

## FORM SUMMARY

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**Name of Forms:** Motion for Transfer to Tribal Court (ICWA)

**Form Number:** IW-1740

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**Statutory Reference:** §§48.028(3)(c) and 938.028(3)(c), Wisconsin Statutes

**Purpose of Form:** Motion to transfer a proceeding involving an out-of-home placement of, or termination of parental rights to, an Indian child from a circuit court to a tribal court.

**Who Completes It:** Petitioner (parent, Indian custodian, or representative from the Indian child's/juvenile's tribe) or the petitioner's attorney (if any).

**Distribution of Form:** Original to court. Copies to child/juvenile and attorney/guardian ad litem, parents/attorney, guardian/legal custodian/Indian custodian, District Attorney/Corporation Counsel, social worker, tribe and other interested parties.

**Accompanying Forms:**

**New Form/Modification:** New form.

**Modifications:**

**Comments:** Upon the motion of the Indian child's parent, Indian custodian, or tribe, the circuit court shall transfer any Indian child custody proceeding involving an out-of-home placement of, or termination of parental rights to, an Indian child to tribal court unless: a parent objects to the transfer, the tribe does not have a tribal court, the tribal court declines jurisdiction, or the circuit court determines that good cause exists to deny the transfer under §§48.028(3)(c)3. or 938.028(3)(c)3., Wisconsin Statutes.

**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.**