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Re: Comments on BIA Guidelines

Introduction

On February 21st, Secretary Washburn sent a “Dear Tribal Leader” letter asking for comments on the Bureau of Indian Affairs Guidelines for the Indian Child Welfare Act. 25 U.S.C. §§ 1901 et seq. (hereinafter “ICWA”). We are a group of law professors and practitioners with a longstanding academic and practical interest in ICWA. We have experience in litigating ICWA cases in state and tribal court. This group also has particular expertise in the nationwide application of ICWA and the use of the Guidelines at the appellate level in particular. We offer these comments on the BIA Guidelines with the goal of strengthening the implementation of ICWA for the future.

Not addressed in this memo, nor asked of the tribal leaders, is the question of whether the Department should consider changing the Guidelines to more enforceable Federal Regulations and the constitutionality thereof. While the introduction to the Guidelines makes clear the Department did not believe it had the authority thirty years ago to issue Regulations, the legal environment has changed considerably since then. Guidelines for State Courts; Indian Child Custody Proceedings, 44 Fed. Reg. 67,584 (Dep’t of Interior Nov. 26, 1979) (hereinafter “Guidelines”) (“Some commenters asserted that Congressional delegation to this Department of authority to promulgate regulations with binding legislative effect with respect to all provisions of the Act is found at 25 U.S.C. 1952 . . . Promulgation of regulations with legislative effect with respect to most of the responsibilities of state or tribal courts under the Act, however, is not necessary to carry out the Act.”) Given the widely varied interpretations of the Indian Child Welfare Act by state courts, the Department might consider making the Guidelines binding on state courts as federal regulations. *See e.g., In re A.J.S.*, 204 P.3d 543, 548 (Kansas, 2009)(collecting cases) (the existing Indian family doctrine which imposes additional

improper requirements on a child for her to receive the protections of ICWA.); *In re Morris*, 815 N.W.2d 62, 123-4 (2012)(detailing notice requirements for the lower courts no different from the Guidelines thirty-three years after the publication of the Guidelines).

In addition, international norms now endorsed by the United States recognize the right indigenous children have to cultural identity and the ability to develop and maintain relations with indigenous family and community members. For example, the United Nations Declaration on the Rights of Indigenous Peoples, signed by President Obama in December 2010, sets forth several articles that affirm the importance of protecting the cultural rights of indigenous children. United Nations Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/61/295 (Sept. 13, 2007), 46 I.L.M. 1013 (2007). Article 7 affirms that indigenous children must be protected against forcible removal to other groups. Article 8 states the right of indigenous peoples against forced assimilation. Article 9 declares that indigenous peoples have the right to belong to their nation and live according to customs and traditions. Article 14 states that indigenous children have the right to be educated in their own language and culture. These norms support the legislative intent behind ICWA, specifically to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families.” 25 U.S.C. §1902.

However, as stated by Special Rapporteur James Anaya in a communication sent to the UN High Commissioner for Human Rights regarding the *Adoptive Couple v. Baby Girl*, 133 S.Ct. 2552 (2013), though ICWA has helped reduce the number of Indian children removed from families and communities, “this law continues to face barriers to its implementation.” Letter from James Anaya, Special Rapporteur on the rights of indigenous peoples, to United Nations High Commissioner for Human Rights (Sept. 9, 2013), *available at* <http://unsr.jamesanaya.org/cases-2014/communications-sent-june-to-november-2013-replies-received-1-august-2013-to-31-january-2014>. In response, the United States Mission to the United Nations affirmed the importance of the BIA guidelines in assisting state courts with ICWA implementation and also declared the U.S.’s commitment to “examining ways to promote compliance with the Act.” Letter from United States Mission to the United Nations and Other International Organizations in Geneva, to James Anaya, Special Rapporteur on the Rights of Indigenous Peoples (Nov. 15, 2013), *available at* <http://unsr.jamesanaya.org/cases-2014/communications-sent-june-to-november-2013-replies-received-1-august-2013-to-31-january-2014>. While both national and international norms designed to protect indigenous children have been affirmed by government leaders, they are not yet adhered to in all state court proceedings.

I. Case Law on the Guidelines

The cases cited in this section are published state supreme court decisions specifically citing to or discussing the Guidelines. While there are other cases that make similar points, this research was limited to Guideline case law. Attached to this memo is a chart of all of these cases.

