

**LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT**  
Adopted by the Judicial Council of California on February 23, 2007,  
effective February 23, 2007

Rule 5.664. Indian Child Welfare Act (25 U.S.C. § 1901 et seq.).....2

1 **Rule 5.664. Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)**

2  
3 **(a) Definitions; 25 U.S.C. § 1903**

4  
5 As used in this rule, unless the context or subject matter otherwise requires:

6  
7 (1) “Indian child” means an unmarried person under the age of 18 who:

8  
9 (A) Is a member of an Indian tribe; or

10  
11 (B) Is eligible for membership in an Indian tribe and is the biological  
12 child of a member of an Indian tribe.

13  
14 (2) “Indian child’s tribe” means:

15  
16 (A) The Indian tribe in which the child is a member or is eligible for  
17 membership; or

18  
19 (B) In the case of an Indian child who is a member of or eligible for  
20 membership in more than one tribe, the Indian tribe with which  
21 the Indian child has more significant contacts.

22  
23 (3) “Indian custodian” means any Indian person who has:

24  
25 (A) Legal custody of an Indian child under tribal law or custom, or  
26 under state law; or

27  
28 (B) Temporary physical care, custody, and control of an Indian child  
29 whose parent or parents have transferred custody to that person.

30  
31 (4) “Parent of an Indian child” means the biological parent of an Indian  
32 child or any Indian person who has lawfully adopted an Indian child,  
33 including adoptions under tribal law or custom. (This definition does  
34 not include a non-Indian adoptive parent or an unwed alleged father  
35 where paternity has not been determined or acknowledged.)

36  
37 (5) “Custody” means legal or physical custody or both as provided under  
38 state law or tribal law or custom.

39  
40 (6) “Indian tribe” means any tribe, band, nation, or other organized group  
41 or community of Indians eligible for services provided to Indians by the  
42 Secretary of the Interior because of their status as Indians, including

1 any Alaskan Native Villages as defined by section 1602(c) of title 43 of  
2 the United States Code.

3  
4 (7) “Extended family” means those persons defined by the law or custom  
5 of the Indian child’s tribe or, in the absence of such law or custom, an  
6 adult grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-  
7 law, niece, nephew, first or second cousin, or stepparent of the Indian  
8 child.

9  
10 (8) “Child custody proceeding” means and includes a proceeding at which  
11 the court considers foster care placement, appointment of a guardian,  
12 termination of parental rights, preadoptive placement, or adoptive  
13 placement.

14  
15 (9) “Foster care placement” means any temporary placement from which a  
16 child may not be removed by the parent or Indian custodian on demand,  
17 including a shelter care home, a foster home, or an institution or the  
18 home of a guardian or conservator.

19  
20 (10) “Qualified expert witness” means a person qualified to address the  
21 issue of whether continued custody by a parent or Indian custodian is  
22 likely to result in serious physical or emotional damage to the child.  
23 Persons most likely to be considered such experts are:

24  
25 (A) A member of a tribe with knowledge of Indian family  
26 organization and child rearing;

27  
28 (B) A lay expert with substantial experience in Indian child and  
29 family services and extensive knowledge of the social and cultural  
30 standards and child-rearing practices of Indian tribes, specifically  
31 the child’s tribe, if possible;

32  
33 (C) A professional person with substantial education and experience  
34 in Indian child and family services and in the social and cultural  
35 standards of Indian tribes, specifically the child’s tribe, if  
36 possible; or

37  
38 (D) A professional person having substantial education and  
39 experience in the area of his or her specialty.

