

ICWA Inquiry

Biological Parent	Child	Indian Child Status
	Child is Member	KNOW INDIAN CHLID
Parent is a member	Child is eligible for membership	KNOW INDIAN CHILD
Parent is a member	Child is not eligible for membership	NOT AN INDIAN CHILD
Parent has ancestry with federally recognized tribe but is not a member	Unknown if child is eligible for membership	NO REASON TO KNOW <i>In re C.C.G.</i> , 380 N.C. 23 (2022) (CAUTION: some COA opinions say otherwise)
Parent has ancestry with federally recognized tribe	Child is not eligible for membership	NOT AN INDIAN CHLID
Parent has ancestry with federally recognized tribe	Child is eligible (If child becomes a member)	REASON TO KNOW (Know)

Nonsecure Custody	Pre-adjudication Hearing	Initial Disposition
<p>G.S. 7B-503(a) Criteria Court shall 1st consider placement with a parent...</p>	<p>G.S. 7B-800.1(a)(2) The court shall consider identification of the parties to the proceeding</p>	
<p>G.S. 7B-506(h)(1) At each continued nonsecure custody hearing, court shall inquire into</p> <ul style="list-style-type: none"> • identity & location of any missing parent • whether paternity is an issue <p>The court shall make findings about efforts to locate, serve, & establish paternity (when an issue)</p> <p>The court may specific efforts</p>	<p>G.S. 7B-800.1(a)(3) The court shall consider whether paternity has been established or efforts made to establish paternity, including the identity & location of any missing parent</p>	<p>G.S. 7B-901(b) The court shall inquire into</p> <ul style="list-style-type: none"> • identity & location of any missing parent • whether paternity is an issue <p>The court shall make findings of efforts to locate, serve, & establish paternity (when an issue)</p> <p>The court may specify efforts</p>

Presumptions & Operation of Law	Affidavit of Parentage (AOP)	Judicial Adjudications of Paternity	Judicial Determinations: Paternity included as Issue
<p>Marital Presumption (mother married any time between conception–birth)</p> <p>*rebuttable by clear & convincing evidence</p>	<p>Hospital affidavits w/in 10 days of birth G.S. 130A-101(f)</p> <p>*Certified copy admissible in action to establish paternity</p>	<p>Paternity action in district court (establish or de-establish) G.S. 49-14</p>	<p>Criminal Nonsupport G.S. 14-322 G.S. 49-2</p>
<p>Reputed father marries mother after child’s birth (basis of legitimation under G.S. 49-12)</p>	<p>IV-D child support purposes G.S. 110-132 “constitutes an admission of paternity” “shall have the same legal effect as a judgment of paternity for the purpose of establishing a child support obligation”</p>	<p>Legitimation proceeding before clerk of superior court G.S. 49-10 G.S. 49-12.1 (legitimation includes paternity determination)</p>	<p>Child Custody Orders</p>
<p>Adoption (G.S. 48-1-106(b))</p>		<p>Declaratory judgment G.S. 1-256 et seq.</p>	<p>Child Support Orders</p>
<p>Spouse of woman who gave birth to child through heterologous artificial insemination when request & consent in writing to use of such technique (G.S. 49A-1; G.S. 12-3(16))</p>			<p>Juvenile Court Orders (A/N/D & TPR)</p>
			<p>Divorce Orders (maybe)</p>