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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

A.D., C.C., L.G., and C.R. by CAROL
COGHLAN CARTER, and DR. RONALD
FEDERICI, their next friends;
S.H. and J.H., a married couple;
M.C. and K.C., a married couple;
K.R. and P.R., a married couple;
for themselves and on behalf of a class of
similarly-situated individuals,
Plaintiffs,

v.

KEVIN WASHBURN, in his official
capacity as Assistant Secretary of INDIAN
AFFAIRS, BUREAU OF INDIAN
AFFAIRS; SALLY JEWELL, in her official
capacity as Secretary of the Interior, U.S.
DEPARTMENT OF THE INTERIOR;
GREGORY A. McKAY, in his official
capacity as Director of the ARIZONA
DEPARTMART OF CHILD SAFETY,
Defendants.

No. 2:15-CV-01259- PHX-NVW

**FEDERAL DEFENDANTS' THIRD
NOTICE OF SUPPLEMENTAL
AUTHORITY**

(Assigned to The Honorable Neil V.
Wake)

1 Federal Defendants respectfully submit this third Notice of Supplemental
2 Authority to bring to the Court's attention the June 14, 2016 publication by the U.S.
3 Department of Interior of a regulation regarding Indian Child Welfare Act proceedings.
4 Indian Child Welfare Act Proceedings, 81 Fed. Reg. 38778 (Jun. 14, 2016) (to be
5 codified at 25 C.F.R. pt. 23). As the regulation's preamble explains:
6

7 This final rule adds a new subpart to the Department of the Interior's
8 (Department) regulations implementing the Indian Child Welfare Act
9 (ICWA), to improve ICWA implementation. The final rule addresses
10 requirements for State courts in ensuring implementation of ICWA in
11 Indian child-welfare proceedings and requirements for States to maintain
records under ICWA.

12 81 Fed. Reg. 38778.

13 The rule will not impact the proceedings upon which plaintiffs base this
14 litigation, as the rule's effective date is December 12, 2016 and "[n]one of the
15 provisions of this subpart affects a proceeding under State law for foster-care
16 placement, termination of parental rights, preadoptive placement, or adoptive placement
17 that was initiated prior to December 12, 2016." 81 Fed. Reg. 38876 (to be codified at 23
18 C.F.R. § 23.143).
19
20

21 RESPECTFULLY SUBMITTED this 17th day of June, 2016.

22 JOHN C. CRUDEN
23 Assistant Attorney General

24 s/Steve Miskinis
25 Steve Miskinis
26 JoAnn Kintz
27 Indian Resources Section
28 Judy Harvey

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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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