40  
41 (11) “Act” means the Indian Child Welfare Act (25 U.S.C. §§ 1901–1963).  
42

1 (12) “Tribal court” means a court with jurisdiction over child custody  
2 proceedings, identified as a Court of Indian Offenses, a court  
3 established and operated under the code or custom of an Indian tribe, or  
4 any other administrative body of a tribe that is vested with authority  
5 over child custody proceedings. If applicable, the tribal court has met  
6 the requirements for resumption of jurisdiction over child custody  
7 proceedings as approved by the Department of the Interior.  
8

9 *(Subd (a) amended effective January 1, 2007; previously amended effective January*  
10 *1, 2005.)*

11  
12 **(b) Applicability of rule; 25 U.S.C. §§ 1911, 1912**

13  
14 This rule applies to all proceedings under section 300 et seq. and to  
15 proceedings under section 601 and section 602 et seq. in which the child is at  
16 risk of entering foster care or is in foster care, including detention hearings,  
17 jurisdiction hearings, disposition hearings, reviews, hearings under section  
18 366.26, and subsequent hearings affecting the status of the Indian child.  
19

20 *(Subd (b) amended effective January 1, 2005; previously amended effective January*  
21 *1, 1997.)*

22  
23 **(c) Jurisdiction; 25 U.S.C. § 1911**

24  
25 (1) If the Indian child resides or is domiciled on an Indian reservation that  
26 exercises exclusive jurisdiction under the act over child custody  
27 proceedings, the petition under section 300 must be dismissed.  
28

29 (A) If the Indian child is temporarily off a reservation that exercises  
30 exclusive jurisdiction, the juvenile court must exercise temporary  
31 jurisdiction if there is an immediate threat of serious physical  
32 harm to the child.  
33

34 (B) Absent extraordinary circumstances, temporary emergency  
35 custody must terminate within 90 days, unless the court  
36 determines by clear and convincing evidence, including the  
37 testimony of at least one qualified expert witness, that return of  
38 the child is likely to cause serious damage to the child.  
39

40 (C) The child must be returned immediately to the parent or Indian  
41 custodian when the emergency placement is no longer necessary  
42 to prevent serious harm to the child.  
43

1 (2) If the Indian child is not domiciled or residing on a reservation that  
2 exercises exclusive jurisdiction, the tribe, parent, or Indian custodian  
3 may petition the court to transfer the proceedings to the tribal  
4 jurisdiction, and the juvenile court must transfer the proceedings to  
5 tribal jurisdiction unless there is good cause not to do so.

6  
7 (A) Either parent may object to the transfer.

8  
9 (B) The tribe may decline the transfer of the proceedings.

10  
11 (3) If the tribe does not intervene or the tribal court does not request  
12 transfer to tribal jurisdiction, the court should proceed to exercise its  
13 jurisdiction regarding the Indian child under section 300 et seq., in  
14 accordance with the procedures and standards of proof as required by  
15 both juvenile court law and the act.

16  
17 *(Subd (c) amended effective January 1, 2005; previously amended effective January*  
18 *1, 1997.)*

19  
20 **(d) Inquiry**

21  
22 The court, the county welfare department, and the probation department have  
23 an affirmative and continuing duty to inquire whether a child for whom a  
24 petition under section 300, 601, or 602 is to be, or has been, filed is or may  
25 be an Indian child.

26  
27 (1) In juvenile wardship proceedings, if the probation officer believes that  
28 the child is at risk of entering foster care or is in foster care, he or she  
29 must ask the child, if the child is old enough, and the parents or legal  
30 guardians whether the child may be an Indian child or may have Indian  
31 ancestors.

32  
33 (2) In dependency cases, the social worker must ask the child, if the child  
34 is old enough, and the parents or legal guardians whether the child may  
35 be an Indian child or may have Indian ancestors.

36  
37 (3) At the first appearance by a parent or guardian in any dependency case,  
38 or in juvenile wardship proceedings in which the child is at risk of  
39 entering foster care or is in foster care, the parent or guardian must be  
40 ordered to complete *Parental Notification of Indian Status (Juvenile*  
41 *Court)* (form JV-130).  
42

1 (4) The circumstances that may provide probable cause for the court to  
2 believe the child is an Indian child include, but are not limited to, the  
3 following:

4  
5 (A) A person having an interest in the child, including the child, an  
6 Indian tribe, an Indian organization, an officer of the court, or a  
7 public or private agency, informs the court or the county welfare  
8 agency or the probation department or provides information  
9 suggesting that the child is an Indian child;

10  
11 (B) The residence of the child, the child's parents, or an Indian  
12 custodian is in a predominantly Indian community; or

13  
14 (C) The child or the child's family has received services or benefits  
15 from a tribe or services that are available to Indians from tribes or  
16 the federal government, such as the Indian Health Service.

