

FORM PACKET

MOTION TO INTERVENE IN ICWA CINA CASE

<i>Form Number</i>	<i>Form Name</i>
WHAT IS INCLUDED IN THIS PACKET?	
<u>CN-555</u>	Motion to Intervene in ICWA CINA Case with proposed Order
<u>CN-560</u>	Designation of Tribal Representative
<u>CN-565</u>	Affidavit of Tribal Membership
<u>CN-570</u>	Certificate of Service for Motion to Intervene
WHERE CAN I FIND MORE INFORMATION?	
Alaska Tribes Webpage	Available online at <u>https://alaskatribes.org</u>
Alaska State Court System	Available online at <u>https://courts.alaska.gov</u> Locations and Hours: <u>http://www.courts.alaska.gov/courtdir/index.htm</u>
Alaska Legal Services Corporation	Available online at <u>https://www.alsc-law.org</u>

June 2021
Alaska Court System

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. _____

**MOTION TO INTERVENE
IN ICWA CINA CASE, AND ORDER**

MOTION TO INTERVENE

Tribe or Indian Custodian making this motion: _____

The Tribe or Indian Custodian named above moves to intervene in this State court case. This is a child custody proceeding about an Indian child as defined by the *Indian Child Welfare Act of 1978* ("ICWA"), 25 U.S.C. § 1903(1). Grounds for this motion are as follows:

1. The child is an Indian child as defined by ICWA § 1903(4) because the child is:
 - A. under age 18
 - B. not married
 - C. a member of the Tribe
 - D. eligible for membership in the Tribe and the biological child of a member of the Tribe whose name is _____
2. The Tribe is an Indian tribe as defined by ICWA § 1903(8).
3. The Tribe is the Indian child's tribe as defined by ICWA § 1903(5) because the child is a member of the Tribe; eligible for membership in the Tribe; or eligible for membership in more than one tribe and has more significant contacts with this Tribe.
4. ICWA § 1911(c) gives the Tribe the right to intervene at any time in a State court case for foster care placement of, or termination of parental rights to, an Indian child.

The Tribe or Indian Custodian requests that all documents, pleadings, notices, and other papers be promptly provided to the Tribe's or Tribal Custodian's designated representative. A proposed order is included below. A designation of tribal representative, affidavit of tribal membership, and certificate of service are also being filed with this *Motion*.

Date: _____ Signature: _____
 Phone: _____ Print Name: _____
 Email: _____ Title: _____
 Mailing Address: _____

ORDER

The *Motion to Intervene* in this ICWA CINA case is GRANTED. The petitioner is permitted to intervene as a party in this case.

Date: _____ Judge's Signature: _____

I certify that on _____ a copy of this order was sent to:

By Court Clerk: _____

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. _____

**DESIGNATION OF TRIBAL
REPRESENTATIVE**

TO ALL PARTIES:

1. Indian Tribe making this designation: _____
2. I represent the Indian Tribe named in paragraph 1 above. The Tribe is a federally recognized Indian Tribe listed in the Federal Register.
3. Under ICWA, the Tribe designates the following person as the Tribe's representative:
Name: _____
Title: _____
4. The Tribe asks that notice of all proceedings be sent to the Tribe's designated representative using the contact information below:
Phone: _____ Email: _____
Address: _____

5. The Tribe also asks for notice to be sent to the Tribal council at the address below:
Address: _____

6. The Tribe authorizes its designated representative to do the following:
 - Receive notice of hearings;
 - Be present at hearings;
 - Address the court;
 - Examine all court documents relating to the case;
 - Submit written reports and recommendations to the court;
 - Request transfer of the case to the tribe's jurisdiction; and
 - Intervene at any point in a proceeding as authorized.

I swear or affirm that the above statements and any attachments are true to the best of my knowledge and belief.

Date: _____ Signature: _____
Phone: _____ Print Name: _____
Email: _____ Title: _____
Mailing Address: _____

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. _____

**AFFIDAVIT OF
TRIBAL MEMBERSHIP**

My full name is: _____

I swear or affirm that the following facts are true to the best of my knowledge and belief:

1. I am making this affidavit on behalf of the Indian Tribe (Tribe) named below:

2. My position with the Tribe is: _____
3. This is an affidavit concerning the tribal membership or eligibility for tribal membership of the minor named above.
4. The name of the minor's father is: _____
The minor's father is a member of the Tribe is not a member of the Tribe.
5. The name of the minor's mother is: _____
The minor's mother is a member of the Tribe is not a member of the Tribe.
6. The minor named above:
 is a member of the Tribe or is eligible for membership in the Tribe.
 is not a member of the Tribe or is not eligible for membership in the Tribe.
7. _____

SIGNATURE AND NOTARY

Phone: _____ Signature: _____
(Only sign in front of a notary or court clerk.)

Subscribed and sworn to or affirmed before me at _____, Alaska
on _____.

Clerk of Court, Notary Public, or other person
authorized to administer oaths.
My commission expires: _____

CERTIFICATION IF NO NOTARY IS AVAILABLE

I certify under penalty of perjury that all of the information in this *Affidavit* is true, and a notary public or other official empowered to administer oaths is not available.

Date: _____ Place: _____ Signature: _____

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT _____

In the matter of:

A minor under 18 years of age.

CASE NO. _____

Date of birth: _____

CERTIFICATE OF SERVICE: MOTION TO INTERVENE IN ICWA CINA CASE

I certify that I delivered a copy of all of the following documents to each party in this case as indicated in the chart below:

- Motion to Intervene in ICWA CINA Case ([CN-555](#))
- Designation of Tribal Representative ([CN-560](#))
- Affidavit of Tribal Membership ([CN-565](#))
- this Certificate of Service

[Serve (give a copy of) all of these documents to all the parties in this case (or their attorneys if they have one) by one of the methods indicated below. The person who serves the documents must fill out and sign this form.]

	Name	Mailed on [list date]	Hand-Delivered on [list date]	Emailed or Faxed on [list date and time]
Child(ren)'s attorney				
Child(ren)'s GAL				
Parent/Attorney				
Parent/Attorney				
Parent/Attorney				
Indian custodian or child's caregiver				
Social worker/OCS				
Assistant Attorney General				
Other tribe(s)				
Other				
Other				

Date: _____ Signature: _____

Print Name and Title: _____

Phone: _____ Fax: _____ Email: _____

Address: _____