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Numbered Memo Series 2008 - 06

Division of Juvenile Corrections  
Administrator's Memo Series for Counties 2008 - 11

To: Area Administrators/Assistant Area Administrators  
Bureau Directors  
County Departments of Human Services Directors  
County Departments of Social Services Directors  
Tribal Social Services Agencies  
Division of Juvenile Corrections Management Staff  
Child Protective Services and Juvenile Justice Supervisors/Managers  
Court Attached Juvenile Court Intake Workers

From: Cyrus Behroozi   
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Date: October 15, 2008

Re: Modifications to Juvenile Court Forms to Clarify Applicability of the Federal Indian Child Welfare Act

The Director of State Courts Office (DSCO) has issued amended and newly created juvenile court forms that reflect the requirements of the 1978 Indian Child Welfare Act. These new forms have been designed to assist the State of Wisconsin's public and private agencies in meeting the requirements of the Act.

In 2008, the Department of Children and Families, in conjunction with the Wisconsin State Courts Children's Court Improvement Program, provided training to the seven judicial districts through out Wisconsin to inform judges about the requirements of the Indian Child Welfare Act and subsequent new or revised court forms. Thus, many judges are already aware of these new forms and have begun to incorporate their use in court proceedings.

Parties and court officials, in all cases where a child is identified as an Indian child and is determined to be under the protection of the Indian Child Welfare Act must use the new or revised standard court forms. Therefore, the existing juvenile forms that have been modified, replaced or eliminated must no longer be used. A party or court official may supplement a standard court form with additional material, but may not modify the form itself.

Listed below are the standard forms that are affected by the requirements of the 1978 Indian Child Welfare Act:

### **New Forms**

IW – 1610	Petition for Protection or Services (Chapter 48) ICWA
IW – 1611	Dispositional Order – Protection or Services (Chapter 48) ICWA
IW – 1630	Petition for Termination of Parental Rights ICWA
IW – 1637	Consent to Termination of Parental Rights (Judicial) ICWA
IW – 1638	Order Concerning Termination of Parental Rights (Voluntary) ICWA
IW – 1639	Order Concerning Termination of Parental Rights (Involuntary) ICWA
IW – 1721	Petition for Protection or Services (Chapter 938) ICWA
IW – 1724	Notice of Hearing (Juvenile) ICWA
IW – 1754	Notice of Post-Disposition Change in Placement ICWA
IW – 1785	Consent Decree (Out of Home Placement Only) ICWA
IW – 1789	Order for Change of Placement (In Home to Out of Home Placement Only) ICWA
IW – 1790	Order for Change of Placement (Out of Home to Out of Home Placement Only) ICWA
JC – 1628	Petition for Termination of Guardianship under 48.977

### **Revised/Modified Forms**

IW – 1711	Order for Temporary Physical Custody – Secure/Non secure ICWA
IW – 1746	Dispositional Order – Protection or Services (Chapter 938) ICWA
JC – 1605	Petition for Appointment of Relative as Guardian/Notice to Plea Hearing
JC – 1606	Dispositional Order Appointing Guardian
JC – 1610	Petition for Protection or Services (Chapter 48)
JC – 1611	Dispositional Order – Protection or Services (Chapter 48)
JC – 1612	Petition for Protection or Care of an Unborn Child (Chapter 48)
JC – 1630	Petition for Termination of Parental Rights
JC – 1636	Consent to Termination of Parental Rights (Affidavit)
JC – 1637	Consent o Termination of Parental Rights (Judicial)
JC – 1638	Order Concerning Termination of Parental Rights (Voluntary)
JC – 1639	Order Concerning Termination of Parental Rights (Involuntary)
JC – 1640	Petition for Adoptive Placement
JC – 1641	Order for Hearing and Investigation – Adoptive Placement/Adoption (distribute to Tribe)
JC – 1642	Order for Adoptive Placement
JC – 1647	Order for Adoption – Child/Adult
JD – 1703	Request for Custody by School Attendance Office/Designation by School District Administrator ( <i>includes Indian Custodian</i> )
JD – 1705	Notice of Intake Inquiry ( <i>includes Indian Custodian</i> )
JD – 1711	Order for Temporary Physical Custody – Secure/Nonsecure
JD – 1712	Waiver of Participation in Nonsecure physical Custody Hearing ( <i>includes Indian Custodian</i> )
JD – 1721	Petition Under Ch. 938 – Delinquency, Protection/Services, Civil Law/Ordinances
JD – 1746	Dispositional Order – Protection or Services (Chapter 938)
JD – 1765	Order Granting Temporary Extension ( <i>distribute to Tribe</i> )
JD – 1773	Motion for Sanctions
JD – 1785	Consent Decree (Out of Home Placement Only)
JD – 1786	Order for Revision of Dispositional Order ( <i>distribute to Tribe</i> )
JD – 1788	Order for Extension of Dispositional Order or Consent Decree (Out of Home Placement Only) ( <i>distribute to Tribe</i> )
JD – 1789	Order for Change of Placement (In Home to Out of Home Placement Only)
JD – 1791	Permanency Plan Hearing Order ( <i>distribute to Tribe</i> )
JD – 1792	Order for Change of Placement (Out of Home to In Home Placement Only) ( <i>distribute to Tribe</i> )

It is essential that the standard court forms be used to ensure that the judicial findings required by the Indian Child Welfare Act are made and documented. Failure to obtain the necessary judicial findings in the cases protected under the Act may result in litigation or invalidation of circuit court orders regarding Indian children petitioned by an Indian Parent, Indian Custodian or tribe under 25 U.S.C. 1901 – 1963.

A complete set of the above forms amended by the Indian Child Welfare Act can be located at the following site and can be downloaded for information entry or in PDF format for printed forms.

[http://www.wicourts.gov/circuit/ccform.jsp?FormName=&FormNumber=&beg\\_date=&end\\_date=&StatuteCite=&Category=21](http://www.wicourts.gov/circuit/ccform.jsp?FormName=&FormNumber=&beg_date=&end_date=&StatuteCite=&Category=21)

County human/social services staff and statewide adoption staff are strongly encouraged to immediately review the usage of the new or revised court forms and take necessary action to fully implement the forms.

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