**Section 307.40 Retaining Custody of an Indian Child**

a) When seeking temporary custody or placement of, or termination of parental rights to, an Indian child, the Department shall inform the court that the child named in the petition or motion is an Indian child as soon as that information becomes known.

b) Excluding extraordinary circumstances, the Department may retain temporary custody of an Indian child for a reasonable period of time not to exceed 90 days. Continued custody after that period may occur only upon a court finding, based upon the testimony of a qualified expert witness, that the child is likely to suffer serious emotional or physical injury if returned to the custody of the parent or Indian custodian. The court's finding shall be supported by clear and convincing evidence.

c) Each party to an involuntary placement proceeding involving an Indian child shall have the right to examine all reports or other documents that the Department may present during the proceedings.