17  
18 *(Subd (d) amended effective January 1, 2007; previously amended effective January*  
19 *1, 1999, and January 1, 2005.)*

20  
21 **(e) Petition**

22  
23 (1) Section 1(l) or 1(m) on either the initial or an amended *Juvenile*  
24 *Dependency Petition (Version One)* (form JV-100) or section 1(i) or  
25 1(j) of the initial or an amended *Juvenile Dependency Petition (Version*  
26 *Two)* (form JV-110) must be checked if the county welfare department  
27 knows or has reason to know that the child may be a member of or  
28 eligible for membership in a federally recognized Indian tribe or if  
29 there is reason to believe the child may be of Indian ancestry, as  
30 appropriate.

31  
32 (2) Section 1(m) or 1(n) on either the initial or an amended *Juvenile*  
33 *Wardship Petition* (form JV-600) must be checked if the county  
34 probation department knows or has reason to know that the child may  
35 be a member of or eligible for membership in a federally recognized  
36 Indian tribe or if there is reason to believe the child may be of Indian  
37 ancestry, as appropriate.

38  
39 (3) If section 1(l) of the *Juvenile Dependency Petition (Version One)* (form  
40 JV-100) or section 1(i) of the *Juvenile Dependency Petition (Version*  
41 *Two)* (form JV-110) or section 1(m) of the *Juvenile Wardship Petition*  
42 (form JV-600) is checked, or if, on inquiry, or based on other  
43 information, the court has reason to know the child may be an Indian

1 child, the court must proceed as if the child were an Indian child and  
2 must proceed with all dependency and wardship hearings, observing  
3 the Welfare and Institutions Code timelines while complying with the  
4 act and this rule.

5  
6 (A) A determination by the identified tribe or tribes that the child is or  
7 is not an Indian child is definitive.

8  
9 (B) If no particular tribe can be reasonably identified, a determination  
10 by the Bureau of Indian Affairs (BIA) that the child is not an  
11 Indian child is definitive.

12  
13 (4) If section 1(m) of the *Juvenile Dependency Petition (Version One)*  
14 (form JV-100) is checked and section 1(l) is not, or section 1(j) of the  
15 *Juvenile Dependency Petition (Version Two)* (form JV-110) is checked  
16 and section 1(i) is not, or if section 1(n) of the *Juvenile Wardship*  
17 *Petition* (form JV-600) is checked and section 1(m) is not, notice of the  
18 proceedings to the Bureau of Indian Affairs and further inquiry  
19 regarding the possible Indian status of the child are the only  
20 requirements.

21  
22 **(Subd (e) amended effective January 1, 2007; adopted effective January 1,**  
23 **1997; previously amended effective January 1, 1999, and January 1,**  
24 **2005.)**

25  
26 **(f) Notice; 25 U.S.C. § 1912**

27  
28 ~~The parent or legal guardian and Indian custodian of an Indian child, and the~~  
29 ~~Indian child's tribe, must be notified of the pending petition and the right of~~  
30 ~~the tribe to intervene in the proceedings, and proof of such notice, including~~  
31 ~~copies of notices sent and all return receipts and responses received, must be~~  
32 ~~filed with the juvenile court. If at any time after the filing of the petition the~~  
33 ~~court knows or has reason to know that the child is or may be an Indian~~  
34 ~~child, the following notice procedures must be followed: If there is reason to~~  
35 ~~know that an Indian child is involved, the social worker or probation officer~~  
36 ~~must send *Notice of Involuntary Child Custody Proceedings for an Indian*~~  
37 ~~*Child (Juvenile Court)* (form JV-135) to the parent or legal guardian and~~  
38 ~~Indian custodian of an Indian child, and the Indian child's tribe, in~~  
39 ~~accordance with Welfare and Institutions Code section 224.2.~~

