

ICWA-101

Agreement of Parent or Indian Custodian to Temporary Custody of Indian Child

Clerk stamps date here when form is filed.

(This form must be signed after the judge has explained the terms and conditions of the consent as set out in items 6 and 7. A copy of this form shall be provided to the child's tribe in accordance with sections 224.2(e)(3), (f), and 361.31(g) of the Welfare and Institutions Code.)

1 I want the child to be temporarily placed in the custody of

(Name(s) print or type):

a. _____

b. _____

Their relationship to Indian child (check all that apply):

Related to child (specify): _____

Member of child's tribe Parent(s)

None of the above

2 The placement in (1) complies with the placement preference requirements of the Indian Child Welfare Act and section 361.1 of the Welfare and Institutions Code because: (please check one):

a. The placement meets the placement preference requirements of the Indian Child Welfare Act because the placement is with:

A member of the child's extended family;

A foster home licensed, approved, or specified by the child's tribe;

An Indian foster home;

Follows the order of preference established by the child's tribe; OR

b. By clear and convincing evidence there is good cause to deviate from the placement preferences based on:

The request of one or both of the Indian child's parents who attest that they have reviewed the placement options, if any, that comply with the order of preference;

By request of the child, if the child is of sufficient age and capacity to understand the decision that is being made;

The presence of a sibling attachment that can be maintained only through a particular placement;

The extraordinary physical, mental, or emotional needs of the Indian child; or

The unavailability of a suitable placement within the preferences; a diligent search was conducted. (If using this option, evidence of the diligent search must be contained in the record.)

3 Indian child (name): _____

Date of birth: _____ Age: _____

Child's tribe(s): _____

Membership: _____

Check here if you do not know the membership number.

4 Your name: _____

Parent Indian Custodian (Check only one. Each must fill out a separate form.)

Your address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Your tribe(s): _____ Membership #: _____

Check here if you do not know the membership number.

Fill in court name and street address:

Superior Court of California, County of _____

Court fills in case number when form is filed.

Case Number: _____

Case Number:

Name of Parent or Indian custodian: _____

Your lawyer (if you have one): (Name, address, phone number, and State Bar number):

- 5 The proposed placement will will not be eligible for Aid to Families with Dependent Children.
- 6 I am the person in 4 and I say:
- a. That I am presently unable to care for the child and prefer that the child be placed with the person(s) listed in 1.
 - b. I agree to the temporary custody of my child by the person(s) listed in 1.
 - c. No one has threatened me, including the threat of removing the child from my custody, or made promises to me to get me to sign this form.
 - d. I understand that I can change my mind and that, if I do, the child will be returned to me by contacting _____ (insert name of social worker or other individual to contact) at _____ (insert contact information).
 - e. I do not give up any of my rights under the Indian Child Welfare Act by signing this form.
 - f. My child was at least 10 days old when I signed this form.
- 7 At the time of signing this form, neither I nor the child live or are domiciled on an Indian reservation of a tribe that exercises exclusive jurisdiction over child custody proceedings.

Date: _____
Type or print your name

Signature of parent or Indian custodian

Name of Parent or Indian custodian: _____

Case Number: _____

Judge's Certification

I, Judge _____

Superior Court of California, County of _____, certify:

- 1 It has been at least 10 days since the child's birth;
- 1 I fully explained the terms and consequences of consenting and entering into this agreement in detail;
- 1 If this is a voluntary out-of-home placement pursuant to section 16507.4 of the Welfare and Institutions Code, I have reviewed the written agreement between the county welfare department and the parent or Indian custodian and the SOC-155C form if any and fully explained the terms and consequences of those to the parent or Indian custodian, and they were fully understood by the parent or Indian custodian;
- 1 I have explained to the parent or Indian custodian that they may withdraw their consent for any reason and at any time by contacting the person identified in ⑥ d. above;
- 1 I have reviewed how the placement meets the placement preference requirements of the Indian Child Welfare Act and section 361.31 of the Welfare and Institutions Code and the placement meets the placement preferences or there is good cause to deviate from the placement preferences.
- 1 After the terms and consequences as set out above were fully explained in detail to the parent or Indian custodian in English or after they were interpreted into a language that they understood, the terms and consequences were fully understood by the parent or Indian custodian and the document was executed and recorded before me.

Certified:

Print or type name of Judge (or Judicial Officer)

Date: _____

Judge (or Judicial Officer)