

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the matter of: _____)
)
)
)
)
A minor under 18 years of age.)
)
Date of birth: _____)
)
)

CASE NO. _____

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

PETITION TO TRANSFER

This is a petition to transfer jurisdiction of this Child in Need of Aid (CINA) case to tribal court as authorized by the Indian Child Welfare Act of 1978 (ICWA), 25 U.S.C. § 1911(b), and CINA Rule 23.

1. **PETITIONER**
 Petitioner is the Indian child's Parent Indian custodian Tribe (that intervened)
 Petitioner's name and contact information:
 Name: _____
 Address: _____
 Phone: _____ Email: _____
2. **PARENT A**
 Name: _____
 Address: _____
 Phone: _____ Email: _____
3. **PARENT B**
 Name: _____
 Address: _____
 Phone: _____ Email: _____
4. **INDIAN CUSTODIAN(S)**
 Name: _____
 Address: _____
 Phone: _____ Email: _____
5. **INDIAN CHILD'S TRIBE**
 Name: _____
 Address: _____
 Phone: _____ Email: _____
6. **TRIBAL COURT OF INDIAN 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: _____
10. 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

- A. 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 <https://public.courts.alaska.gov/web/forms/docs/cn-345.pdf> or from the state court clerk.
- B. If either parent opposes the transfer to tribal court, the petition will not be granted unless the parental rights of the parent have already been terminated by a court with the authority to do so. 25 U.S.C. § 1911(b).
- C. If the tribal court declines jurisdiction at any time before an order granting the petition to transfer is signed, the petition will not be granted.
- D. If any party in the state court case shows good cause for why the case should not be transferred, the petition will not be granted.
- E. If jurisdiction is transferred to tribal court, and the tribal court exercises jurisdiction, any state court lawyer or guardian ad litem (GAL) appointments will terminate (end).
- F. To accept or decline jurisdiction, the tribal court may file form CN-340, *Order Regarding Jurisdiction over Indian Child Welfare Case*, with the state court. The form is available at <https://public.courts.alaska.gov/web/forms/docs/cn-340.pdf> or from the state court clerk.
- G. State court forms may be found at www.courts.alaska.gov.

Date: _____ Petitioner's Signature: _____
 Print or Type Name: _____

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**CERTIFICATE OF SERVICE
 FOR PETITION TO TRANSFER ICWA
 CINA CASE TO TRIBAL COURT**

I certify that I gave a copy of the following documents to all persons or entities that I listed in the chart below:

- The petition for adjudication in state court (available from the state court file)
- The petition to transfer the case to tribal court (pages 1 and 2 of this form)
- This certificate of service (page 3 of this form)

*[You are **required** to serve (1) the child's parents, (2) the child's Indian custodian(s) (if any), (3) the tribal court you are requesting to transfer to, (4) any tribe that may be the child's tribe, (5) all parties in the state court case. See CINA Rule 23(d).]*

	Name	Date served	Method of Service (certified mail, restricted mail, first-class mail, hand-delivery, email, etc.)
*Parent A			
*Parent B			
*Indian custodian(s)			
*Tribal Court			
*Tribe 1			
*Tribe 2			
Attorney General			
OCS social worker			
Guardian ad Litem			
Child's Attorney			
Parent A's Attorney			
Parent B's Attorney			

* You can **only** serve this person or entity by certified or registered mail, with return receipt requested. Service on others may be done by any method authorized under Civil Rule 5(b).

Date: _____ Signature: _____
 Phone: _____ Print Name: _____