40  
41 ~~(1) *Notice of Involuntary Child Custody Proceedings for an Indian Child*~~  
42 ~~(*Juvenile Court*) (form JV-135) must be sent, with a copy of the~~

1 petition, by registered or certified mail with return receipt requested,  
2 and additional notice by first class mail is recommended;

3  
4 (2) — Notice to the tribe must be to the tribal chairperson unless the tribe has  
5 designated another agent for service;

6  
7 (3) — Notice must be sent to all tribes of which the child may be a member or  
8 may be eligible for membership;

9  
10 (4) — If the identity or location of the parent or Indian custodian or the tribe  
11 cannot be determined, notice must be sent to the specified office of the  
12 Secretary of the Interior, which has 15 days to provide notice as  
13 required;

14  
15 (5) — Notice must be sent whenever there is reason to believe the child may  
16 be an Indian child, and for every hearing thereafter unless and until it is  
17 determined that the act does not apply to the case;

18  
19 (6) — If, after a reasonable time following the sending of notice under this  
20 rule — but in no event less than 60 days — no determinative response to  
21 the notice is received, the court may determine that the act does not  
22 apply to the case unless further evidence of the applicability of the act  
23 is later received; and

24  
25 (7) — If an Indian child's tribe has exercised its right of intervention in the  
26 proceedings after receiving form JV 135, subsequent notices may be  
27 sent in the form provided to all other parties. All other provisions of  
28 this section continue to apply.

29 *(Subd (f) amended effective February 23, 2007; adopted as subd (e) effective January 1,*  
30 *1995; relettered effective January 1, 1997; previously amended effective January 1, 2005,*  
31 *and January 1, 2007.)*

32 **(g) Determination of status; 25 U.S.C. § 1911 (Welf. & Inst. Code, §**  
33 **360.6(c))**

34  
35 Determination of tribal membership or eligibility for membership is made  
36 exclusively by the tribe.

37  
38 (1) A tribe's determination that the child is or is not a member of or  
39 eligible for membership in the tribe is conclusive.  
40



- 1 (2) Information that the child is not enrolled in the tribe is not  
2 determinative of Indian child status.  
3  
4 (3) The tribe must be a federally recognized tribe, group, or community as  
5 defined by the Bureau of Indian Affairs of the Department of the  
6 Interior as eligible for services provided to Indians by the Secretary of  
7 the Interior because of their status as Indians, including any Alaskan  
8 Native Villages as defined by section 1602(c) of title 43 of the United  
9 States Code.  
10  
11 (4) Absent a contrary determination by the tribe, a determination by the  
12 BIA that a child is or is not an Indian is conclusive.  
13  
14 (5) The Indian Child Welfare Act applies when a tribe determines that an  
15 unmarried minor is:  
16  
17 (A) A member of an Indian tribe; or  
18  
19 (B) Eligible for membership in an Indian tribe and a biological child  
20 of a member of an Indian tribe.  
21

22 *(Subd (g) amended effective January 1, 2007; adopted as subd (f) effective January*  
23 *1, 1995; previously relettered effective January 1, 1997; previously amended*  
24 *effective January 1, 2001.)*  
25

26 **(h) Proceedings after notice; 25 U.S.C. § 1911**  
27

28 If it is determined that the act applies, the juvenile court hearing must not  
29 proceed until at least 10 days after those entitled to notice under the act have  
30 received notice. If requested, the parent, Indian custodian, or tribe must be  
31 granted a continuance of up to 20 days to prepare for the proceeding. The  
32 tribe may intervene at any point in the proceeding.  
33

- 34 (1) An indigent parent and an indigent Indian custodian have a right to  
35 court-appointed counsel.  
36  
37 (2) All parties, including the parent, Indian child, Indian custodian, and  
38 tribe, and their respective attorneys, have the right to examine all court  
39 documents related to the dependency case.  
40

