

Judicial Council of California • Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov/policyadmin-invitationstocomment.htm

INVITATION TO COMMENT

SPR11-59

Title	Action Requested
Probate Guardianship: Instructions Concerning the Indian Child Welfare Act in Probate Guardianship Proceedings	Review and submit comments by June 20, 2011
Proposed Rules, Forms, Standards, or Statutes	Proposed Effective Date
Revise forms GC-210(CA) and ICWA-005-INFO	January 1, 2012
Proposed by	Contact
Probate and Mental Health Advisory Committee Hon. Mitchell L. Beckloff, Chair	Douglas C. Miller Senior Attorney Office of the General Counsel 818-558-4178 douglas.miller@jud.ca.gov

Summary

All child custody litigation involving minors who are or may be Indian (Native American) children, including probate guardianships of the person or person and estate, are subject to the federal Indian Child Welfare Act (ICWA) and California law and rules of court enacted and adopted to implement that law. The federal and state laws require a petitioner for the appointment of a guardian of the person of a child to inquire whether the child is or may be an Indian child before filing his or her petition.

Advice concerning some duties under ICWA is provided in the Judicial Council form attachment to a guardianship petition that contains the necessary information about each child who will be a subject of the proceeding, the *Guardianship Petition—Child Information Attachment* (form GC-210(CA)). But no advice is given in this form concerning the petitioner's prefiling duty to inquire whether the child is or may be an Indian child.

Recent efforts to develop a common set of Judicial Council forms that can be used in all proceedings subject to ICWA have made probate guardianship practice confusing and difficult, particularly for the large number of self-represented persons involved in guardianship cases. The Probate and Mental Health Advisory Committee proposes to revise the advice concerning ICWA provided in form GC-210(CA), incorporate the contents of one of the common ICWA forms into that form, and revise the general information form about ICWA to reflect these changes.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

Discussion

A *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) must be completed for each child involved in a probate guardianship and attached to the petition for appointment of a guardian. The completed form contains the personal information the petitioner must provide about the child.

Item 1c(1) on page 1 of this form asks whether the proposed ward is a member or eligible for membership in an Indian tribe. If a “no” or “not sure” response to this question is given, the petitioner is asked to answer item 1c(2), which asks whether the petitioner knows or has reason to know the child is or may be an Indian child. A “yes” answer to either question leads to a duty under ICWA, described in an instruction below item 1c(2), to give notice of the proceeding to the child’s parents, any Indian tribe that may be connected to the child, and specified others.

Item 1c fails to advise a guardianship petitioner of another duty under ICWA and state law to make an initial inquiry whether the child is or may be an Indian child before filing the guardianship petition—and to base his or her responses to items 1c(1) and 1c(2) of form GC-210(CA) on that inquiry rather than merely on his or her previous understanding or belief about the child. This duty of inquiry is described in rule 7.1015(d)(2) of the California Rules of Court as follows:

Before filing his or her petition, the petitioner must ask the child involved in the proceeding, if the child is old enough, and the parents or any other legal guardian, whether the child is or may be an Indian child, and must complete the *Indian Child Inquiry Attachment* (form ICWA-010(A)) and attach it to his or her petition.

This proposal would:

1. Revise item 1c of form GC-210(CA) to provide advice to guardianship petitioners of their responsibility to make a prefiling inquiry concerning the child’s Indian connection under ICWA and California law;¹
2. Add a new fifth page to form GC-210(CA) as a substitute in guardianship cases subject to ICWA for form ICWA-010(A); and
3. Modify the general instruction form for all cases subject to ICWA, the *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO) (*Information Sheet*) to reflect these changes.

¹ See rules 7.1015 and 5.480–5.487.

Revision of item 1c of form GC-210(CA)

A new instruction would be added following the bold text at the beginning of item 1c on page 1 of form GC-210(CA). The new instruction describes the duty to inquire whether the proposed ward is or may be an Indian child before the guardianship petition is filed, advises how to show that this duty has been discharged, and refers the reader to the *Information Sheet* for further information about the effect of ICWA on a probate guardianship involving an Indian child.

Substitute for form ICWA-010(A)

The most significant change in form GC-210(CA) proposed by the advisory committee is to merge the relevant portions of the *Indian Child Inquiry Attachment* (form ICWA-010(A)) into the guardianship form, thereby eliminating the need to attach the ICWA form to form GC-210(CA), which is itself an attachment to a guardianship petition. The new material is placed in a new item 9 on a new page 5 of form GC-210(CA). Item 9c contains the information from form ICWA-010(A) applicable to guardianship cases. Because form GC-210(CA) is a mandatory attachment to a petition, a signature on the form is not necessary; petitioner's verified signature on the petition, either form GC-210 or form GC-210(P),² is sufficient.

