

## **INSTRUCTIONS**

### **NOTICE OF APPOINTMENT OF COUNSEL FOR AN INDIGENT INDIAN PARENT/CUSTODIAN**

Please complete the attached “Notice of Appointment of Counsel for an Indigent Indian Parent/Custodian” form if counsel for an indigent Indian parent/custodian has been appointed in an involuntary Indian child custody proceeding pursuant to 25 U.S.C. § 1912(b), and state law makes no provision for appointment of counsel in such proceedings. The form should be signed by the state court judge presiding over the involuntary child custody proceeding and sent to the appropriate Bureau of Indian Affairs (“BIA”) Regional Director listed below:

| <b>REGIONAL OFFICE</b>   | <b>LIST OF TRIBES SERVED BY INDIAN AFFAIRS</b>   |
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| <b>Alaska Region Regional Office</b><br><br>3601 C Street Suite 1200<br><br>Anchorage , AK 99503-5947                        | <a href="https://www.bia.gov/regional-offices/alaska/tribes-served">https://www.bia.gov/regional-offices/alaska/tribes-served</a>                          |
| <b>Eastern Region</b><br><br>545 Marriott Drive Suite 700<br><br>Nashville , TN 37214  | <a href="https://www.bia.gov/regional-offices/eastern/tribes-served">https://www.bia.gov/regional-offices/eastern/tribes-served</a>                        |
| <b>Eastern Oklahoma Region</b><br><br>P.O. Box 8002<br><br>Muskogee, OK 74402-8002   | <a href="https://www.bia.gov/regional-offices/eastern-oklahoma/tribes-served">https://www.bia.gov/regional-offices/eastern-oklahoma/<br/>tribes-served</a> |
| <b>Great Plains Region</b><br><br>115 4th Avenue Southeast Suite 400<br><br>Aberdeen , SD 57401                              | <a href="https://www.bia.gov/regional-offices/great-plains/tribes-served">https://www.bia.gov/regional-offices/great-plains/tribes-<br/>served</a>         |
| <b>Midwest Region</b><br><br>Norman Pointe II Building<br><br>5600 W. American Blvd., Suite 500<br><br>Bloomington, MN 55437 | <a href="https://www.bia.gov/regional-offices/midwest/tribes-served">https://www.bia.gov/regional-offices/midwest/tribes-served</a>                        |
| <b>Navajo Region</b>   | <a href="https://www.bia.gov/regional-offices/navajo/tribes-served">https://www.bia.gov/regional-offices/navajo/tribes-served</a>                          |

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| P.O. Box 1060<br>Gallup, NM 87305   |   |
| <b>Northwest Region</b><br>911 Northeast 11th Avenue<br>Portland, Oregon 97232-4169         | <a href="https://www.bia.gov/regional-offices/northwest/tribes-served">https://www.bia.gov/regional-offices/northwest/tribes-served</a>             |
| <b>Pacific Region</b><br>2800 Cottage Way<br>Sacramento, CA 95825                           | <a href="https://www.bia.gov/regional-offices/pacific/tribes-served">https://www.bia.gov/regional-offices/pacific/tribes-served</a>                 |
| <b>Rocky Mountain Region</b><br>2021 4th Avenue North<br>Billings, MT 59101                 | <a href="https://www.bia.gov/regional-offices/rocky-mountain/tribes-served">https://www.bia.gov/regional-offices/rocky-mountain/tribes-served</a>   |
| <b>Southern Plains Region</b><br>P.O. Box 368<br>Anadarko, OK 73005                         | <a href="https://www.bia.gov/regional-offices/southern-plains/tribes-served">https://www.bia.gov/regional-offices/southern-plains/tribes-served</a> |
| <b>Southwest Region</b><br>1001 Indian School Road, NW<br>Albuquerque, NM 87104             | <a href="https://www.bia.gov/regional-offices/southwest/tribes-served">https://www.bia.gov/regional-offices/southwest/tribes-served</a>             |
| <b>Western Region</b><br>2600 N. Central Avenue,<br>4th Floor Mailroom<br>Phoenix, AZ 85001 | <a href="https://www.bia.gov/regional-offices/western/tribes-served">https://www.bia.gov/regional-offices/western/tribes-served</a>                 |