41 *(Subd (h) amended effective January 1, 2007; adopted as subd (g) effective January*  
42 *1, 1995; previously relettered effective January 1, 1997.)*  
43

1 (i) **Required procedures, findings, and orders for foster care placement and**  
2 **guardianships; 25 U.S.C. § 1912**  
3

4 The court may not order foster care placement of an Indian child, or establish  
5 a guardianship of an Indian child, unless the court finds by clear and  
6 convincing evidence that continued custody with the parent or Indian  
7 custodian is likely to cause the Indian child serious emotional or physical  
8 damage.  
9

- 10 (1) Testimony by a qualified expert witness is required.  
11  
12 (2) Stipulation by the parent or Indian custodian or failure to object may  
13 waive the requirement of producing evidence of the likelihood of  
14 serious damage only if the court is satisfied that the party has been fully  
15 advised of the requirements of the act and has knowingly, intelligently,  
16 and voluntarily waived them.  
17  
18 (3) Failure to meet non-Indian family and community child-rearing  
19 standards, or the existence of other behavior or conditions that meet the  
20 removal standards of section 361, will not support an order for  
21 placement absent the finding that continued custody with the parent or  
22 Indian custodian is likely to cause serious emotional or physical  
23 damage.  
24  
25 (4) In addition to the findings required under section 361, in order to place  
26 an Indian child out of the custody of a parent or Indian custodian, the  
27 court must find that active efforts have been made to provide remedial  
28 services and rehabilitative programs designed to prevent the breakup of  
29 the Indian family, and that these efforts were unsuccessful. Stipulation  
30 by the parent or Indian custodian or failure to object may waive the  
31 requirement of this finding only if the court is satisfied that the party  
32 has been fully advised of the requirements of the act and has  
33 knowingly, intelligently, and voluntarily waived them.  
34  
35 (A) The court must consider all available information regarding the  
36 prevailing social and cultural conditions of the Indian child's  
37 tribe.  
38  
39 (B) Efforts to provide services must include attempts to use the  
40 available resources of extended family members, the tribe, Indian  
41 social service agencies, and individual Indian caregivers.  
42

43 *(Subd (i) amended effective January 1, 2007; adopted effective January 1, 1997.)*

1  
2 **(j) Placement of an Indian child in a foster care placement; 25 U.S.C. §**  
3 **1912**

4  
5 If it is determined that the act applies, the court may not order foster care  
6 placement of an Indian child unless the court finds by clear and convincing  
7 evidence that continued custody with the parent or Indian custodian is likely  
8 to cause the Indian child serious emotional or physical damage.

- 9  
10 (1) Testimony by a qualified expert witness is required.  
11  
12 (2) Stipulation by the parent, Indian custodian, or tribe or failure to object  
13 may waive the requirement of producing evidence of the likelihood of  
14 serious damage only if the court is satisfied that the party has been fully  
15 advised of the requirements of the act and has knowingly, intelligently,  
16 and voluntarily waived them.  
17  
18 (3) If it is determined that the act applies, failure to meet non-Indian family  
19 and child-rearing community standards, or the existence of other  
20 behavior or conditions that meet the removal standards of section 361,  
21 will not support an order for placement absent the finding that  
22 continued custody with the parent or Indian custodian is likely to cause  
23 serious emotional or physical damage.  
24

25 *(Subd (j) amended effective January 1, 2007; adopted as subd (h) effective January*  
26 *1, 1995; previously relettered effective January 1, 1997.)*

27  
28 **(k) Standards and preferences in placement of an Indian child; 25 U.S.C. §**  
29 **1915**

30  
31 Foster and adoptive placements of Indian children must follow a specified  
32 order in the absence of good cause to the contrary. Placement standards must  
33 be the prevailing social and cultural standards of the Indian community in  
34 which the parent or extended family member resides, or with which the  
35 parent or extended family member maintains social and cultural contacts.  
36 The foster or preadoptive placement must be in the least restrictive setting,  
37 within reasonable proximity to the Indian child's home, and capable of  
38 meeting any special needs of the Indian child.

