

MENOMINEE INDIAN TRIBE OF WISCONSIN MENOMINEE TRIBAL COURT

IN THE INTEREST OF

**Temporary Physical Custody Request
(MITW - Chapter 278)**

Name

Date of Birth

Referring Agency Case Number

Department Case Number

| | | | | | | | | |
|--|--|---|--|-----------------------------------|---|--------------------------------|--------------------------------|--|
| Requesting Agency Complete | Child's Name (Last, First, Middle) | | Child's Date of Birth | Child's Place of Birth | Child's Tribal Affiliation | Child's Home Telephone Number | Child's Sex Female Male | |
| | Child's Address | | | | | | | |
| | Address is on the Menominee Indian Reservation with jurisdiction under § 278-3. | | Why was child taken into custody? (§§278-31, 278-51 Menominee Tribal Code) Warrant/capias Child suffering from illness, injury or imminent threat of physical harm or damage Order by judge Child has suffered or is likely to suffer serious psychological/emotional or physical harm inflicted by parent(s), guardian(s), or caretaker(s) other than by accidental means or which is self-inflicted and which caused a substantial risk of death Child Surrendered Child Abandoned disfigurement, or impairment of bodily or mental functions. Child is runaway or fugitive from justice Parent/Guardian/Caretaker unavailable, unwilling or unable to provide necessary supervision or care causing child safety or wellbeing to be in imminent risk. Violation conditions of temporary custody order | | | | | |
| | Child's County of Residence | | | | | | | |
| | Mother's Name and Address | | Mother's Date of Birth | Mother's Place of Birth | Mother's Tribal Affiliation | Mother's Home Telephone Number | Mother's Work Telephone Number | |
| | Father's Name and Address See attached for additional parties. | | Father's Date of Birth | Father's Place of Birth | Father's Tribal Affiliation | Father's Home Telephone Number | Father's Work Telephone Number | |
| | Legal Status: Birth Adjudicated/Adoptive Presumed Alleged Unknown | | | | | | | |
| | Legal Guardian/Indian Custodian's Name and Address | | Date of Birth | Place of Birth | Tribal Affiliation | Home Telephone Number | Work Telephone Number | |
| | Other known information in regard to tribal affiliation or enrollment, including all potential tribes that the child may be a member and aliases or enrollment numbers of parents, grandparents, or other direct lineal ancestors: | | | | | | | |
| | Date and Time Taken Into Custody | | Taken Into Custody By | | | Agency | | |
| The parents notified by referring party? | | Yes (Date and Time) No | | Additional information on notice: | | | | |
| Why was child not released? | | | | | | | | |
| Supporting facts of reason why child was taken into physical custody (§§278-31,32; 278-51,52, and 193 Menominee Tribal Code): See attachment (TPC 101A Temporary Physical Custody Request Supplement) | | | | | | | | |
| Copy provided to child, if age 12 or over: Yes No | | | | | | | | |
| Dept Worker Complete | Was child (12 years or older) notified of right to counsel? (§278-51 or 278-170 Menominee Tribal Code) Yes No | | | | | | | |
| | Were notice of custody decision and hearing rights provided? (§278-32, 33 or 278-52(D),53 Menominee Tribal Code) | | | | If no, what ongoing efforts have been made to notify? | | | |
| Mother: Yes, Date _____ Time _____ a.m. p.m. | | No | | | | | | |
| Father: Yes, Date _____ Time _____ a.m. p.m. | | No | | | | | | |

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|--|---|--|--------------------------|
| Department Worker Complete | Indian Custodian: Yes, Date _____ Time _____ a.m. p.m. No | If parent(s)/Indian custodian are unknown, what efforts have been made to locate or contact? | |
| | Tribe: Yes, Date _____ Time _____ a.m. p.m. No Child (12 years or older): Yes, Date _____ Time _____ a.m. p.m. No | | |
| Jurisdictional Basis: 1. No Jurisdiction. 3. JIPS: §278-55, _____ 2. CHIPS: §278-36, _____ | | | |
| Continued Custody Criteria: (§§ 278-33 or §278-53, Menominee Tribal Code.) 1. Child will: cause injury to self or to property of others be subject to injury by others. run away or be taken away so as to be unavailable for further court proceedings, or 2. Parent, guardian, caretakers or other responsible adult is unable to provide adequate supervision and care, or 3. The health and safety of the child cannot be assured if the child is not kept in custody. | | | |
| Placement Decision: 1. Child released. 2. Nonsecure custody: (§§278-23, and 34, or 278-51, 52, and 278-193 Menominee Tribal Code.) A. At the home of a parent. relative. guardian. person not a relative. B. At licensed foster home, treatment foster home, or group home. C. At non-secure facility operated by a licensed child welfare agency. D. At licensed private or public shelter care facility (including holdover room). E. At hospital or physician's office if the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment. F. At licensed treatment facility approved by the county as the child is believed to have a mental illness or developmental disability or to be drug dependent and exhibits conduct that constitutes a substantial probability of physical harm to the child or to others, or a very substantial probability of physical impairment or injury to the child exists due to the impaired judgment of the child. G. At approved public treatment facility for emergency treatment as the child is believed to be an intoxicated person who has threatened, attempted or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed, or is incapacitated by alcohol. H. Other placement allowed pursuant to Section 278: _____. | | | |
| Placement in the home is contrary to the welfare of the child, due to: <div style="text-align: right;">See attachment (TPC 101A Temporary Physical Custody Request Supplement)</div> | | | |
| Efforts made to prevent removal and return the child safely to the home include: <div style="text-align: right;">See attachment (TPC 101A Temporary Physical Custody Request Supplement)</div> | | | |
| Emergency removal and placement outside of the home is necessary to prevent imminent physical damage or harm to the Indian child because: | | | |
| Name of Placement | Not disclosed to parent due to imminent danger | Address | Telephone Number |
| Special precautions/information concerning child/family: | | | |
| Signature of Intake Worker | Date and Time Custody Authorized | Date and Time of Custody Hearing | Date and Time of Release |