The largest number of Guideline cases focused on placement preferences (15), followed by transfer to tribal court (10), and then qualified expert witness testimony (8). Additional areas included notice (6), tribal court jurisdiction (2), membership (2), and tribal intervention (2). Many provisions of the Guidelines could be revised, but we focus this discussion on the first three areas because the state courts reliance on the Guidelines indicates both an area where ICWA is unclear and where the Guidelines can provide the most assistance.

A. Placement Preferences

ICWA governs the placement preference of Indian children when they are removed from their homes for either foster care, preadoptive, or adoptive placement. 25 U.S.C. §1915. In both adoptive placements, *id.* at (a), and foster care or preadoptive placements, *Id.* at (b), the specific lists of placements are modified by the phrase “absent good cause to the contrary.” State courts have used this modification to subvert the placement preferences and place children outside of their families and communities.

Courts that cite to the Guidelines on this issue are split on whether there is good cause to cause to deviate from the placement preferences. This split indicates that stronger language in the Guidelines may be helpful for courts determining what to do. The Guidelines list three different possible good cause exceptions to the placement preferences. Guidelines F.3 at 67,594 (“(i) The request of the biological parents or the child when the child is of sufficient age. (ii) The extraordinary physical or emotional needs of the child as established by testimony of a qualified expert witness. (iii) The unavailability of suitable families for placement after a diligent search has been completed for families meeting the preference criteria.”).

When the courts consider those exceptions as the only exceptions, the courts tend to follow the preferences. *In re S.E.G.*, 521 N.W.2d 357, 363 (Minn. 1994); compare *In re S.D. Dept. of Social Services*, 795 N.W.2d 39 (S.D. 2011), with *In re B.G.J.*, 133 P.3d 1, 10 (Kan. 2006). In addition, reinforcing that the burden of establishing good cause is on the party who does not want the preferences to be followed helps courts enforce the preferences. *In re T.S.W.*, 276 P.3d 133, 143 (Kan. 2012); *In re C.H.*, 997 P.2d 776, 781 (Mont. 2000); *In re M.B.*, 204 P.3d 1242, 1246 (Mont. 2009) (all cases citing Guidelines F.3(b) at 67,594 and upholding the preferences). However, at least one court has interpreted the Guidelines to support

using a “best interest of the child” standard to deviate from the placement preferences. *In re A.E.*, 572 N.W. 2d 579, 585 (Iowa 1997) (“The BIA Guidelines contain language that suggests state courts have discretion to include the best interests standard as a factor on the question of good cause.”).

Diligent search for suitable families leaves the definition of both “diligent” and “suitable” up to the social workers making decisions that are supposed to be constrained by ICWA to prevent value choices that the word “suitable” implies. Guidelines F.3 (iii) at 67,594. Depending on the state standards, appropriate family members may be excluded because they are determined to be unsuitable placements by the state. *See Native Village of Tununak v. State, Dept. of Health & Social Services*, 303 P.3d 431, 452 (2013) (“The superior court relied on Elise's age (67) and her husband's age (70) as compared to Dawn's age (3), evidence of Elise's husband's health problems, and Elise's lack of a credible contingency plan to ultimately reject Elise as a suitable placement”).

We recommend the Guidelines retain the limited list for good cause with clarification of “diligent” and “suitable,” retain the burden of proof, and explain the placement preferences are the in the presumed best interest of the child.

B. Good Cause to Transfer to Tribal Court

ICWA also governs what B.J. Jones called “transfer jurisdiction.” B.J. Jones et al., *The Indian Child Welfare Act Handbook* 59 (2nd ed. 2008). For an Indian child domiciled off the reservation, the state court “shall transfer” jurisdiction over the child to the tribal court absent an objection by a parent, and absent “good cause to the contrary.” 25 U.S.C. 1911(b). The Guidelines are particularly unhelpful in this area. Guidelines C.3(b)(i-iv) at 67,591. In addition, some courts have incorporated a “best interests” standard into this jurisdictional decision making process, both assuming that the children’s best interests will not be adequately accounted for in tribal court and that the state court knows best on making decisions for the Indian child. *In re Zylena R.*, 825 N.W.2d 173, 186 (Neb. 2012)(overruling *In re C.W.*, 479 N.W.2d 105 (1992)) (“Permitting a state court to deny a motion to transfer based upon its perception of the best interests of the child negate the concept of ‘presumptively tribal jurisdiction’ over Indian children who do not reside on a reservation and undermines the federal policy established by ICWA . . . Stated another way, recognizing best interests as ‘good cause’ for denying transfer permits state courts to decide that it is not in the best interests of Indian children to have a tribal court determine what is in their best interests.”).

