

FORM SUMMARY

Name of Forms: Motion for Transfer to Tribal Court (Indian Child Welfare Act)

Form Number: IW-1740

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, case worker, tribe and other interested parties.

Accompanying Forms:

New Form/Modification: Modified; last update 05/11.

Modifications: Pursuant to 2019 WI Act 30, updated to add party/attorney address, email address and telephone number.

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.