

## FORM SUMMARY

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**Name of Form:** **Order Concerning Termination of Parental Rights (Involuntary) Indian Child Welfare Act**

**Form Number:** **IW-1639**

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**Statutory Reference:** §§48.426, 48.427 and 48.43, Wisconsin Statutes; 25 U.S.C. §1912

**Benchbook Reference:**

**Purpose of Form:** Order formally indicating the court's decision on a petition to terminate the parental rights of a parent.

**Who Completes It:** The court, attorney, corporation counsel, or district attorney.

**Who Signs It:** **BY THE COURT:** Circuit Court Judge. **THIS IS A FINAL ORDER FOR THE PURPOSE OF APPEAL.**

**Distribution of Form:** Court; copies to be served on party whose rights are being terminated and the tribe.

**Accompanying Forms:** Generally none.

**New Form/Modification:** Modified; last update, 09/13.

**Modifications:** Removed sustaining care from placement options. 2015 WI Act 128.

**Comments:** RMC recommends that the court not rely upon attachments alone as the basis for its findings. Where attachments are used, specific reference to the document title, page and paragraph should be made.

Additionally, in order to follow the requirements of the Indian Child Welfare Act, the order must contain a finding as to whether the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. This finding must be supported by the testimony of one or more qualified expert witnesses. The order must also contain a finding whether active efforts have been made to prevent the break up of the Indian family.

**About this Form:** This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

**If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.**