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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 4@ Institutions and Boarding Homes for Persons Aged 16 and Above

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Chapter 3@ Adoptions Program Regulations [Renumbered]

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Subchapter 8@ Adoption of Children with Indian Heritage

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Article 5@ Freeing the Indian Child for Adoption

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Section 35377@ Involuntary Termination of Parental Rights

35377 Involuntary Termination of Parental Rights

(a) The agency shall meet the requirements of 25 USC 1912 when parental rights to an Indian child are terminated involuntarily.

(b)

The notice required by 25 USC 1912(a) shall contain the following: (1) The names, dates, and places of birth of the Indian child, his parents or Indian custodian. (2) The maiden name of the child's mother. (3) Tribal affiliation of the child and the parents when known. (4) A copy of the petition, complaint or other document by which the proceeding was initiated. (5) The name of the petitioner and the name and address of the petitioner's attorney. (6) A statement of the right of the biological parents or Indian custodians and the Indian child's tribe to intervene in the proceeding. (7) A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them. (8) A statement of the right of the parents or Indian custodians and the Indian child's tribe to have on request, twenty days or such additional time as may be permitted under state law to prepare for the proceedings. (9) The location, mailing address, and telephone number of the court. (10) A statement of the right of the parents or Indian custodians or the Indian child's tribe to petition the court to transfer the proceedings to the Indian child's tribal court. (11) The potential legal consequences of an adjudication on future custodial rights of the parents or Indian

custodian. (12) A statement that since child custody proceedings are usually conducted on a confidential basis, tribal officials should keep confidential the information contained in the notice concerning the particular proceeding and not reveal it to anyone who does not need the information in order to exercise the tribe's right under the ICWA.

(1)

The names, dates, and places of birth of the Indian child, his parents or Indian custodian.

(2)

The maiden name of the child's mother.

(3)

Tribal affiliation of the child and the parents when known.

(4)

A copy of the petition, complaint or other document by which the proceeding was initiated.

(5)

The name of the petitioner and the name and address of the petitioner's attorney.

(6)

A statement of the right of the biological parents or Indian custodians and the Indian child's tribe to intervene in the proceeding.

(7)

A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them.

(8)

A statement of the right of the parents or Indian custodians and the Indian child's tribe to have on request, twenty days or such additional time as may be permitted

under state law to prepare for the proceedings.

(9)

The location, mailing address, and telephone number of the court.

(10)

A statement of the right of the parents or Indian custodians or the Indian child's tribe to petition the court to transfer the proceedings to the Indian child's tribal court.

(11)

The potential legal consequences of an adjudication on future custodial rights of the parents or Indian custodian.

(12)

A statement that since child custody proceedings are usually conducted on a confidential basis, tribal officials should keep confidential the information contained in the notice concerning the particular proceeding and not reveal it to anyone who does not need the information in order to exercise the tribe's right under the ICWA.

(d)

If the parent is an unmarried father who has not acknowledged paternity and whose paternity has not been established, such notice shall not be required.