

Attachment A: Non-Parent (ICWA)

Complete this attachment if any of the protected minors are **not** the children of the person who filed the Petition and attach to the temporary or final Protection Order (PO 030 or PO 040).

1. Filing Party's Relationship to Children

The person who filed the *Petition for Protection Order*:

has a court order giving them guardianship or custody of the following children (children's names): _____

does **not** have a court order about the following children in their family or household (children's names): _____

2. Indian Child Welfare Acts (ICWA)

The court has reviewed the tribal heritage information provided by the parties and finds:

(*Temporary Order only*) **The court does not have enough information** to decide if the federal and state Indian Child Welfare Acts apply. The court will make a finding before a full protection order is issued. Until then, the court will treat the children as Indian children. The court finds that removal or placement of the children is necessary to prevent imminent physical damage or harm to the children pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140.

Order: The filing party must make a good faith effort to find out if any of the children are Indian children. **If there is any reason to know** the children have tribal heritage, the filing party must provide the *Indian Child Welfare Act Notice* (GDN M 401) and a copy of the Petition to all of the tribes, people, or agencies entitled to notice. Good faith efforts are defined in RCW 13.38.050.

ICWA does not apply. The federal and state Indian Child Welfare Acts do **not** apply because:

The restrained person is also **not** a parent of the children.

Another court has already found that ICWA does not apply (*county and case number*): _____

There is no reason to know that any of the children may be Indian children because:

the filing party made a good faith effort to find out if any child in this case has tribal heritage. (RCW 13.38.050.) The court has received no information showing that any child has tribal heritage.

the filing party properly notified the tribal agent (by certified mail with return receipt) of every tribe the children may have been eligible for membership in: *List tribes notified:* _____

Each tribe responded that the children were not tribal members and not eligible for membership.

Based on the following testimony about tribal heritage:

from: parents filing party other _____

ICWA applies. The federal and state Indian Child Welfare Acts (ICWA) apply.

All notice, evidentiary requirements, and placement preferences under the federal and state ICWAs have been satisfied in a separate case (*county and case number*): _____

Removal or placement of the children is necessary to prevent imminent physical damage or harm to the child pursuant to 25 U.S.C. Sec. 1922 and RCW 13.38.140.

RCW 13.38.140(2) requires that emergency removal or placement should end immediately when no longer necessary to prevent imminent physical damage or harm to the children. The court finds that continued placement of the children is necessary to prevent imminent physical damage or harm for the duration of this order because:

To comply with RCW 13.38.140(2) the filing party shall expeditiously initiate a child custody proceeding. (*This could be done in a Minor Guardianship case.*)

The court will review this case to determine ongoing compliance with ICWA at the review hearing scheduled in section **14** above.

Parents! If you believe that removal or placement is no longer necessary to prevent imminent damage or harm to the children, you can file a Motion to Modify or Terminate Protection Order, PO 063.