Please be advised that submission of the form does not guarantee payment of attorney fees and expenses by the BIA. The BIA must first certify that the indigent Indian parent/custodian is eligible to have his or her appointed counsel compensated by the BIA, and may deny certification for any of the reasons stated in 25 C.F.R. § 23.13(b).

Within ten (10) days of receiving a completed form, the BIA Regional Director will notify the court, the client, and the attorney in writing whether the indigent Indian parent/custodian has

been certified as eligible to have his or her attorney fees and expenses paid by the BIA. The BIA Regional Director's failure to respond within this 10-day period shall be deemed a denial of eligibility pursuant to 25 C.F.R. § 23.13(g).

The BIA Regional Director's denial of an indigent Indian parent/custodian's eligibility to have his or her attorney fees and expenses paid by the BIA may be appealed to the Assistant Secretary – Indian Affairs in accordance with the procedures set out in 25 C.F.R. Part 2.

**NOTICE OF APPOINTMENT OF COUNSEL  
FOR AN INDIGENT INDIAN PARENT/CUSTODIAN**

Notice is hereby given pursuant to Section 1912(b) of the Indian Child Welfare Act (“ICWA”), that counsel has been appointed for an indigent Indian parent/custodian in an involuntary Indian child custody proceeding for which the appointment of counsel is not authorized under state law.

1. Information on the Indian parent/custodian (client) is as follows:

- a. Name of Indian parent/custodian: \_\_\_\_\_
- b. Address of Indian parent/custodian: \_\_\_\_\_
- c. Relationship of client to Indian child: \_\_\_\_\_
- d. Name of Indian child’s tribe: \_\_\_\_\_

2. Information on the appointed counsel is as follows:

- a. Name of appointed counsel: \_\_\_\_\_
- b. Address of appointed counsel: \_\_\_\_\_
- c. Telephone of appointed counsel: \_\_\_\_\_

CERTIFICATION

Pursuant to 25 C.F.R. § 23.13(a), I, the Honorable \_\_\_\_\_,  
Judge of the \_\_\_\_\_ County, State of \_\_\_\_\_,  
do certify that state law does not provide for the appointment of counsel in involuntary Indian  
child custody proceedings and that the above-listed parent/Indian custodian is an indigent client.

Certified this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge

**Purpose:** A State court must supply specific information to the Bureau of Indian Affairs (BIA) when it appoints counsel for an indigent Indian party in an involuntary Indian child custody proceeding when the appointment of counsel is not authorized under State law, 25 CFR 23.13(a). This information is necessary for the BIA to decide whether to certify that the client in the notice is eligible to have his counsel compensated by the BIA in accordance with the Indian Child Welfare Act, Public Law 95-608, 92 Stat. 3069, 25 U.S.C. § 1912(b), and 25 CFR § 23.13.

**Paperwork Reduction Act Statement:** We are collecting this information subject to the Paperwork Reduction Act (44 U.S.C. 3501) for the Request for Payment for Appointed Counsel in Involuntary Indian Child Custody Proceedings in State Courts. Your response is voluntary and we will not share the results publicly. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB Control Number. OMB has reviewed and approved this survey and assigned OMB Control Number 1076- 0111, which expires XX/XX/XXXXX.

**Estimated Burden Statement:** We estimate the Request for Payment will take you 6 hours to complete, including time to read instructions, gather information, and complete and submit the Request for Payment. You may submit comments on any aspect of this information collection to the Information Collection Clearance Officer, Office of Regulatory Affairs & Collaborative Action, Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104.