TRIBAL ELIGIBILITY
AND NOTICE OF COURT PROCEEDINGS

TO: _____

Indian Tribe

Name of Child: _____

Date of Birth: _____ Case: _____

Your response is needed within 10 days of receipt of this letter.

NOTICE: Child custody proceedings are conducted on a confidential basis. Tribal officials should keep confidential all information concerning this matter. This information should not be revealed to anyone who does not have authority to access the information in order to exercise the Tribe's rights under the Indian Child Welfare Act.

Pursuant to the Indian Child Welfare Act you are hereby notified that a hearing has been scheduled concerning the care, custody and control of the minor child(ren) listed above (petition/ complaint attached). There may be potential legal consequences of adjudication on future custodial rights of the parents or Indian custodians. This agency is in need of your assistance to determine whether this child(ren) are subject to the provisions of the Indian Child Welfare Act, 25 U.S.C. 1901, et. seq., and/or the Indian provisions of Nevada Revised Statutes. Please verify if the parent(s) and child(ren) are enrolled or eligible for enrollment.

The Indian Child Welfare Act defines an "Indian Child" as an unmarried person under the age of 18 years who either: (a) is a member of a federally recognized tribe, or (b) eligible for membership in a federally recognized tribe and is the biological child of a member of a federally recognized tribe.

If the child is eligible for rights provided under the Indian Child Welfare Act, the Tribe has a right to information for pending proceedings and has a right to intervene. The Tribe, Indian custodian or parents may petition the Court to transfer the proceedings to the child's Tribe (Tribal Court), absent objection by either parent. The parents or Indian custodians have the right to an attorney to represent them at this proceeding and if they are unable to afford an attorney one may be appointed by the (State or County) Court to represent them. No foster care placement or termination of parental rights proceeding shall be held until at least (10) days after receipt of this notice. The parent, Indian custodian or Tribe, upon request, shall be granted an additional (20) twenty days to prepare for hearings. Per U.S.C.S. 25, I.C.W.A., 1912 (a), regardless if the child's determined tribe responds, elects to intervene transfer or intervene and not transfer, the tribe(s) have a right to be advised of the child's progress and to on-going court proceeding notices, registered mail with return receipt.

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Each party to a foster care placement or termination of parental rights proceeding under State law involving an Indian Child shall have the right to examine all reports or other documents filed with the court. If the child(ren) are eligible for tribal membership with your Tribe you can request documents to assist with determination for court intervention.

To assist with a determination if the child's eligible tribe has exclusive jurisdiction please inform me if the child(ren) are eligible under the Indian Child Welfare Act, has been a ward of tribal court, or if the present or past residence has been on reservation. Please respond in writing or if you have questions please contact our office phone number referenced above. Your earliest response is very appreciated. If you need additional time or information in order to determine the child's Indian status, please immediately contact me.

Court Address

Please return Indian Child Welfare Act response to:

Assigned Social Worker

Date

Phone # _____

cc: Tribal Social Services / Tribal Indian Child Welfare Act Specialist

Mailing Instruction: Send by Registered Mail, with Return Receipt Requested: all notices of court proceedings to parents or Indian custodian and child's eligible Tribe(s).