

## FORM SUMMARY

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<b>Name of Form:</b>	<b>Notice of Hearing (Juvenile) – Indian Child Welfare Act</b>
<b>Form Number:</b>	<b>IW-1724</b>
<b>Statutory Reference:</b>	§§48.21, 48.27, 48.273, 938.21, 938.27, 938.273, and other relevant sections of ch. 48 and 938, Wisconsin Statutes
<b>Benchbook Reference:</b>	
<b>Purpose of Form:</b>	Give notice to interested persons of the scheduling of court proceedings.
<b>Who Completes It:</b>	Juvenile Clerk, judicial assistant, or Petitioner.
<b>Distribution of Form:</b>	Court, Child/Juvenile, Child’s/Juvenile’s GAL/Adversary Counsel. Parents, Parent’ Attorney(s), Child’s Guardian/Legal Custodian, Relative or Like-Kin Caregiver/Foster Parent/Facility, District Attorney/Corporation Counsel, Caseworker, Court Appointed Special Advocate (CASA), Tribe and Indian Custodian.
<b>Accompanying Forms:</b>	Generally none.
<b>New Form/Modification:</b>	Modified; last update 11/2023
<b>Modifications:</b>	Added like-kin caregiver to distribution list pursuant to 2023 WI Act 119
<b>Comments:</b>	<p>This form is intended to be used in both ch. 48 and ch. 938 matters.</p> <ul style="list-style-type: none"><li>• If this is the <b>first notice</b> 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.</li><li>• 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.</li><li>• 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.</li></ul> <p>The State Public Defender is authorized to represent parents and Indian custodians in CHIPS and JIPS cases <b>subject to the Indian Child Welfare Act (ICWA)</b>.</p> <p>The signature line has also been removed since the notice is not a court order and is generally not signed.</p> <p>The legal status categories are defined as follows:</p> <p><b>Birth</b> – Parent who physically delivered the child.</p> <p><b>Adoptive</b> – Parent who adopted the child by court order.</p> <p><b>Adjudicated</b> - Parent based on a court order establishing paternity or parentage or who is the administratively adjudicated parent due to the</p>

filing of a paternity acknowledgement form with the Office of Vital Records.

**Marital** – Parent who is presumed to be the biological parent because the child was conceived or born during marriage, or is presumed to be the biological parent because the marriage occurred after the child’s birth but the parties had a relationship at the time of conception.

**NOTE:** The marital presumption does not apply if a court has found another person to be the parent instead of this parent. It also doesn’t apply if the marriage followed the birth but the child was conceived or born during a marriage to another.

**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.**