

QUICWA Performance Checklist

Court/Case File Number	Monitor Name & Agency/Tribe	Judicial Officer	State	County	Date of Hearing
Type of Petition	Type of Hearing	Tribe(s) of Child	Num of children	# child selected	Age of child
1. Opening Questions					UD=unable to determine Yes= occurred at this hearing No=did not occur at this hearing
					Yes No
1a. Did the hearing occur? <i>(If no, only answer questions in Section 1.)</i>					(Y) (N)
1b. Was the hearing continued?					(Y) (N)
1c. If the hearing did not occur or the hearing was continued, why? (check all that apply) <input type="radio"/> Notice issue <input type="radio"/> party not present <input type="radio"/> attorney not present <input type="radio"/> party not prepared <input type="radio"/> other reason					
1d. Did the judge ask <i>in court</i> whether or not the child is affiliated with an Indian tribe through maternal relatives and paternal relatives?					(Y) (N)
1e. Who was asked? (check all that apply) <input type="radio"/> mother <input type="radio"/> father <input type="radio"/> other relative <input type="radio"/> Indian custodian <input type="radio"/> CASA/GAL <input type="radio"/> state social worker <input type="radio"/> tribal social worker <input type="radio"/> parent's attorney <input type="radio"/> state's attorney <input type="radio"/> other					
1f. Is there indication that this is an ICWA case? <i>(If no, stop here.)</i>					(Y) (N)
1g. Notes					
2. Application of ICWA					Yes No
2a. Did the judge make a finding orally <i>on the record</i> that ICWA does/does not apply?					(Y) (N)
2b. Did the judge find that ICWA applies?					(Y) (N)
2c. Was there discussion orally on the record whether the child is a member, or eligible for membership and the biological child of a member of a tribe?					(Y) (N)
2d. Was the child's tribe(s) identified orally on the record?					(Y) (N)
2e. Notes					
3. Jurisdiction					Yes No
3a. Was there discussion on the record whether the child has been under tribal court jurisdiction?					(Y) (N)
3b. Was there discussion on the record whether the child is domiciled or residing on the reservation?					(Y) (N)
3c. Notes					
4. Appearances					
4a. Is the mother (check all that apply): <input type="radio"/> Not Identified <input type="radio"/> Identified <input type="radio"/> Located <input type="radio"/> Present at the hearing <input type="radio"/> Deceased					
4b. Is the father (check all that apply): <input type="radio"/> Not Identified <input type="radio"/> Identified <input type="radio"/> Located <input type="radio"/> Present at the hearing <input type="radio"/> Deceased					
4c. Is the tribe (check all that apply): <input type="radio"/> Not Identified <input type="radio"/> Identified <input type="radio"/> Located <input type="radio"/> Present in person <input type="radio"/> Present by phone					
4d. Is the child (check all that apply): <input type="radio"/> Not located <input type="radio"/> Located <input type="radio"/> Present at the hearing					
4e. Is there an Indian custodian? <i>(If no, skip questions 4f, 4o and 4p.)</i>					(Y) (N)
4f. If yes, is the Indian custodian (check all that apply): <input type="radio"/> Not located <input type="radio"/> Located <input type="radio"/> Present at the hearing					
Attorneys/CASA/GAL		UD	Yes	No	Yes No
4g. Did the mother have an attorney?		(UD)	(Y)	(N)	(Y) (N)
4i. Did the father have an attorney?		(UD)	(Y)	(N)	(Y) (N)
4k. Did the tribe have an attorney?		(UD)	(Y)	(N)	(Y) (N)
4m. Did the child have an attorney?		(UD)	(Y)	(N)	(Y) (N)
4o. Did the Indian Custodian have an attorney?		(UD)	(Y)	(N)	(Y) (N)
4q. Was a CASA/GAL appointed for the child?		(UD)	(Y)	(N)	(Y) (N)
4h. Did an attorney appear for the mother?					(Y) (N)
4j. Did an attorney appear for the father?					(Y) (N)
4l. Did an attorney appear for the tribe?					(Y) (N)
4n. Did an attorney appear for the child?					(Y) (N)
4p. Did an attorney appear for the Indian custodian?					(Y) (N)
4r. Did the CASA/GAL appear for the child?					(Y) (N)
4s. Notes					

5. Findings on the Record		Finding Made	Notice Given	
5a. Did the judge make a finding that the mother received notice of this hearing?		<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> UD <input type="radio"/> Y <input type="radio"/> N	
