

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT \_\_\_\_\_  
Court Location

In the Matter of:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Case Nos. \_\_\_\_\_

**PETITION TO TRANSFER ICWA CINA CASE TO TRIBAL COURT**

Instructions: The tribe or tribal court, a parent, or an Indian custodian may file this petition to ask to move this case to tribal court. You may make an oral request during any court hearing, and the parents, Indian custodian (if there is one), and tribe may agree to the request orally at the hearing. If you make an oral request, you do **not** also have to file this written petition, **unless**

- One of the parents, the Indian custodian (if there is one), or the child’s tribe is not present at the hearing to agree to the transfer, **or**
- The tribe that you want to transfer the case to has not yet intervened (joined) in the case.

**REQUEST.** I ask to transfer jurisdiction of this Child in Need of Aid (CINA) case to tribal court. This transfer is authorized by the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1911(b) and CINA Rule 23, because the child is an Indian child as defined by ICWA, § 1903(4).

1. PETITIONER. I am the child’s  Parent  Indian custodian  Tribe  
*[You only need to fill in your name and contact information once. You can skip the later section that corresponds to yourself.]*  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_
2. PARENT A  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Does this person agree to move the case to tribal court?  Yes  No  I don’t know
3. PARENT B  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Does this person agree to move the case to tribal court?  Yes  No  I don’t know
4. INDIAN CUSTODIAN  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
 Does this person agree to move the case to tribal court?  Yes  No  I don’t know
5. CHILD’S TRIBE  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_

- 6. TRIBAL COURT OF CHILD'S TRIBE  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- 7. OTHER (Relationship to child/case: \_\_\_\_\_)  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- 8. OTHER (Relationship to child/case: \_\_\_\_\_)  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- 9. OTHER (Relationship to child/case: \_\_\_\_\_)  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Email: \_\_\_\_\_
- 11. Will the tribal court accept jurisdiction (hear the case)?  
 Yes, I believe the tribal court will accept jurisdiction.  
 No, I believe the tribal court will decline jurisdiction.  
 I do not know the tribal court's position about jurisdiction in this case.

**NOTICE TO ALL PARTIES**

- 1. If you want to file a response to this petition, you must do so **within 20 days** after you receive it. If you are a parent or Indian custodian, you can use form CN-345, *Notice of Parent's/Indian Custodian's Position on Proposed Transfer of Case*, available online at [ak-courts.info/cn345](http://ak-courts.info/cn345) or in paper copy from the state court clerk.
- 2. If either parent opposes (disagrees with) the transfer to tribal court, this petition will be denied unless the parental rights of the parent have already been terminated by a court with the authority to do so. See 25 U.S.C. § 1911(b).
- 3. If the tribal court declines jurisdiction at any time before an order granting the petition to transfer is signed, this petition will not be granted.
- 4. If any party in the state court case shows good cause for why the case should not be transferred, this petition will not be granted.
- 5. If the case is transferred to tribal court, and the tribal court exercises jurisdiction, any lawyer or guardian ad litem (GAL) appointments made by the state court will terminate (end).
- 6. To accept or decline jurisdiction, the tribal court may file form CN-340, *Order Regarding Jurisdiction over ICWA Case*, with the state court. The form is available online at [ak-courts.info/cn340](http://ak-courts.info/cn340) or in paper copy from the state court clerk.
- 7. State court forms are available at <https://courts.alaska.gov/forms/index.htm>.

Date: \_\_\_\_\_ Petitioner's Signature: \_\_\_\_\_

**Certificate of Service.**

- I am not a party to this case, and I do not have the information I need to serve (give copies of) this petition to the parties in the case. I request that the court  email  mail me this information. I understand that once I get this information, it is my responsibility to serve a copy of this petition on all of the parties in this case and file proof with the court. See CINA Rule 23(e)(1). *[You can use form TF-700, available at [ak-courts.info/tf700](http://ak-courts.info/tf700).]*
- I certify that I gave a copy of this petition to everyone that I listed in the chart below: *[You must serve all of the parties in the case with this petition. If you are a parent or an Indian custodian, you must also fill out the checkbox section below the chart.]*

	Name	Method of Service* <i>[Mail, Hand-Delivery, Email, Fax]</i>	Date <i>[for email or fax, list date <b>and</b> time]</i>
Guardian Ad Litem			
Child's Lawyer (if applicable)			
Parent's Lawyer or Parent (if unrepresented)			
Parent's Lawyer or Parent (if unrepresented)			
Indian Custodian (if applicable)			
OCS caseworker			
Assistant Attorney General			

\* You can only use email or fax if the party agreed to that method of service.

- I certify that on \_\_\_\_\_ at \_\_\_\_\_ *[date/time]*, I gave a copy of (1) this petition to transfer to tribal court, **and** (2) the state court petition for adjudication<sup>1</sup> to **both** the tribe **and** the tribal court by  mail.  hand-delivery.  email.  fax.

Petitioner's Signature: \_\_\_\_\_

<sup>1</sup> If you do not already have it, you can ask the state court clerk for a copy of the petition for adjudication from the court file.