
TERMINATION OF PARENTAL RIGHTS INDIAN CHILD WELFARE ACT (ICWA)

ST. CROIX COUNTY
PROBATE OFFICE
1101 CARMICHAEL RD
HUDSON WI 54016

HOURS:
MONDAY – FRIDAY
8:00 AM – 5:00 PM

PHONE: 715-386-4618 or 715-386-4619

- This information is provided as a public service to persons involved in a Termination of Parental Rights (TPR) proceeding and is **NOT** intended to be legal advice. Persons having questions should contact an attorney; probate office staff **cannot** give legal advice.
- Indian Child Welfare Act (ICWA) refers to 25 USC 1901 to 1963; as defined therein: an American Indian child means any unmarried person who is under 18 years of age and is a member of an Indian tribe or eligible for membership and is the biological child of a member of an Indian tribe.
- All forms listed on this guideline are available online. Forms with prefixes “IW” and “GF” can be located at www.wicourts.gov; prefixes “CFS” and “DCF” can be located at: <http://dhs.wisconsin.gov/forms>.
- Please read the forms carefully and fill them out completely.

STEP ONE: FILE THE FOLLOWING DOCUMENTS TO START A TPR PROCEEDING:

- IW-1633 Summons (Termination of Parental Rights) Indian Child Welfare Act
- IW-1630 Petition for Termination of Parental Rights – Indian Child Welfare Act
- GF -131 Order Appointing Guardian ad Litem (see below)
- GF-150 Uniform Child Custody Jurisdiction Act Affidavit
- CFS-134 Court Report for Centralized Birth Record
- DCF-F-CFS0149 Family History Questionnaire – completed by the petitioner
- DCF-F-CFS0149A Family History Questionnaire Pregnancy & Delivery Information

Guardian ad Litem appointment: A Guardian ad Litem (GAL) is required by statute.

- It is the petitioner's responsibility to retain and pay for a Guardian ad Litem for the child. A Guardian ad Litem is an attorney licensed in the State of Wisconsin.
 - The Guardian ad Litem is not your attorney. If you have legal questions, contact an attorney.
 - A Petition for Appointment of Guardian ad Litem, Affidavit of Indigency and Order form can be located at: <http://www.co.saint-croix.wi.us/Departments/RegProbate>. Complete this form if you feel you cannot afford the guardian ad litem fees.
- When the above documents are filed with the court, a hearing date will be set. Copies of the Summons and Petition for TPR will be provided to the petitioner for service.

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STEP TWO: SERVICE OF DOCUMENTS:

1. It is the petitioner's responsibility to notify the parent or Indian custodian and the Indian child's tribe with a copy of the Summons and Petition for TPR and of their right of intervention by registered mail with return receipt requested.
2. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, the notice shall be given to the Secretary of the Interior in the same manner.

STEP THREE: FILE PRIOR TO THE COURT HEARING:

- Return receipt for registered mail notice.
- IW-1637 Consent to Termination of Parental Rights (Judicial) – Indian Child Welfare Act
- IW-1638 Order Concerning Termination of Parental Rights (Voluntary) – Indian Child Welfare Act; or
- IW-1639 Order Concerning Termination of Parental Rights (Involuntary) – Indian Child Welfare Act
- Family History Questionnaires of *both* parents (if not previously filed).

NOTES:

- The Order Concerning Termination of Parental Rights – Indian Child Welfare Act must be filled in completely prior to the hearing.
- Complete the medical/genetic questionnaires as thoroughly as possible. Add any additional information you feel is important that is not requested. {48.432, 48.425(1)(am), 48.02(12m)}
- Contact an attorney if you have questions.
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- **FORMS:** additional/duplicate state mandated forms can be found at: www.wicourts.gov
- **Medical/genetic questionnaire forms:** additional/duplicate Family History Questionnaires can be found on the forms library page at: <http://dhs.wisconsin.gov/forms> (forms arranged by form number/name/division)
- **Additional resource:** A guidebook entitled “A Practical Guide to the Indian Child Welfare Act” is available online at <http://narf.org/icwa/index.htm>