

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	CASE NUMBER:
ORDER ON PETITION TO TRANSFER CASE INVOLVING AN INDIAN CHILD TO TRIBAL JURISDICTION	
RELATED CASES (if any):	

1. Child's name: _____ Date of birth: _____
2. a. Date of hearing: _____ Time: _____ Dept.: _____ Room: _____
 - b. Persons present:

<input type="checkbox"/> Child	<input type="checkbox"/> Parent (name):	<input type="checkbox"/> Parent's attorney
<input type="checkbox"/> Child's attorney	<input type="checkbox"/> Parent (name):	<input type="checkbox"/> Parent's attorney
<input type="checkbox"/> Probation officer/social worker	<input type="checkbox"/> Guardian	<input type="checkbox"/> CASA
<input type="checkbox"/> Deputy county counsel	<input type="checkbox"/> Deputy district attorney	<input type="checkbox"/> Other:
<input type="checkbox"/> Tribal representative (name):		
3. The court has read and considered the
 - ICWA-50, *Notice of Petition and Petition to Transfer Case Involving an Indian Child to Tribal Jurisdiction*
 - Other relevant evidence (specify): _____
4. The child's tribe has informed this court that it has a tribal court or other administrative body vested with authority over child custody proceedings.
5. **THE COURT FINDS AND ORDERS** under Family Code, § 177(a); Probate Code, § 1459.5(b); Welfare and Institutions Code, § 305.5; 25 U.S.C. § 1911(a) (Exclusive Jurisdiction)
 - a. The request for transfer is granted and the following ordered:
 - (1) The child's case is ordered transferred to the jurisdiction of the tribe listed below:
 Name of tribe: _____
 Address: _____
 City, state, zip code: _____
 Telephone number: _____
 - (2) Physical custody of the child is transferred to a designated representative of the tribal court listed below:
 Name: _____
 Title: _____
 Address: _____
 City, state, zip code: _____
 Telephone number: _____
 - (3) The case is being transferred from a juvenile court, and all of the findings and orders or modifications of orders that have been made in the case are attached.
 - (4) The case is being transferred from a juvenile court, and the county agency is hereby directed to release its case file to the tribe under section 827.15 of the Welfare and Institutions Code.
 - (5) The case is being transferred from a juvenile court, and all originals contained in the court file must be transferred to the tribal court, a copy of the transfer order and findings of fact must be maintained by the transferring court.

CHILD'S NAME:	CASE NUMBER:
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5. (6) A party that intends to seek appellate review of the transfer order is advised that the party must take an appeal before the transfer to tribal court is finalized. Failure to request and obtain a stay (delay the effective date) of the transfer order will result in loss of appellate jurisdiction.
- b. The petition to transfer is denied because one of the following circumstances exist:
- (1) One or both of the child's parents opposes the transfer.
Name of opposing parent:
 - (2) The child's tribe has informed this court that it does not have a tribal court or other administrative body as defined in 25 U.S.C. § 1903.
 - (3) The tribal court or other administrative body of the child's tribe declines the transfer.
- c. The petition to transfer is denied because good cause exists not to transfer the case.
- (1) Name of opposing party: _____ has submitted information or evidence in writing to the court and all parties.
 - (2) Petitioner has had the opportunity to provide information or evidence in rebuttal.
 - (3) The party opposing the transfer has established that good cause not to transfer the proceeding exists as follows:
 - (a) The evidence necessary to decide the case cannot be presented in the tribal court without undue hardship to the parties or the witnesses, and the tribal court is unable to mitigate the hardship by making arrangements to receive and consider the evidence or testimony by use of remote communication, by hearing the evidence or testimony at a location convenient to the parties or witnesses, or by use of other means permitted in the tribal court's rules of evidence or discovery.
 - (b) The proceeding was at an advanced stage when the petition to transfer was received and the petitioner did not file the petition within a reasonable time after receiving notice of the proceeding. The notice complied with:
 - Family Code section 180 or
 - Probate Code section 1460.2 or
 - Welfare and Institutions Code section 224.2.
 (*Note: The fact that a party waited until after reunification efforts failed and reunification services were terminated is not good cause to deny transfer.*)
 - (c) The Indian child is over 12 years of age and objects to the transfer.
 - (d) The parents of the child, over five years of age, are unavailable, and the child has had little or no contact with the child's tribe or members of the child's tribe.
 - (e) *Other (specify):* _____
 - (4) The court provided a tentative decision in writing with reasons to deny the transfer in advance of the hearing at which the order to deny was made.
6. Proof that tribe has accepted transfer is attached and jurisdiction is terminated.
7. Hearing is set for *(date)*: _____ *(time)*: _____ *(dept.)*: _____
to confirm that tribe has accepted transfer and to terminate jurisdiction.

Date:

JUDICIAL OFFICER