

DEPARTMENT OF SOCIAL SERVICES

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Sacramento, CA 95814
(916) 445-7964



October 12, 1983

ALL-COUNTY INFORMATION NOTICE NO. 1-111-83

TO: All Public and Private Adoption Agencies
All SDSS Adoption District Offices

SUBJECT: Indian Child Welfare Act and Alleged Natural Fathers

This is to inform you the Department has determined that it is not necessary to notify the tribe(s) of the parent(s) of a child who comes within the provisions of the Indian Child Welfare Act when court action is taken to terminate the alleged natural father's rights if the alleged natural father has not acknowledged paternity or his paternity has not been established.

Tribal notification regarding actions pursuant to Section 7017 of the Civil Code has been of concern to relinquishing mothers who request anonymity and whose children are subject to the provisions of the Indian Child Welfare Act. In instances noted above, such notification is not required.

The Indian Child Welfare Act excludes from the definition of a parent "the unwed father where paternity has not been acknowledged or established"; therefore, such an unwed father is not a parent as defined by the Act. Termination of this individual's parental rights is not a "child custody proceeding" as defined by the Act, and the provisions of the Act do not apply to the court proceeding terminating his parental rights.

If you have any questions about this notice, please contact your adoption program consultant.

A handwritten signature in cursive script, reading "Loren D. Suter".

LOREN D. SUTER
Deputy Director
Adult and Family Services Division

cc: CWDA