

FORM SUMMARY

Name of Form:	Summons – Indian Child Welfare Act
Form Number:	IW-1720
Statutory Reference:	§§48.23, 48.27, 938.23, 938.27, 938.29(2) and 938.29(1g), Wisconsin Statutes; 25 U.S.C. §1912
Benchbook Reference:	JV 2, 3, & 13
Purpose of Form:	Formal notice to an individual to appear in court and respond to a citation or petition.
Who Completes It:	Petitioner, Petitioner’s Attorney, or court official.
Who Signs It:	BY THE COURT: Circuit Court Judge or Circuit Court Commissioner, Petitioner or Petitioner’s Attorney.
Distribution of Form:	Court; copies for service on juvenile, parent/guardian/legal custodian, Indian custodian, tribe, foster parent, treatment foster parent, or other physical custodian, nonadjudicated parents (when appropriate; see §48.27(3) and §938.27(3), Wis. Stats.) and other interested parties.
Accompanying Forms:	Petition
New Form/Modification:	Modified, last update 02/17.
Modifications:	Added new rights/notice requirements.
Comments:	This form is intended to be used in both ch. 48 and ch. 938 matters. <ul style="list-style-type: none">• If this is the first notice in a proceeding involving a child/juvenile subject to the Indian Child Welfare Act, the petitioner must provide notice to the parent/Indian custodian and the tribe by registered mail with return receipt requested, which must be received at least 10 days prior to the hearing.• If the identity or location of a parent or the tribe cannot be determined, this notice must be sent by registered mail with return receipt requested to the Secretary of the Interior, Bureau of Indian Affairs, which must be received at least 15 days prior to the hearing.• Additionally, copies of the initial notices provided to the parents, Indian custodian, and tribe must be sent to the Secretary of the Interior, Bureau of Indian Affairs by registered or certified mail with return receipt requested or by personal service.

RMC recommends that the petition be attached to the summons even though sections §48.27(3)(a) and §938.27(3)(a), Wisconsin Statutes, provide that

"[t]he first notice to any interested party shall be written and **may** have a copy of the petition attached to it." For that reason the summons has been drafted with the assumption that the petition will always be attached.

The State Public Defender is authorized to represent parents and Indian custodians in CHIPS and JIPS cases **subject to the Indian Child Welfare Act (ICWA)**.

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.