We recommend that the Guidelines be revised to explicitly declare that a best interests analysis is inappropriate when a

court is determining whether there is good cause to deny a petition to transfer under § 1911(b).

The Guidelines allow for courts to consider the “advanced stage” of the proceedings when denying transfer. Guidelines C.3(i) at 67,591. Even with the “shall” language used in the statute, allowing for a denial of transfer at an “advanced stage” with no other direction to the state court leaves open a wide possibility of denying transfer, including when the state court created the advanced stage of the proceedings through insufficient notice. *In re J.J.*, 454 N.W.2d 317 (1990); *In re A.L.*, 442 N.W.2d 233 (S.D. 1989); *but see*, *In re M.S.* 237 P.3d 161 (Okla, 2010).

There is no consistent understanding of “advanced stage” across the states. Timeliness depends on which court is making the decision. *In re A.B.*, 663 N.W.2d 625, 633 (transfer motion filed seven weeks after termination petition is filed is timely). In addition, tribes sometimes wait until the termination of parental rights has been completed at the state level before moving to transfer the case. *In re R.M.B.*, 724 N.W.2d 300, 309 (Minn. 2006); *In re A.L.*, 442 N.W.2d 233 (S.D. 1989); *In re D.M.*, 685 N.W.2d 768, 772 (S.D. 2004); *In re S.G.V.E.*, 634 N.W.2d 88, 93 (S.D. 2001). There is a two-fold problem with “advanced stage” of the “proceedings.” First, ICWA defines four separate types of “proceedings”: foster care, termination of parental rights, preadoptive placement, and adoptive placement. 25 U.S.C. § 1903 (1)(i-iv). ICWA specifies transfer is available for both foster care placement and termination of parental rights, 25 U.S.C. §1911(b), though some states have broadened that to include “any state court child custody proceeding” their statutes. *See* M.C.L. 712B.7(3). While a petition to transfer might be filed late in a foster care proceeding, it would be considered early for a termination proceeding. Because the federal definitions of proceedings do not map onto each individual state proceeding neatly, there is room for confusion in the state courts. Second, tribes may be in agreement with state proceedings prior to termination, and work with the state for reunification of the family. However, when the parental rights are terminated, the tribe then has a reason to transfer jurisdiction and ensure the child stays within the community. What is to tribe a reasonable decision making process appears as indifference to the state court. *In re D.M.*, 685 N.W.2d 768, 772 (S.D. 2004).

We recommend that the Guidelines clarify that when a state moves to terminate parental rights of an Indian child already in foster care, the termination proceeding is a separate proceeding for purposes of deciding whether a petition to transfer has been filed at an “advanced stage” of the proceeding.

C. Expert Witnesses

While the role of the qualified expert witness in the statute is to testify as to the likelihood of the child suffering severe emotional or physical damage if the child stays with the parent, 25 U.S.C. § 1912 (e), (f) the commentary on the Guidelines makes clear that testimony on the child's tribe and tribal practices should be helpful to court. Guidelines, D.4 Commentary at 67,593. Unfortunately, the Guidelines third provision for an expert witness, "A professional person having substantial education and experiences in the area of his or her specialty", Guidelines D.4 (b)(iii) at 67,593, has been used by trial courts to qualify social workers as expert witnesses. Some appellate courts have had to counter the Guidelines rather than be supported by them to overturn these decisions. *In re M.F.*, 225 P.3d 1177, 1185 (Kan. 2010); *In re K.H.*, 981 P.2d 1190, 1196 (Mont. 1999); *Matter of N.L.*, 754 P.2d 863, 868 (Okla. 1988).

We recommend the D.4(b)(iii) be removed or revised to make the expert witness provision more robust and uphold the state courts that have held a social worker does not count as a qualified expert witness without additional qualifications.