ICWA applies to a guardianship only if a guardian of the person is proposed or appointed (Prob. Code, § 1459(a)(1); Cal. Rules of Court, rule 7.1015(b)(1)(A)). Item 9a is provided for selection in an estate-only guardianship. Selection of that item would demonstrate that completion of the rest of page 5 is unnecessary.

Item 9b contains selection options that explain why an Indian child inquiry has not been made or completed. Form ICWA-010(A) permits selection of a no-inquiry-made option but does not require a statement of reasons. Rules 5.481(a)(1) and 7.1015(d)(2) require an Indian child inquiry—a preliminary inquiry whether a child involved in a proceeding that is subject to ICWA is or may be an Indian child. These rules do not provide any exceptions to this requirement. However, there would appear to be no need to make an initial inquiry if the petitioner already knows the child is an Indian child and has identified a tribe in item 1c(1) of form GC-210(CA). If the proposed guardian is the child's Indian custodian (an ICWA term referring to an Indian person who has custody of the child under a custody order of a state or tribal court, by Indian custom, or under an informal arrangement with the child's parent³), the case is not subject to ICWA requirements, including the Indian child inquiry (Prob. Code, § 1459.5(a)(1); Cal. Rules of Court, rules 5.480, last unnumbered paragraph, and 7.1015(b)(1)(A)).

The revised form would include an option under item 9b for a petitioner to state that he or she has been unable to contact the persons who must be questioned in an initial Indian child inquiry. However, he or she must give the reasons why not and must describe the unsuccessful efforts to make contact. A guardianship, particularly a temporary guardianship, may be necessary in an emergency. The petition should be filed to permit the court to act in an emergency even if the

² See Cal. Rules of Court, rule 7.101(b)(1).

³ See 25 U.S.C. § 1903(6).

Indian child inquiry has been unsuccessful or is incomplete, at least if it has been started in good faith.

Form ICWA-005-INFO

The *Information Sheet* is an all-purpose instructional form for petitioners in all matters that may be subject to ICWA if an Indian child is involved, including guardianships. If form GC-210(CA) is modified as proposed, the *Information Sheet* must also be changed to reflect the changes in the guardianship form. The advisory committee proposes to revise the *Information Sheet* with the following changes from the current version:

- The title of the form would be changed to *Information Sheet on Indian Child Inquiry Attachments and Notice of Child Custody Proceeding for Indian Child*, to reflect that there would be two Indian child inquiry attachments, form ICWA-010(A) and the fifth page of form GC-210(CA).
- The first subheading on page 1, “ICWA-010(A), *Indian Child Inquiry Attachment*,” and references to that form in the following paragraph, would be expanded to refer to page 5 of form GC-210(CA) as an alternative.
- The statement in the existing form about the clerk’s refusal to accept a petition without an attached form ICWA-010(A), on the first page just above the heading for form ICWA-030, would be modified to except probate guardianships. The equivalent guardianship form, form GC-210(CA), must be filed with the petition in every case in any event, whether or not the new material on page 5, containing the contents of the ICWA inquiry form, is filled out.
- The following statement would be deleted in the first paragraph of the discussion of the Notice (form ICWA-030), concerning the responsible person or persons who must give notice to Indian tribes and others: “(or the court investigator if you are related to the child and you are asking the court to appoint you as the child’s guardian)”.

The investigator’s duties under Probate Code section 1513(h) are not alternatives or substitutes for the petitioner’s duty to give notice. Those duties apply to all investigators, whether county-supplied when the proposed guardian is not related to the child or court-supplied when the proposed guardian is related to the child. The duties are merely to consult with tribes and to include the information gained in those consultations in their reports to the court. Investigators have no specific duty to give notice to tribes about a guardianship case. Rule 7.1015(c) says in its introductory sentence that the court has a continuing duty to give notice, but the specifics of that duty are defined in subdivision (c)’s paragraphs (1)–(11), which generally describe the details of preparation and mailing of the Notice by the petitioner and the court. The court or county investigator is not mentioned.

The proposals have not been approved by the Judicial Council and are not intended to represent the views of the council, its Rules and Projects Committee, or its Policy Coordination and Liaison Committee. These proposals are circulated for comment purposes only.

