IN THE DISTRICT COURT IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA

JUVENILE DIVISION

IN THE MATTER OF: )

 )

\_\_\_\_\_\_\_\_\_: \_\_\_\_\_\_\_ ) Case No. JD-\_\_\_\_-\_\_\_

\_\_\_\_\_\_\_\_\_: \_\_\_\_\_\_\_ ) Judge \_\_\_\_\_\_\_\_\_\_

 ) Docket \_\_

Child(ren) under 18 years of age. )

**MOTION TO DEVIATE FROM INDIAN CHILD WELFARE ACT**

**PLACEMENT PREFERENCES**

 **COME(S) NOW** the minor child(ren), [Client’s name], by and through [his/her] attorney, [Name], and move(s) this Court to find there is good cause to deviate from the placement preferences under the Indian Child Welfare Act, 25 U.S.C. §1915(b), which requires, absent “good cause” that the minor child be placed in an ICWA compliant home. Good Cause to deviate from the ICWA placement preferences exists due to {the request of one or both of the Natural Parents who have attested that they have reviewed the placement options that comply with the order of preference} and/or {the request of the child(ren) who are of sufficient age and capacity to understand the decision that is being made} and/or {the extraordinary physical, mental, or emotional needs of the child(ren), such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live} and/or {the unavailability of a suitable placement after a diligent search was conducted to find suitable placemetns}. *See* 25 C.F.R. 23.132 (2016).

 **WHEREFORE**, the minor child(ren), [Client’s name], ask(s) this court to grant [his/her] request to deviate from the ICWA placement preferences and allow [him/her] to remain in [his/her] current foster placement based on the above stated good cause.

 Respectfully submitted,

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ [Name]

 [Address]

 [Address]

 [Phone]

**CERTIFICATE OF MAILING AND/OR DELIVERY**

 I, the undersigned, do hereby certify that on the date of filing, I hand delivered, mailed, or faxed a true and correct copy of the above and foregoing Motion to Deviate From Indian Child Welfare Act Placement Preferences to the attorneys for all parties:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 [Name], OBA# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_