II. Recommendations on Additional Provisions

Beyond the case law directly addressing the Guidelines, we provide some additional recommendations based on our experience and additional case law.

A. The Meaning of "Parent"

In *Adoptive Couple v. Baby Girl*, the petitioners argued that the Birth Father was not a "parent" within the meaning of § 1903(9) because South Carolina law did not recognize his parental status. Reply Brief for Petitioner at 3-4, 133 S.Ct. 2552 (2013). The Supreme Court did not address that question but assumed for the sake of argument that Birth Father was a parent and ruled against him on other grounds. 133 S.Ct. 2552, 2564 (neither § 1912(f) nor § 1912(d) barred the termination of his parental rights.).

The question whether state law limitations can restrict the definition of "parent" under ICWA is important and worth clarifying in the Guidelines. The Guidelines do not discuss the meaning of "parent," but the language of ICWA supports the position that Congress did not intend in its definition of "parent" to incorporate state law limitations on a father's standing to object to an adoption. The statutory definition in 25 U.S.C. § 1903(9) conspicuously omits any reference to state law. Congress, however, did refer to state law in another definition. Notably, "Indian custodian" is defined to mean "any Indian person who has legal custody of

an Indian child under tribal law or custom or *under State law*. . . .” 25 U.S.C. § 1903(6)(emphasis added). By having included the reference to state law in one definition but not another, Congress evinced its intent that the definition of “parent” should stand alone as a federal standard.

Moreover, ICWA expressly refers to state law in a separate section that clarifies the intended preemptive impact of the Act. Section 1921 requires courts to apply any state or federal law that increases the protection for parental rights beyond the standards provided in the Act. *See* 25 U.S.C. § 1921 (court shall apply state or federal law that provides “a higher standard of protection to the rights of the parent . . . than the rights provided under this subchapter”). Congress saw ICWA as a floor but not a ceiling.

We recommend that the Guidelines be revised to discuss the definition of “parent” and to clarify that state law limitations on parental status do not restrict ICWA’s definition.

B. Emergency Removals Under 25 U.S.C. §1922

ICWA permits the emergency removal of an Indian child who resides or is domiciled on a reservation but is temporarily off reservation to prevent “imminent physical damage or harm” to an Indian child. 25 USC § 1922. The language has been interpreted by state courts to also apply to Indian children who are not domiciled or residing on a reservation. *See In the Matter of T.S.*, 315 P.3d 1030 (Okla. Civ. App. 2014). The Guidelines provide:

Absent extraordinary circumstances, temporary emergency custody shall not be continued for more than 90 days without a determination by the court, supported by clear and convincing evidence and the testimony of at least one qualified expert witness, that custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Guidelines B.7(d) at 67,589.

The necessity for an emergency removal provision is beyond debate, but state agencies may rely on the emergency provision to remove Indian children for extended periods without promptly initiating a child custody proceeding and meeting the requirements of § 1912. The Guidelines’ suggestion of a 90-day period is problematic in that state courts may rely on that period as a safe harbor of sorts without acknowledging that the authority for the emergency placement ends when the emergency itself has ceased to exist. The plaintiffs in the ongoing federal class action litigation in South Dakota have alleged widespread misuse of ICWA’s

emergency removal provision. *See Oglala Sioux Tribe v. Van Hunnik*, Civ. 13-5020-JLV (W.D. S.D.).

We recommend that the discussion in the Guidelines shorten the timeframe from 90 days to a period that more closely comports with best practices around the country.

C. Meaning of Active Efforts Under 1912(d)

State courts are divided as to the meaning of the “active efforts” requirement of § 1912(d) and whether it can be meaningfully distinguished from the “reasonable efforts” requirement imposed by the Adoption and Safe Families Act. Pub. L. No. 105-89, 111 Stat.2115 (1997). In particular, state courts disagree whether ICWA requires that active efforts be continued when ASFA would permit such efforts to cease. *Compare J.S. v. State*, 50 P.3d 388, 392 (Alaska 2002) (relying on AFSA as support for its ruling that active efforts were not required under the ICWA in cases of sexual abuse by a parent), *with In re J.S.B.*, 2005 SD 3, ¶ 21, 691 N.W.2d 611, 619 (“[W]e do not think Congress intended that ASFA’s ‘aggravated circumstances’ should undo the State’s burden of providing ‘active efforts’ under [the] ICWA”). *See generally In re E.G.M.*, 750 S.E.2d 857 (N.C. App. 2013) (state need not continue to make active efforts to reunify family if such efforts are deemed to be futile). The Guidelines contain a general discussion of active efforts but do not address the question whether active efforts can be discontinued or not provided at all under certain circumstances. *See* Guidelines D.2 at 67,592.