- Paragraph 2 of the “Tips on how to fill out ICWA-010(A),” on page 1 of the form says that the petitioner is to contact the child’s grandparents and great-grandparents and then inquire of them. The initial duty to inquire leading to form ICWA-010(A) or page 5 of revised form GC-210(CA) does not extend to the child’s grand- or great-grandparents. See Cal. Rules of Court, rules 5.481(a)(1) and 7.1015(d)(2).

The reference to getting contact information from grand- and great-grandparents in paragraph 1 of the “tips” has been retained because that is a good idea, particularly in the notice phase if the initial inquiry establishes reason to know the child is or may be an Indian child, but petitioners do not have a duty to make the initial inquiry of grand- or great-grandparents. Paragraph 3 of the “tips” does say that if the petitioner is in touch with other relatives of the child, he or she should ask them the same questions. That paragraph would cover grand- and great-grandparents if there is existing contact between them and the petitioner.

- The opening paragraph after the heading for the Notice (form ICWA-030) at the bottom of page 1 would be rewritten for clarity, including making an affirmative statement of the basic duty to send the Notice as the means of giving notice.
- The service and proof of service instructions at the bottom of page 2 would be clarified. The correct paragraphs in the form for signatures are identified and a more explicit explanation is provided of what the court will and will not do to help the petitioner serve the notice in a probate guardianship.
- The first paragraph under “Tip on how to find the address for the child’s tribe or tribes” on page 2 of the form has been rewritten for clarity and to update the URL cited in the paragraph.

Comments Requested

The advisory committee requests specific comments on (1) whether the *Information Sheet* should be restated as two separate information forms, one to address the initial Indian child inquiry and forms ICWA-010(A) and GC-210(CA), and the other to discuss notice requirements and form ICWA-030; and (2) whether that form, or both forms if two are created, should be restated in the “plain language” style, the style used in form GC-210(CA).

Case Number: _____

Guardianship of (all children’s names): _____

This child’s name: _____

Fill out a separate copy of this form for each child for whom you want the court to appoint a guardian.

This form is attached to the Petition, item 2 of form GC-210, or item 8 of form GC-210(P).

The Petition asks for the appointment of a guardian of this child’s (specify): person estate person and estate

1 Tell the court about this child

a. Child’s full legal name: _____ Date of birth: _____
First Middle Last Month/Day/Year

b. Child’s current address: _____

c. (Complete the steps described here and answer questions (1) and (2) below if the Petition to which this form is attached asks for the appointment of a guardian of this child's person or this child's person and estate. Before you file your Petition, you must inquire whether the child named above is or may be an Indian (Native American) child. You must ask the child, if he or she is old enough, and the child’s parents or other legal guardian, about the child’s possible Indian background or connections, if any, and not merely rely on your own knowledge or belief about the child. After you make this inquiry, answer questions (1) and (2) below and item 9 on page 5, then fill out the rest of this form. For more information about your duties concerning an Indian child involved in a guardianship under the Indian Child Welfare Act (“ICWA”) (25 U.S.C. § 1901 et seq.) and California law, see the Information Sheet on Indian Child Inquiry and Notice of Child Custody Proceeding for Indian Child (form ICWA-005-INFO). (The Information Sheet describes the Indian Child Inquiry Attachment (form ICWA-010(A)). Page 5 of this form is a substitute for form ICWA-010(A). You do not need to file both this form and that form with your Petition.) (See Welf. & Inst. Code, § 224.3(a); Prob. Code, §§ 1449, 1459.5(b); and Cal. Rules of Court, rule 7.1015(d)(2).)

(1) Is this child a member of, or eligible for membership in, an Indian tribe recognized by the federal government? No Not sure Yes (specify tribe): _____

(If you checked “Yes” to item (1), this guardianship case is subject to ICWA. If you checked “Not sure” or “No” to item (1), answer item (2).)

(2) Do you have reason to know (within the meaning of Prob. Code, §§ 1460.2(a), Welf. & Inst. Code, § 224.3(b), and Cal. Rules of Court, rule 7.1015), whether this child is or may be an Indian child?

No Yes (If you checked “Yes” to either item (1) or item (2), you must fill out a Notice of Child Custody Proceeding for Indian Child (form ICWA-030) (“Notice”). Your attorney must serve copies of the Notice, together with copies of your Petition and all attachments, including this form, on the child's parents; any Indian custodian (as defined in ICWA, at 25 U.S.C. § 1903, and Prob. Code, § 1449); any Indian tribe that may have a connection to the child; the Bureau of Indian Affairs; and possibly the U.S. Secretary of the Interior, by certified or registered U.S. Mail, return receipt requested. If you do not have an attorney in this case, the court will serve copies of these papers, but you must prepare the copies and deliver them to the court ready for mailing. After service, the original Notice and all return receipts must be filed with the court. Service of the Notice is in addition to service of any other notices required in this case.)

d. Is this child married? Yes No Never married If you checked “No,” was this child formerly married but the marriage was dissolved or ended in divorce? Yes No
(The court cannot appoint a guardian of the person for a minor child who is married or whose marriage was dissolved or ended in divorce.)



