

INSTRUCTION SHEET FOR TRIBAL INFORMATION FORM

Background

1. **What is the Tribal Information Form?** The *Tribal Information Form* (form ICWA-100) is intended to provide an accessible way for an Indian child's tribe to provide information to the court about the case and the tribe's position on the case. The form should be completed by the duly authorized representative of the tribe able to represent the tribe's position in the court case.
2. **When does it need to be filled out and filed?** The *Tribal Information Form* is an optional form. You do not need to complete this form. If you choose to use this form, you must fill it out by typing or writing legibly in ink, and file it with the court in advance of the hearing. You can file it with the court in person at the clerk's office, along with eight copies, at least five calendar days before the hearing. You can file it by mail by sending the original and eight copies to the court for filing at least seven calendar days before the hearing. You can also file it by fax. If you want to file by fax, phone the court to get the correct fax number and fax it to the court at least five days before the hearing. Follow the instructions below. Do not wait until the day of the court hearing to file the form.

How to Fill Out Form ICWA-100

1. **Complete the caption.** These are the boxes at the top of the page.
 - *Court name, street address, and mailing address.* Write the name of the county where the court is located, and the street and mailing address of the court. If you do not know the name and address of the court, look on the notice of the court hearing you received in the mail or go to www.courts.ca.gov/find-my-court.htm to find the contact information for your court. For department name, write the location of the court and either "Family," "Juvenile," or "Probate" depending on which department is hearing the case. If you are not certain, phone the court.
 - *Child's Name.* Write the child's full name.
 - *Hearing Date and Time.* Write the hearing date and time. If you do not have this information, ask the social worker in a juvenile case or the court in a family or probate case.
 - *Case Number.* This number is on the notice of the court hearing you received in the mail. If you do not have the number, ask the child's social worker or attorney for the number in a juvenile case or call the court in a family or probate case. If the case involves brothers and sisters (siblings), there may be more than one case number. Be sure to use a separate form and the correct number for each child.
2. **Complete the information about the child and about the tribe and tribal representative.**
 - *Item 1.* Fill in the child's full name, date of birth, and age.
 - *Item 2.* Complete the information about the tribe.
3. **Complete items 3–9 about the case.** For each question, check the box to indicate whether there is new information since the last hearing. Briefly write new information in the appropriate section of the form.
 - *Item 3.* Indicate whether the tribe has intervened, is intervening now, or wishes the form to be admitted under California Rules of Court, rule 5.534(e)(2)(E), which authorizes the court to receive written information from a tribal representative when the tribe has not intervened.
 - *Item 4.* Provide information about the hearing for which the form is submitted.
 - *Item 5.* Provide information on the communication between the agency or petitioner and the tribe since the last hearing.
 - *Item 6.* Provide information about case planning, services, active efforts, and other issues.
 - *Item 7.* Provide information about the child's placement.
 - *Item 8.* Provide information about the appropriate concurrent and permanent plan for the child.
 - *Item 9.* Provide other information the tribe wants to convey to the court.
4. **Add any attachments.** Check the box in item 10 to add additional pages.
5. **Sign and date the form.** On the bottom of page 2, write the date, type or print your name, and sign your name.

What to Do With the Form After You Have Filled It Out

1. **Make copies.** Tribal representatives should make eight or more copies of the completed form ICWA-100 and any attachments.
2. **If you choose to file the form in person.** At least **five** calendar days before the hearing date, bring the original form and the eight copies to the court clerk's office at the courthouse where the hearing will be held. Ask the clerk to file the form for you. Keep one copy of the date-stamped form for yourself. The clerk will provide a copy of the form to each party and will complete and file the proof of service form.
3. **If you choose to file the form by fax.** Contact the court to get the appropriate fax number, and fax the completed form to the court at least five days prior to the hearing.

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4. **If you choose to file the form by mail.** At least **seven** calendar days before the hearing date, mail the original form and all but one of the copies to the court clerk's office at the courthouse where the hearing will be held. Put sufficient postage on the envelope. Include a note indicating "For filing and service" and include the case number. The clerk will provide a copy of the form to each party and will complete and file the proof of service form.
5. **Confirm the hearing date, time, and place.** If you plan to attend the hearing, call the social worker if there is one, or contact the court to confirm the hearing date, time, and courtroom.
6. **If you wish to participate in the hearing remotely.** Contact the court at least five days in advance if you wish to appear remotely for the hearing.

What to Do on the Hearing Day

1. **Bring extra copies of the form.** If you decide to attend the hearing, it is suggested that you make additional copies of the form and any attachments to provide to anyone at the hearing who did not receive them.
2. **Comments in court.** If you attend the hearing in person, you should speak to the bailiff prior to the start of court to identify yourself, the tribe you represent, and the case you are there for, and indicate that you would like to address the court.
3. **Remote appearance.** You may also appear remotely by notifying the court at least five days in advance.
4. **Effects of Participation:** If you participate in the hearing, you may be subject to cross-examination. If you do not participate in the hearing, and are not available for cross-examination, any evidence contained in the form that is not otherwise admissible in court may be excluded.