

K. Sample Form: Tribal Participation in State Indian Child Custody Proceedings

Questionnaire - Tribal Participation in State Proceedings

This Questionnaire is provided to assist the Court and parties in clarifying the role of Indian or tribal persons present in court in connection with an Indian child custody proceeding. Clarification is necessary because:

- Juvenile cases are confidential proceedings, not generally open to the public.
 - Tribal representatives may participate in state cases in several different capacities or roles.
 - The capacity or role of an Indian or tribal person present in court may impact that person's rights and responsibilities in the proceeding.
 - To protect the interests of all parties to the case, including the child's tribe, it is important that the role of any Indian or tribal person present in court be clear.
-

Please provide the information requested below and check all boxes that apply to you.

Child's name: _____ Court Case No. _____

Your name: _____ Agency or Tribe: _____
Your phone: _____ Phone: _____
Your address: _____ Address: _____
Your Title: _____

Why are you present in court? (Check all that apply.)

- " I am a parent or Indian custodian of this child.
- " I am a potential witness in this case.
- " I am a friend or relative of the child or another party to the case.
- " I am an employee of an " Indian " non-Indian agency that provides support or services to Indian children or families.
- " I am an employee or official of the child's tribe.
- " By " tribal resolution " letter " other writing, the _____ Tribe, the child's tribe, has delegated to me authority to represent the tribe's interests in this case as follows:
 - " Intervene on the tribe's behalf as a party.

[NOTE: Intervention as a party means the tribal representative has the right to fully participate in the case, with or without an attorney retained by the Tribe. As a party, the tribal representative is responsible for fully participating to advance and protect the tribe's rights. Failure to do so may compromise tribal rights.]

- " No formal intervention/Non party participation (California Rules of Court, rule 1412.)

[NOTE: Tribes have the option of seeking the court's authorization for a tribal representative to participate in the case without formally intervening as a party. (Similar to the role of a CASA volunteer.) This accommodates the practice of many tribes of relying on service providers or lay-advocates to monitor cases and work with the court to best meet the child's needs as an Indian child. Under this option, the representative has only the authority granted by the court.]

- " Authorizing resolution or letter or other writing from child's tribe designating official capacity and role of tribal representative(s) attached.