

Instructions for Adoption Petition

What is the purpose of this paperwork?

The Alaska Supreme Court recently decided a case called Tununak v. State of Alaska. In that case, the Court decided that in order for the Indian Child Welfare Act (ICWA) to apply to adoption cases, there must be some evidence that a person preferred for placement of the child under ICWA has expressed a formal intent to adopt the child. At this time, it appears that this formal intent must come in the form of filing a Petition to Adopt in state court.

The Alaska Supreme Court decision is very new and it is still possible that the Court could change or clarify its decision. We still do not know how all of these cases will play out, but we thought it was important to post some forms so that relatives and tribal members that wish to adopt children have some resources to get the adoption petition filed.

Who should use this paperwork?

You should use this paperwork if:

- The child you wish to adopt is in the custody of the State of Alaska's Office of Children's Services (OCS).
- The child you wish to adopt is a member of or eligible for membership in an Alaska Native or American Indian Tribe.
- The "permanency goal" in the state court child protection proceedings case is adoption. Typically this happens just prior to or after the termination of the biological parents' rights, but it may happen earlier. The OCS social worker or ICWA worker may be able to tell you what the permanency goal is.
- The child is not currently in your care and the state has either refused to place the child with you or been silent as to your requests.
- If the child is already in your physical care, and the State is supportive of that placement, you probably do not need to use this paperwork. Typically, there is funding available for the family supported by the state to hire an attorney to complete the adoption.

What do I need to file?

- Fill out the Petition to Adopt
- Take it or mail it to the courthouse where the child's state court child protection case is pending
- Pay the \$75 filing fee or file a fee waiver form: <http://courts.alaska.gov/forms/tf-920f.pdf>.
- **Very important:** You need to file a separate Petition for each child you wish to adopt.
- Once you have filed the case, you should serve a copy of the Petition on the following:
 - The State of Alaska Attorney General's office
 - The State of Alaska Office of Children's Services
 - The child's tribe
 - The parents if their rights have not been terminated