**ICWA CHECKLIST**

1. Did the court ask each participant in the child custody proceeding[[1]](#endnote-1) to state on the record whether the participant knew or had reason to know or reason to believe that any child involved in the proceeding was an Indian child?
* Yes.
* No. The court did not ask the following participants: G.D. (father of C.D.), Bill Brown (GAL)

The designated record contains the following inquiries and reports of potential tribal affiliation: \*Use initials to identify children and their relatives. C.A.R. 32(f)(2).

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Participant Role | Name or Initials\* | Dates of Inquiry/Report | Record Citations | Heritage Indicated |
| Mother | E.D. | 1/11/17, 7/17/17  | R. Tr. 1/11/17, p. 5; R. Tr. 7/17/17, p. 6 | None  |
| Father of A.B. | F.B. | 1/11/17, 7/17/17 | R. Tr. 1/11/17, p. 7; CF, p. 98; R. Tr. 7/17/17, p. 8 | Cherokee, Chippewa |
| Father of C.D. | G.D. | None |  |  |
| Special Respondent | J.L.K.L. | 1/11/17, 7/17/17 | R. Tr. 1/11/17, p. 7; R. Tr. 7/17/17, p. 10 | None |
| Denver DHS caseworker | Jill Jones | 5/12/17, 7/17/17 | R. Tr. 5/12/17, p. 50; R. Tr. 7/17/17, p. 50 | None |
| GAL | Bill Brown | None |  |  |
| Intervenor | N/A |  |  |  |

1. If applicable, did the court make a proper inquiry after a motion to terminate parental rights or allocate parental responsibilities to a nonparent was filed?
* Yes.

* No. The court did not ask the following participants:
1. Did the petitioning party send notices to the child(ren)’s parents, the child(ren)’s Indian custodian(s), the Bureau of Indian Affairs (BIA), or the child(ren)’s tribe(s) or potential tribe(s)?
* Yes.

* No. Notice was not required because
* No. The following entities were omitted:
1. Copies of ICWA notices and other communications intended to provide such notice appear in the designated record at the following locations: CF, pp. 198-204, 215-220
2. Postal return receipts for ICWA notices appear in the designated record at the following locations: CF, pp. 315-317, 330-333
3. Responses from the parent(s) or Indian custodian(s) of the child(ren), the BIA, and child(ren)’s tribe(s) or potential tribe(s) appear in the designated record at the following locations: CF, pp. 390-91, 395-96, 402-03, 450-65
4. Copies of additional ICWA notices sent to non-responding tribe(s) or the BIA appear in the designated record at the following locations: CF, p. 490
5. Did the court find that any child involved in the proceeding is an Indian child?
* Yes. The court found that is an/are Indian child(ren).
* No.

1. Dates and precise locations in the designated record of any ruling as to whether each child is or is not an Indian child: R. Tr. 1/11/17, p. 50; R. Tr. 7/17/17, p. 180; CF, p. 523
1. “Child-custody proceeding” means and includes any action, other than an emergency proceeding, that may culminate in one of the following outcomes:

	1. Foster-care placement, which is any action removing an Indian child from his or her parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
	2. Termination of parental rights, which is any action resulting in the termination of the parent-child relationship;
	3. Preadoptive placement, which is the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; or
	4. Adoptive placement, which is the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.25 U.S.C. § 1903(1)(i) (2012).

An action that may culminate in one of these four outcomes is considered a separate child-custody proceeding from an action that may culminate in a different one of these four outcomes. There may be several child-custody proceedings involving any given Indian child. 25 C.F.R. § 23.2. [↑](#endnote-ref-1)