



Judicial Council of California

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January 19, 2024

Subject Text

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File #: 20-166, Version: 1

Title

Rules and Forms | Indian Child Welfare Act: Consent to Temporary Custody of an Indian Child (Action Required)

Summary

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend amending rule 5.514 of the California Rules of Court and adopting a new mandatory form ICWA-101 to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).

Recommendation

The Tribal Court-State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2021:

1. Amend rule 5.514 of the California Rules of Court to require juvenile courts to adopt as part of the court's juvenile intake procedures, procedures having a judge witness the consent of a parent or Indian custodian to the temporary custodial placement of an Indian child; and
2. Adopt a new mandatory form, *Agreement of Parent or Indian Custodian to Temporary Custody of Indian Child* (form ICWA-101) to be used to have a judge witness the consent of an Indian parent or custodian to the temporary custodial placement of an Indian child in accordance with section 1913 of title 25 of the United States Code, 25 Code of Federal Regulations parts 23.125-23.127, and Welfare and Institutions Code section 16507.4(b)(3).