

CA R LOS ANGELES SUPER CT Rule 17.8

Superior Court of California, County of Los Angeles, Court Rules, Rule 17.8

WEST'S ANNOTATED CALIFORNIA CODES

CALIFORNIA LOCAL COURT RULES

LOS ANGELES COUNTY

SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES COURT RULES

CHAPTER SEVENTEEN. SUPERIOR COURT, JUVENILE DIVISION DEPENDENCY AND DELINQUENCY PROCEEDINGS

Rule 17.8. Specially Designated Departments

(a) **ICWA Cases.** The **Indian Child Welfare Act** of 1979 (**ICWA**) 25 U.S.C. 1901 et seq. provides federal legislation which preempts state law whenever an Indian child may be removed from the child's family. Practice and procedure in **ICWA** cases in California is governed by California Rules of Court, rule 5.664.

(1) If section 1(l) of the Juvenile Dependency Petition (Version One) (JV-100) or section 1(i) of the Juvenile Dependency Petition (Version Two) (JV-110) is checked, or if, upon inquiry or based on other information, the Court has reason to believe a child may be an Indian child, notice shall be given to the identified Indian tribe and/or Bureau of Indian Affairs by the Department of Children and Family Services (DCFS) in Welfare and Institutions Code section 300 cases, and by the Probation Department in all Welfare and Institutions Code section 600 cases where proceedings may result in the termination of parental rights to an Indian child.

(2) Pending confirmation of a child's Indian status and tribal membership, the case will remain in the originating dependency department. Upon confirmation and notice from an Indian tribe that a child has been determined by the tribe to be an Indian child, the case shall be transferred for all purposes, with the advice and consent of the supervising judge, to the designated special department handling Indian child cases.

(b) **Deaf/Hard of Hearing Dependent Children/Families.** All cases involving deaf and hard of hearing children or parents shall be filed in the department specially designated by the Presiding Judge. When a case is not so filed, and it appears that a dependent child, parent, or a significant member of his or her family (e.g., caretaker, etc.) may be deaf or hard of hearing, the case will be transferred, with the advice and consent of the Supervising Judge, to a designated special department.

Current with amendments received through through 1/1/2010