- 39  
40 (1) In a foster or preadoptive placement, preference must be given in the  
41 following order:  
42  
43 (A) To a member of the Indian child's extended family;

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- (B) To a foster home licensed or approved by the Indian child's tribe;
  - (C) To a state- or county-licensed or certified Indian foster home; or
  - (D) To a children's institution approved by the tribe or operated by an Indian organization and offering a program to meet the Indian child's needs.
- (2) In an adoptive placement, preference must be given in the following order:
- (A) To a member of the Indian child's extended family;
  - (B) To other members of the Indian child's tribe; or
  - (C) To other Indian families.
- (3) An Indian child may be placed in a non-Indian home only if the court finds that a diligent search has failed to locate a suitable Indian home.
- (4) The court may modify the preference order only for good cause, which may include the following considerations:
- (A) The requests of the parent or Indian custodian;
  - (B) The requests of the Indian child;
  - (C) The extraordinary physical or emotional needs of the Indian child as established by a qualified expert witness; or
  - (D) The unavailability of suitable families based on a diligent effort to identify families meeting the preference criteria.
- (5) The burden of establishing good cause for the court to alter the preference order is on the party requesting that a different order be considered.
- (6) The tribe, by resolution, may establish a different preference order, which, absent good cause, must be followed if it provides for the least restrictive setting.

1 (7) The preferences and wishes of the Indian child and the parent must be  
2 considered, and weight given to a consenting parent's request for  
3 anonymity.  
4

5 *(Subd (k) amended effective January 1, 2007; adopted as subd (i) effective January 1,*  
6 *1995; previously relettered effective January 1, 1997.)*  
7

8 **(j) Active efforts; 25 U.S.C. § 1912**  
9

10 In addition to the findings required under section 361, in order to place an  
11 Indian child out of the custody of a parent or Indian custodian, or to issue  
12 orders under section 366.26, the court must find that active efforts have been  
13 made to provide remedial services and rehabilitative programs designed to  
14 prevent the breakup of the Indian family, and that these efforts were  
15 unsuccessful.  
16

17 (1) The court must consider the prevailing social and cultural conditions of  
18 the Indian child's tribe.  
19

20 (2) Efforts to provide services must include attempts to use the available  
21 resources of extended family members, the tribe, Indian social service  
22 agencies, and individual Indian caregivers.  
23

24 *(Subd (l) amended effective January 1, 2007; adopted as subd (j) effective January 1,*  
25 *1995; previously amended and relettered effective January 1, 1997; previously*  
26 *amended effective January 1, 2005.)*  
27

28 **(m) Termination of parental rights; 25 U.S.C., § 1912**  
29

30 The court may not terminate parental rights to an Indian child unless there is  
31 proof beyond a reasonable doubt that continued custody by the parent or  
32 Indian custodian is likely to result in serious emotional or physical damage to  
33 the child.  
34

35 (1) The evidence must be supported by the testimony of a qualified expert  
36 witness.  
37

38 (2) Stipulation by the parent or Indian custodian or failure to object may  
39 waive the requirement of producing evidence of the likelihood of  
40 serious damage only if the court is satisfied that the party has been fully  
41 advised of the requirements of the act and has knowingly, intelligently,  
42 and voluntarily waived them.  
43

1 (3) Consent to a voluntary termination of parental rights, relinquishment of  
2 parental rights, or consent to adoption must be executed in writing and  
3 recorded before a judicial officer of competent jurisdiction. The court  
4 must certify that the terms and consequences of the consent were  
5 explained in detail, in the language of the parent or Indian custodian,  
6 and fully understood by the parent or Indian custodian. If  
7 confidentiality is requested or appropriate, the consent may be executed  
8 in chambers.  
9