The recently passed Michigan Indian Family Preservation Act attempts to define active efforts. M.C.L. 712B.1 et seq. The law states that “[a]ctive efforts include reasonable efforts as required by title IV-E of the social security act, 42 USC 670 to 679c, and also include doing or addressing all of the following” and lists twelve areas of focus for the courts to evaluate when determining whether the family has been provided with active efforts. MCL 712B.3 (a)(i-xii)

We recommend that the Guidelines clarify that ICWA’s requirement of active efforts is separate from the requirements of other federal statutes, and that ASFA’s exceptions to reunification efforts do not govern in a proceeding under ICWA. We also recommend the Guidelines provide additional guidance as to what constitutes active efforts.

D. Application of ICWA

There is considerable confusion as to whether ICWA applies to children prior to the determination by the tribe that the child is a tribal member or eligible for membership. Once a court believes or has reason to believe an Indian child may be involved in a child protection proceeding, the court ought to apply the ICWA standards instead of assuming the child is not an Indian child and not apply the standards. *See* Or. Rev. Stat. 419B.878 (2001) (“If the court knows or has reason to know that an Indian child is involved . . . [the court] shall enter an order that the case be treated as an Indian Child Welfare Act case until such time as the court determines that the case is not an Indian Child Welfare Act case.”). In Michigan, the presumption in the lower courts is to not apply ICWA until a tribe responds affirmatively to an ICWA notice form. *In re Morris*, 815 N.W.2d 62, 80-81 (Mich. 2012).

We recommend the Guidelines clarify that ICWA and its heightened standards *applies* to a child if a court believes or has reason to believe the child might be an Indian child until determined otherwise by the tribe.

E. Courtroom Technology and Undue Hardship

Finally, state courts vary in their willingness to allow tribes to participate in ICWA cases via telephone or other courtroom technology. *In re N.N.E.*, 752 N.W.2d 1, 13 (Iowa 2008) (denying a tribe to participate in a hearing by telephone). Courts also vary in their willingness to consider a tribal courts use of courtroom technology when considering potential undue hardship on a motion to transfer to tribal jurisdiction. Guidelines D.3(iii) at 67,591; *Compare Yavapai-Apache Tribe v. Mejia*, 906 S.W.2d 152, 165-6 (Tex. Ct. App. 1995) (using the Guidelines thirty year old commentary to question the Yavapai-Apache Tribal Court’s commitment to sit in session in Houston and deny transfer) *with* *Thompson v. Fairfax County Dept. of Family Services*, 747 S.E.2d. 838, 854 (Va. App. 2013) (transfer to tribal court reversed and remanded on other grounds, but allowing that given technology, there was no undue hardship to transfer jurisdiction to Standing Rock Sioux Tribe).

We recommend the Guidelines specifically recommend considering the use of courtroom technologies for the participation of tribal attorneys and when considering a forum non conveniens argument for transfer jurisdiction.

Conclusion

We hope these recommendations are helpful to the Department in its commitment to promoting state court and agency compliance with ICWA.