5b. Did the judge make a finding that the father received notice of this hearing?		<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> UD <input type="radio"/> Y <input type="radio"/> N	
5c. Did the judge make a finding that the tribe(s) received notice of this hearing?		<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> UD <input type="radio"/> Y <input type="radio"/> N	
5d. Did the judge make a finding that the Indian custodian received notice of this hearing?		<input type="radio"/> Y <input type="radio"/> N	<input type="radio"/> UD <input type="radio"/> Y <input type="radio"/> N	
5e. Did the judge make a finding that emergency removal was necessary to prevent imminent physical damage or harm to the child?			<input type="radio"/> Y <input type="radio"/> N	
5f. Did the judge make a finding that there was clear and convincing evidence that the child was likely to suffer serious emotional or physical damage if continued in the custody of the parent?			<input type="radio"/> Y <input type="radio"/> N	
5g. Did the judge find that the agency made active efforts to prevent removal OR to return the child home?			<input type="radio"/> Y <input type="radio"/> N	
5h. Was testimony presented to support the active efforts finding?			<input type="radio"/> Y <input type="radio"/> N	
5i. Did a party dispute whether active efforts were provided? (If no, skip question 5j.)			<input type="radio"/> Y <input type="radio"/> N	
5j. If active efforts were disputed, who disputed active efforts? (check all that apply):		<input type="radio"/> Mother <input type="radio"/> Father <input type="radio"/> Child <input type="radio"/> Tribe <input type="radio"/> Casa/GAL <input type="radio"/> Other		
5k. Notes				
6. Engagement of Tribe			Yes	No
6a. Was there discussion of how the tribe has been involved in case planning?			<input type="radio"/> Y <input type="radio"/> N	
6b. Was there discussion of how the tribe has been involved in locating relatives as a resource for the child?			<input type="radio"/> Y <input type="radio"/> N	
6c. Was there discussion of culturally appropriate services for the family?			<input type="radio"/> Y <input type="radio"/> N	
6d. Did the judge deny the tribe the right to intervene or participate at the hearing?			<input type="radio"/> Y <input type="radio"/> N	
6e. Notes				
7. Recommendations			Yes	No
7a. Did the tribe seek to present a recommendation regarding placement? (If no, skip section 7)			<input type="radio"/> Y <input type="radio"/> N	
7b. Did the judge allow the tribe to present its recommendation regarding placement?			<input type="radio"/> Y <input type="radio"/> N	
7c. Did the judge accept the tribe's recommendation regarding placement?			<input type="radio"/> Y <input type="radio"/> N	
7d. Was the tribe's recommendation regarding placement the same as the petitioner's?			<input type="radio"/> Y <input type="radio"/> N	
7e. Notes				
8. Child Placement Order			Yes	No
8a. Was the child reunified with the custodial parent at this hearing?			<input type="radio"/> Y <input type="radio"/> N	
8b. Did the judge order the child into (or to remain in) out of home placement?			<input type="radio"/> Y <input type="radio"/> N	
8c. Is this the first order for placement by the judge? (If yes, skip question 8d.)			<input type="radio"/> Y <input type="radio"/> N	
8d. The order for placement is:		<input type="radio"/> Continuation of placement <input type="radio"/> Change in placement		
8e. Type of placement:		<input type="radio"/> Home/Parent <input type="radio"/> Tribal Home <input type="radio"/> Non-Indian Home <input type="radio"/> Treatment Facility <input type="radio"/> Shelter <input type="radio"/> Relative <input type="radio"/> Indian Home <input type="radio"/> Group Home <input type="radio"/> Unable to Determine		
8f. Was there discussion <i>on the record</i> as to why the child was not placed with a relative?			<input type="radio"/> Y <input type="radio"/> N	
8g. Was there a discussion <i>on the record</i> of placement preferences?			<input type="radio"/> Y <input type="radio"/> N	
8h. Did the judge make a decision <i>in court</i> regarding placement?			<input type="radio"/> Y <input type="radio"/> N	
8i. Did the judge start with the first order of placement preference and work through the placement preferences as outlined by ICWA?			<input type="radio"/> Y <input type="radio"/> N	
