

Court <input type="checkbox"/> District <input type="checkbox"/> Probate <input type="checkbox"/> Juvenile Colorado County: _____ Court Address: _____	
Petitioner: _____ & Respondent: _____ <i>(or Co-Petitioner)</i> & Other Parties: _____	↑ Court Use Only ↑
Case Number: _____ Division: _____ Courtroom: _____	
Order Re the American Indian / Alaska Native Child Welfare Act (ICWA)	

This matter comes before the Court on the issue of whether the Indian Child Welfare Act (ICWA) may apply to this case. The Court reviewed the Petition, supporting documents, any responses or filings from the Tribe(s), and if applicable, testimony.

The Court finds:

1. ICWA not founded:

The Court finds at this time it has no reason to know that the Minor is an Indian Child as defined by ICWA under 25 U.S.C. § 1901 et seq.

2. Additional efforts required regarding ICWA:

The Court finds it has reason to know that the Minor may be an Indian Child as defined by ICWA under 25 U.S.C. § 1901 et seq. but does not have sufficient evidence to make a determination, therefore, the Court is treating the Minor as an Indian Child until further determination is made.

The Court further orders:

- _____ shall complete the ICWA assessment form (JDF 1350) and file it with the Court within _____ days.
- Counsel for Petitioner shall be responsible for providing notice to the tribe(s), parents, Indian custodian, and appropriate Regional Director of the Bureau of Indian Affairs (BIA), via registered or certified mail, return receipt requested, and

filing proof of notice with the Court at least 14 days before next scheduled hearing date.

- Because the petitioning party is unrepresented, the Court shall provide proper notice pursuant to the ICWA to any identified tribe(s) of subsequent proceedings for which notice is required until further determination is made as to the applicability of ICWA.

The Court further orders that if parties become aware of new information, such that they have reason to know that the minor is an Indian child, they have an ongoing duty to provide such information to the Court and the other parties.

3. Following further inquiry, ICWA not founded

The Court previously found further inquiry was needed but based on further information, the Court now finds the Minor is not an Indian Child as defined by ICWA.

This is because:

- Notice pursuant to ICWA was proper and all tribes receiving notice have provided information that the child is not an Indian child.
- Notice pursuant to ICWA was proper, and although not all tribes receiving notice have provided a determination whether the minor is an Indian child, the Court finds that due diligence to obtain this information was made, and the responsive information received, if any, provides that the child is not an Indian child.

The Court further orders that if parties become aware of new information, such that they have reason to know that the minor is an Indian child, they have an ongoing duty to provide such information to the Court and the other parties.

4. ICWA Founded

The Court finds the Minor is an Indian Child as defined by ICWA under 25 U.S.C. §1901 et seq. Accordingly, the Indian Child Welfare Act applies to this case.

The Court further finds:

- Notice pursuant to ICWA was proper.

- The Court finds that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian child's family and those efforts have proved unsuccessful.
- The evidence is clear and convincing that the child's continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Placement Preferences:

- The placement is within the placement preferences of ICWA. Or,
- There is clear and convincing evidence that there is good cause to deviate from those preferences.

So Ordered

Dated: _____

 Judge Magistrate