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

1 Tell the court about this child (continued)

e. Is this child receiving public assistance? Yes No Unknown (If you checked "Yes," fill out below.)

Type of Aid	Monthly Benefit	Type of Aid	Monthly Benefit
<input type="checkbox"/> TANF (Temporary Asst. for Needy Families)	\$ _____	<input type="checkbox"/> Other (explain): _____	\$ _____
<input type="checkbox"/> Social Security	\$ _____	<input type="checkbox"/> Other (explain): _____	\$ _____
<input type="checkbox"/> Dept. Veterans Affairs Benefits	\$ _____		

f. Name and address of the person with legal custody of this child: _____

g. (Check this box and fill out below if the person the child lives with is not the person with legal custody.)

Name and address of the person this child lives with (has the care of the child): _____

h. (Check this box if this child has been involved in an adoption, juvenile court, marriage dissolution (divorce), domestic relations, custody, or other similar court case.) Describe the court case below:

Type of Case	Court District or County and State	Case Number (if known)

i. (Check this box if this child is in or on leave from an institution supervised by the California Department of Developmental Services or the California Department of Mental Health.) Write the name of the institution here: _____

2 List the names and addresses of this child's relatives and other persons shown below:

Relationship	Name	Home Address (Street, City, State, Zip)
Father	_____	_____
Mother	_____	_____
Grandfather (Father's father)	_____	_____
Grandmother (Father's mother)	_____	_____
Grandfather (Mother's father)	_____	_____
Grandmother (Mother's mother)	_____	_____



Guardianship of (all children's names): _____

Case Number: _____

This child's name: _____

2 Names and addresses of this child's relatives and other persons (continued):

Relationship	Name	Home Address (Street, City, State, Zip)
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____
Brother/Sister	_____	_____

(Check here if this child has additional brothers or sisters, including half-brothers and half-sisters, and list their names and addresses on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Item 2:—Other Siblings" at the top of the paper and attach it to this form.)

Spouse
(Guardianship of the estate only) _____

Person nominated as guardian of this child
(Other than a proposed guardian listed in 3) _____

3 Information about the proposed guardian:

a. Name (name all proposed guardians if more than one): _____

b. Relationship(s) to the child named in 1 (check all that apply):

Relative (specify relationships of all proposed guardians to the child): _____

Not a relative (explain interest in or connection to this child): _____



This child's name: _____

- 9 An Indian child inquiry concerning the child named above:
- a. is not required, this is a guardianship of the estate only.
 - b. has not been made or completed for the following reasons *(check all that apply)*:
 - (1) Petitioner knows the child is an Indian child and has identified the child's tribe in item ① on page 1.
 - (2) Petitioner or the proposed guardian is the child's Indian custodian.
 - (3) Petitioner has been unable to communicate with the child's parents or other legal guardian for the following reasons and despite the following efforts to do so *(describe)*: _____

 (Check here if you need more space. Continue your explanation on a separate sheet of paper. Write "Form GC-210(CA)," the name of this child, and "Attachment 9a:—Indian Child Inquiry" at the top of the paper and attach it to this form.)
 - c. has been made and the following information was obtained *(check all that apply)*:
 - (1) The names, relationships to the child named above, addresses, and telephone numbers, of the persons interviewed by Petitioner to collect or confirm the information given below, and the date or dates the interviews took place, are provided on one or more separate sheets of paper attached to this form.
(Write "Form GC-210(CA)," the name of this child, and "Attachment 9b(1):—Indian Child Inquiry" at the top of each page of paper you attach to this form to complete this item.)
 - (2) The child is or may be a member of or eligible for membership in a tribe.
Tribe or tribes: _____
Band *(if applicable)*: _____
 - (3) The child's parents, grandparents, or great-grandparents are or were members of a tribe or tribes.
Tribe or tribes: _____
Band *(if applicable)*: _____
 - (4) The residence or domicile of the child, the child's parents, or the child's Indian custodian is in a predominantly Indian community.
 - (5) The child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).
 - (6) The child may have Indian ancestry.
 - (7) Other reason or reasons to know the child is or may be an Indian child: _____

 - (8) The child has no known Indian ancestry.

INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENTS AND NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship, page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*; and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

ICWA-010(A), *Indian Child Inquiry Attachment* or page 5 of form GC-210(CA), *Guardianship Petition—Child Information Attachment*

You are responsible for helping to find out if the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment* or on page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*. These are important responsibilities because if the child is an Indian child, you and the court will need to take specific steps to prevent the breakup of the child's Indian family. Also, if the child is an Indian child, he or she has a right to receive resources and services that are culturally specific to the Indian child's family. The court will check to make sure that the child is receiving these services.

Tips on how to fill out ICWA-010(A), *Indian Child Inquiry Attachment* or
page 5 of GC-210(CA), *Guardianship Petition—Child Information Attachment*

1. Try to find contact information for the child's parents or other legal guardian, the child's Indian custodian (if the child is living with an Indian person other than a parent), and the child's grandparents and great-grandparents.
2. Contact the child's parents or other legal guardian, and the child's Indian custodian, and ask them (and the child, if he or she is old enough) these questions:
 - a. Is the child a member of a tribe, and if they think he or she might be, then which tribe or tribes?
 - b. Are they members of a tribe, and if they think they might be, which tribes?
 - c. Does the child or the child's parents live in Indian country?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
3. If you are in touch with any of the child's relatives, ask them the same questions.

The court clerk's office cannot file your petition unless you have filled out and attached to the petition form ICWA-010(A), *Indian Child Inquiry Attachment*. This does not apply to a petition for appointment of a guardian in a probate guardianship or a petition filed in the juvenile court under Welfare and Institutions Code sections 601 or 602.

ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

After taking the steps listed above to find out whether the child is an Indian child, if you know or have reason to know that the child is an Indian child, you must notify the tribe or tribes that may have a connection with the child about your court case. Tribes that learn of the case can investigate and advise you and the court whether the child is a tribal member or eligible to become a tribal member, and can then decide whether to get involved in the case or assume tribal jurisdiction. You give notice to the child's tribe or tribes and the other persons and the organization listed at the top of the second page of this form by sending them filled-out copies of ICWA-030, *Notice of Child Custody Proceeding for Indian Child* (the "Notice"), together with the other documents listed at the bottom of that page.

Some tips to help you figure out if you have a reason to know the child is an Indian child

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, or a member of the child's extended family says or provides information to anyone involved in the case that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live in a predominately Indian community; or
3. If the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There also may be other information that would give you reason to know that the child is an Indian child.

Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the Notice to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

Tip on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 C.F.R. 23.12), a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can link to the Federal Register list, another list of tribes maintained by the California Department of Social Services, and other resources related to ICWA, on the California Department of Social Services website at <http://www.childsworld.ca.gov/PG2070.htm>. The list of tribes maintained by the Department of Social Services is very helpful but it is not official, nor is there any authority to use the addresses in that list over different agents for service listed in the Federal Register. If the official list and the state's list differ on a tribal address, it is a good idea to send copies of the Notice and the other documents to both addresses.

Copy to the Secretary of the Interior and the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the Notice to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Secretary of the Interior at 1849 C Street, N.W., Washington, D.C. 20240 and a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs

If you do not know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the Notice and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825. In order to help establish the child's tribal identity, provide as much information as possible, including the child's name, birthdate, and birth place; the name of the tribe or tribes; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

How do you send the Notice and prove to the court that you have done so?

If you have an attorney, he or she will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the Notice, but you must deliver copies of the Notice and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then do step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, copies of the following filled-out and signed forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment* or, in a probate guardianship case, form GC-210(CA), *Guardianship Petition—Child Information Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed Notice (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A) or form GC-210(CA));
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or counsel a party to do so. (Welf. & Inst. Code, § 224.2(e).)

Item SPR11-59 Response Form

Title: Instructions concerning the Indian Child Welfare Act in probate guardianship proceedings (revise forms GC-210(CA) and ICWA-005-INFO)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

To Submit Comments

Comments may be submitted online, written on this form, or prepared in a letter format. If you are *not* commenting directly on this form, please include the information requested above and the proposal number for identification purposes. Please submit your comments online or email, mail, or fax comments. You are welcome to email your comments as an attachment.

Internet: www.courts.ca.gov/policyadmin-invitationstocomment.htm

Email: invitations@jud.ca.gov

Mail: Ms. Camilla Kieliger
Judicial Council, 455 Golden Gate Avenue
San Francisco, CA 94102

Fax: (415) 865-7664, Attn: Camilla Kieliger

DEADLINE FOR COMMENT: 5:00 p.m., Monday, June 20, 2011

Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee. All comments will become part of the public record of the council's action.