10 (4) In order to terminate parental rights to an Indian child, the court must  
11 find that active efforts have been made to provide remedial services and  
12 rehabilitative programs designed to prevent the breakup of the Indian  
13 family, and that these efforts were unsuccessful. Stipulation by the  
14 parent or Indian custodian or failure to object may waive the  
15 requirement of this finding only if the court is satisfied that the party  
16 has been fully advised of the requirements of the act and has  
17 knowingly, intelligently, and voluntarily waived them.  
18

19 *(Subd (m) amended effective January 1, 2007; adopted as subd (k) effective January*  
20 *1, 1995; previously amended and relettered effective January 1, 1997.)*  
21

22 **(n) Petition to invalidate orders of removal or termination of parental**  
23 **rights; 25 U.S.C., § 1914**  
24

25 If it is determined that the act applies, the Indian child, a parent, an Indian  
26 custodian, or the child's tribe may petition any court of competent  
27 jurisdiction to invalidate a foster placement or termination of parental rights.  
28

29 (1) If the Indian child is a dependent child of the juvenile court or the  
30 subject of a pending petition, the juvenile court is the only court of  
31 competent jurisdiction with the authority to hear the petition to  
32 invalidate the foster placement or termination of parental rights.  
33

34 (2) If a final decree of adoption is set aside, or if the adoptive parents  
35 voluntarily consent to the termination of their parental rights, a  
36 biological parent or prior Indian custodian may petition for a return of  
37 custody of the Indian child.  
38

39 (A) The court must grant the petition for return unless there is a  
40 showing that return is contrary to the best interest of the Indian  
41 child.  
42

1 (B) The hearing on the petition to return must be conducted in  
2 accordance with the act and the relevant sections of this rule.

3  
4 *(Subd (n) amended effective January 1, 2007; adopted as subd (l) effective January*  
5 *1, 1995; previously relettered effective January 1, 1997.)*

6  
7 **(o) Post-hearing actions; 25 U.S.C., § 1916**

8  
9 Whenever an Indian child is removed from a foster home or institution for  
10 placement in a different foster home, institution, or preadoptive or adoptive  
11 home, the placement must be in accordance with the act and the relevant  
12 sections of this rule.

13  
14 *(Subd (o) amended effective January 1, 2007; adopted as subd (m) effective January*  
15 *1, 1995; previously relettered effective January 1, 1997.)*

16  
17 **(p) Record keeping; 25 U.S.C., § 1951**

18  
19 (1) After granting a decree of adoption of an Indian child, the court must  
20 provide the Secretary of the Interior with a copy of the decree and other  
21 information needed to show:

22  
23 (A) The name and tribal affiliation of the Indian child;

24  
25 (B) The names and addresses of the biological parents;

26  
27 (C) The names and addresses of the adoptive parents; and

28  
29 (D) The agency maintaining files and records regarding the adoptive  
30 placement.

31  
32 (2) If a biological parent has executed an affidavit requesting that his or her  
33 identity remain confidential, the court must provide the affidavit to the  
34 Secretary of the Interior, who must ensure the confidentiality of the  
35 information.

36  
37 *(Subd (p) amended effective January 1, 2007; adopted as subd (n) effective January*  
38 *1, 1995; previously relettered effective January 1, 1997.)*

1 *Rule 5.664 amended effective February 23, 2007; adopted as rule 1439 effective January 1,*  
2 *1995; amended and renumbered effective January 1, 2007; previously amended effective January*  
3 *1, 1997, January 1, 1999, January 1, 2001, and January 1, 2005.*

4 **Advisory Committee Comment**

5 As of January 1, 2004, only the Washoe Tribe of Nevada and California is authorized under the act to  
6 exercise exclusive jurisdiction. An updated list of tribes authorized to exercise exclusive jurisdiction can be  
7 found on the Web site of the Administrative Office of the Courts, Center for Families, Children & the  
8 Courts at [www.courtinfo.ca.gov/programs/cfcc](http://www.courtinfo.ca.gov/programs/cfcc).

9  A small icon of a red flame above a black rectangular button with the word "TOP" in white capital letters.

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