8j. Did the judge make a finding that there was good cause not to follow the placement preferences?			<input type="radio"/> Y <input type="radio"/> N	
8k. If placement preferences were not followed, why not? (check all that apply):		<input type="radio"/> Objection of parent or child <input type="radio"/> Extraordinary needs of the child <input type="radio"/> Unavailability of suitable families <input type="radio"/> Other reason <input type="radio"/> No reason given		
8l. Notes				

9. Tribal Placement Preferences		Yes	No	
9a. Did the tribe have its own order of placement preferences? <i>(If no, skip question 9b.)</i>		<input type="radio"/> Y	<input type="radio"/> N	
9b. Did the judge work start with the first order of placement preference and work through the placement preferences?		<input type="radio"/> Y	<input type="radio"/> N	
9c. Notes				
10. Transfer to Tribal Court		Yes	No	
10a. Was the judge asked to transfer the case to tribal court? <i>(If no, skip Section 11.)</i>		<input type="radio"/> Y	<input type="radio"/> N	
10b. Who made the request? (check all that apply) <input type="radio"/> Tribe <input type="radio"/> Parent <input type="radio"/> Indian custodian <input type="radio"/> Other party				
10c. Did the judge make a decision <i>in court</i> on the request to transfer?		<input type="radio"/> Y	<input type="radio"/> N	
10d. Did the judge grant the request to transfer to tribal court? <i>If denied, indicate in a note why the judge denied the request.</i>		<input type="radio"/> Y	<input type="radio"/> N	
10e. Did the judge make a finding of good cause to deny the request to transfer the case?		<input type="radio"/> Y	<input type="radio"/> N	
10f. Notes				
11. Permanency Orders		Yes	No	
11a. Did the judge order permanency <i>in court</i> for the child?		<input type="radio"/> Y	<input type="radio"/> N	
11b. Did the judge make a decision <i>in court</i> regarding termination of parental rights? <i>(If no, skip Section 12.)</i>		<input type="radio"/> Y	<input type="radio"/> N	
11c. Did the judge order termination of parental rights?		<input type="radio"/> Y	<input type="radio"/> N	
11d. Did the judge apply the beyond a reasonable doubt standard?		<input type="radio"/> Y	<input type="radio"/> N	
11e. Is the child placed in an adoptive home?		<input type="radio"/> UD	<input type="radio"/> Y <input type="radio"/> N	
11f. Notes				
12. Notice of the Petition		UD	Yes	No
12a. Did the judge make a finding on the record that the tribe(s) received notice of the proceedings by registered mail, return receipt requested ?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
12b. Has the tribe(s) received notice of the proceedings by registered mail, return receipt requested, at least ten days prior to this hearing?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
12c. Have all parents or Indian custodians received notice of the proceedings by registered mail, return receipt requested, at least ten days prior to this hearing?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
12d. Notes				
13. Expert Witness Testimony		UD	Yes	No
13a. Was qualified expert witness testimony to support out of home placement for the child provided?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
13b. Was qualified expert witness testimony to support the court's order for permanency provided?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
13c. Did a party dispute the qualifications of the qualified expert witness?		<input type="radio"/> UD	<input type="radio"/> Y	<input type="radio"/> N
13d. Notes				
14. Voluntary Proceeding		Yes	No	
14a. Is this a voluntary proceeding? <i>(If no, stop here.)</i>		<input type="radio"/> Y	<input type="radio"/> N	
14b. Was the voluntary consent in writing and signed before a judge?		<input type="radio"/> Y	<input type="radio"/> N	
14c. Did the judge make a finding that the parent understood the terms and consequences of the consent?		<input type="radio"/> Y	<input type="radio"/> N	
14d. Did the judge make a finding that the explanation of the consent was in a language the parent understood?		<input type="radio"/> Y	<input type="radio"/> N	
14e. Was the consent given 10 days after the birth of the child?		<input type="radio"/> Y	<input type="radio"/> N	
14f. Notes				