

SPIRIT LAKE TRIBAL COURT

Spirit Lake Tribe

P.O. Box 30

Fort Totten, North Dakota 58335

Telephone: (701) 766-4244 or 766-4750 Fax: (701) 766-4776

INSTRUCTION SHEET

Petition for Termination of Parental Rights

When filing a Petition for Termination of Parental Rights, you must fill out the attached Petition to the best of your knowledge. This form is self explanatory. You must fill in all of the blanks.

When completed, on page 4, at the bottom of the page, you must sign your name and write your complete mailing address. On page 5, you must sign this form before a Notary Public. Return to completed forms to the courthouse along with the filing fee of \$50.00. If you are a tribal member, the filing fee is reduced to \$25.00. It must be paid with a money order made payable to: ***Spirit Lake Tribal Court.***

Along with this Petition, you must attach a copy of the child's birth certificate and a copy of the child's tribal enrollment certificate. On # III of the petition, if the child is not enrolled with the Spirit Lake Tribe, attach a copy of the child's Tribe enrollment, or indicate that this child is or is not eligible for enrollment into an Indian Tribe.

You must also contact the Tribal Social Service Department of the Spirit Lake Tribe and request that a "Social Summary/Study" be completed upon yourself and the individual for whom you are seeking to terminate parental rights. The Court will also request this of the Tribal Social Services.

Once all information and petition are filed with the court, the court will then begin the process of service upon the parents for which termination is sought. The court will be in touch with you if anything more is needed. The court will notify you by mail of the court date and a hearing will be held. If you have an absent parent and do not know of their whereabouts, or a last known address, notification by legal publication must take place. The Clerk of Court will assist in this process and prepare a notice to be published in the local newspaper.

When the court hearing is scheduled, the judge will swear you in and begin to take testimony of all parties involved in the termination process. When the hearing is completed, the court will provide you with an Order terminating parental rights. Please note that BOTH parents of a child must have their parental rights terminated in order for a party to adopt a child. The process of Adoption may then begin.

SPIRIT LAKE TRIBAL COURT
SPIRIT LAKE JURISDICTION

IN TRIBAL COURT
FORT TOTTEN, NORTH DAKOTA

IN THE INTEREST OF _____, A MINOR
CHILD/CHILDREN.

_____,)
Petitioner,)
)
)
)
VS.)
)
C# _____)
_____,)
Respondent,)

PETITION FOR THE
TERMINATION OF
PARENTAL RIGHTS

TO: THE SPIRIT LAKE TRIBAL COURT

The Petitioner respectfully presents and states to the Court:

I

That the Petitioner/s _____ is the age of
(Name of Petitioner/s)
_____ years, and resides at _____
(Petitioner/s current mailing address)

In the county of _____ in the State of North Dakota.

II

That the minor child _____ is a (Male)(Female)
Child and was born on _____ in the city of _____
(Child's Birth date)

In the state of _____.

III

That the minor child is an enrolled member of the _____
(Child's Tribe)

And a copy of said Enrollment is attached to this petition. OR: If this child is not enrolled, why?

IV

That the relationship of the petitioners to the child is: (or the fact that no relationship exists:

V

That the mother of this child is: _____.
(Name of Child's Mother)

That the date of birth of the mother is _____ and

Her current mailing address is: _____

VI

That the alleged or biological father of the child is: _____

(Name of alleged father or biological father)

That the date of birth of the alleged or biological father is: _____

And his current mailing address is: _____

The alleged or biological father: (Please check or circle one or more as they apply)

(A) The father _____ is deceased.
(attach a copy of death certificate and a copy of proof of paternity)

(B) That the alleged or biological father of this child has not legitimated this child.

- (C) That the alleged or biological father of this child has not had custody of this child.
- (D) That the alleged or biological father of this child has not claimed a right to the custody of the minor child.
- (E) That judicial proceedings to determine either paternity or right to custody of the minor child has not been instituted and the person named was found not to be the father.
- (F) That the alleged father has not acknowledged paternity.

VII

That the name of the person having legal custody or guardianship of the child, or acting in the place of the parent of the child is:_____.

The address of this person is:_____.

VIII

Where the child's parent or parents are minors, the names and addresses of minor parents are:_____

_____.

IX

That the grounds for which termination of parent and child relationship is sought:

(state reason for filing of this petition)

WHEREFORE, Petitioner prays:

That this Petition be ordered filed, and that Notice of Hearing and service of this Petition be completed upon the respondent(s), and

That the Court, upon clear and convincing evidence, issue an Order terminating forever all parental rights and the relationship of parent and child with reference to this minor child, including the right to care, control and custody, thereby terminating all of the rights and obligations of the respondent(s) with respect to the minor child:_____

_____.

That the Court, under separate order, grant care, control and custody, or guardianship of this child to:_____, for the Purpose of adoptive placement of this child.

Signature of Petitioner

Or Petitioners

Address

Petition for Termination of Parental Rights
Page # 5 Cont.

State of North Dakota)
)ss
County of _____)

VERIFICATION

_____, Petitioner being first duly sworn,
(Print name here)

Deposes and says that in the above entitled proceeding (he)(she) had read the above foregoing petition by (him)(her) and knows the contents thereof and that the same is true to the best of (his)(her) knowledge, except as to matters therein stated on information and belief (he)(she) believes to be true.

Signature of Petitioner

Subscribed and sworn to before me this _____ day of _____,
20_____.

(Notary Seal)

Notary Public
_____ County, North Dakota
My Commission Expires:_____

SPIRIT LAKE TRIBAL COURT
SPIRIT LAKE JURISDICTION

IN TRIBAL COURT
FORT TOTTEN, NORTH DAKOTA

The following information is needed in for you to file a Civil Action. We must know this information in order to begin a file on your case. We need to know how to reach you and the Opposing party for purpose of court hearing dates, verbal communication related to your case and for purpose of locating the parties for service of legal documents. YOU MUST PROVIDE THIS INFORMATION. Without this information provided, we cannot proceed with your case.

CIVIL INFORMATION SHEET

Plaintiff/Petitioner:

Name: _____

Place of Residence: (District and/or Unit #) _____

Current Mailing Address: _____

Home Phone Number and Cell Phone Number: _____

Place of Employment: _____

Work Phone Number: _____

Social Security Number: _____

Date of Birth: _____

Do you have an Attorney? If so, Name and Address _____

Defendant/Respondent:

Name: _____

Place of Residence: (District and/or Unit Number): _____

Current Mailing Address: _____

Home Phone Number and Cell Number: _____

Place of Employment: _____

Work Phone Number: _____

Social Security Number: _____

Date of Birth: _____

Do you have an Attorney? If so, Name and Address: _____
