

## FORM SUMMARY

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<b>Name of Form:</b>	<b>Notice of Rights and Obligations - Indian Child Welfare Act</b>
<b>Form Number:</b>	<b>IW-1716</b>
<b>Statutory Reference:</b>	§§48.028, 48.21(3m), 48.21(3)(d), 48.24(1m), 48.243, 938.21(3)(d), and 938.243, Wisconsin Statutes
<b>Benchbook Reference:</b>	
<b>Purpose of Form:</b>	A written notice to be provided to child/juvenile and parents of their basic rights and obligations as well as the possibility of disclosure of personal information to victims.
<b>Who Completes It:</b>	Document is provided at the appropriate juvenile intake conference, custody hearing, or other proceeding when necessary. The form should be signed by the juvenile/parents and placed in the appropriate file.
<b>Distribution of Form:</b>	Copy provided to child/juvenile and parents. Original notice should be retained in the appropriate court case file.
<b>Accompanying Forms:</b>	Generally none.
<b>New Form/Modification:</b>	Modified; last update 02/17.
<b>Modifications:</b>	Withdrew JD-1704. Added "If a petition has not been filed, a referral may result in a petition to the court." Added fillable lines for child/juvenile is alleged to be in need of protection or services. Added appointment of an attorney if determined to be indigent language.
<b>Comments:</b>	<p>This form is intended to be used both in Chapter 48 CHIPS and Chapter 938 JIPS cases subject to the Indian Child Welfare Act. This form is <b>not</b> to be used for delinquency cases or those where the child is placed in-home because ICWA does not apply in those cases.</p> <p>Both chapters 48 and 938 contain several scattered references to requirements of the court to inform either juveniles, parents, or both, of various rights, obligations, or possibilities. This recitation has generally taken a significant amount of time at the beginning of juvenile proceedings. This form is intended to be handed out to the child/juvenile or parents present at an intake conference, custody hearing, or mailed to absent parents as soon as the custody hearing is completed or, if the child has not been identified as an Indian child prior to the custody hearing, as soon as the identification occurs.</p> <p>The form covers the:</p> <ul style="list-style-type: none"><li>• types of proceedings involved;</li><li>• purpose of a custody hearing in comparison to other hearings;</li><li>• rights of the child/juvenile/parents, including those specific to the Indian Child Welfare Act;</li><li>• potential consequences of the proceedings on the rights of the parents.</li></ul>
<b>About this Form:</b>	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.**