Published State Supreme Court Opinions Citing to BIA ICWA Guidelines

Matter of Adoption of Halloway, 732 P.2d 962 (Utah 1986)	Domicile, Tribal Exclusive Jurisdiction
Matter of B.J.E., 422 N.W. 2d 597 (S.D. 1988)	Notice
Matter of N.L., 754 P.2d 863 (Okla. 1988)	Qualified Expert Witness
Application of DeFender, 435 N.W. 2d 717 (S.D. 1989)	Custody Disputes
In re M.C.P., 571 A.2d 627 (Vt. 1989)	Notice
Matter of Dependency and Neglect of A.L., 442 N.W.2d 233 (S.D. 1989)	Notice, Tribal Intervention
People in Interest of J.J., 454 N.W. 2d 317 (S.D. 1990)	Transfer, Tribal Intervention
Matter of D.S., 577 N.E.2d 572 (Ind. 1991)	Qualified Expert Witness
Matter of Baby Boy Doe, 849 P.2d 925 (Idaho 1993)	Child Eligibility for Membership
In re Adoption of F.H., 821 P.2d 1361 (Alaska 1993)	Placement Preferences
Matter of Custody of S.E.G., 521 N.W.2d 357 (Minn. 1994)	Placement Preferences
Matter of Adoption of Riffle, 902 P.2d 542 (Mont. 1995)	Child Tribal Membership
Matter of Baby Boy Doe, 902 P.2d 477 (Idaho 1995)	Placement Preferences
Matter of Adoption of Riffle, 922 P.2d 510 (Mont. 1996)	Placement Preferences
In Interest of A.E., 572 N.W.2d 579 (Iowa 1997)	Transfer, Placement Preferences
In re Marriage of Skillen, 956 P.2d 1 (Mont. 1998)	Domicile
In re K.H., 981 P.2d 1190 (Mont. 1999)	Qualified Expert Witness

Published State Supreme Court Opinions Citing to BIA ICWA Guidelines

In re C.H., 997 P.2d 776 (Mont. 2000)	Placement Preferences
C.L. v. P.C.S., 17 P.3d 769 (Alaska 2001)	Placement Preferences
People In re S.G.V.E., 634 N.W.2d 88 (S.D. 2001)	Transfer (Timeliness Issue)
In re Mahaney, 51 P.3d 776 (Wash. 2002)	Parental Unfitness, Clear and Convincing Evidence Standard
In re K.S., 75 P.3d 325 (Mont. 2003)	Qualified Expert Witness
In re A.B., 663 N.W.2d 625 (N.D. 2003)	Transfer
In re Guardianship of J.C.D., 686 N.W.2d 647 (S.D. 2004)	Transfer
In re D.M., 685 N.W.2d 768 (S.D. 2004)	Transfer (Timeliness Issue)
People ex rel. M.H., 691 N.W.2d 622 (S.D. 2005)	Qualified Expert Witness
In re Adoption of Sara J., 123 P.3d 1017 (Alaska 2005)	Placement Preferences
In re Welfare of Child: T.T.B. & G.W., 724 N.W.2d 300 (Minn. 2006)	Transfer (Timeliness Issue)
B.H. v. People ex rel. X.H., 138 P.3d 299 (Colo. 2006)	Notice
In re Adoption of B.G.J., 133 P.3d 1 (Kan. 2006)	Placement Preferences
In re M.B., 204 P.3d 1242 (Mont. 2009)	Placement Preferences
Marcia V. v. State, 201 P.3d 496 (Alaska 2009)	Qualified Expert Witness
In re JL, 770 N.W.2d 853 (Mich. 2009)	Continuing Active Efforts
In re M.S., 237 P.3d 161 (Okla. 2010)	Transfer
In re M.F., 225 P.3d 1177 (Kan. 2010)	Qualified Expert Witness
People ex rel. South Dakota Dept. of Social	Placement Preferences

Published State Supreme Court Opinions Citing to BIA ICWA Guidelines

Services, 795 N.W.2d 39 (S.D. 2011)	
In re Adoption of A.B., 245 P.3d 711 (Utah 2011)	Transfer (State Notice Requirements)
Merrill v. Altman, 807 N.W.2d 821 (S.D. 2011)	Domicile, Tribal Court Jurisdiction
Adoptive Couple v. Baby Girl, 731 S.E.2d 550 (S.C. 2012)	Placement Preferences
In re Interest of Zylena R., 825 N.W.2d 173 (Neb. 2012)	Transfer (Best Interest of Child)
David S. v. State, Dept. of Health & Human Services, 270 P.3d 767 (Alaska 2012)	Placement Preferences
In re W.B., Jr., 281 P.3d 906 (Cal. 2012)	Juvenile Hearing
In re Morris, 815 N.W.2d 62 (Mich 2012)	Notice
In re T.S.W., 276 P.3d 133 (Kan. 2012)	Placement Preferences
Native Village of Tununak v. State, Dept of Health & Human Services, Office of Children's Services, 303 P.3d 431 (Alaska 2013)	Placement Preferences
In re Guardianship of L.N.P., 294 P.3d 904 (Wyo. 2013)	Notice, Qualified Expert Witness