**Serving Legal Parties**

Copies of each document a tribe files in a CINA case will need to be mailed to each of the parties in the matter, and tribes will be required to provide a “Certificate of Service” confirming the date that the tribe has provided a copy of the document to each of the parties:

* Assistant Attorney General,
* *Each* parent's attorney,
* Guardian ad litem (GAL),
* Youth's attorney (if appointed),
* Indian Custodian attorney (if applicable); and
* OCS caseworker (as a best practice; they are served through their attorney).

The names of the parties to be served, as well as their address, should be provided to tribes in a letter from the State of Alaska, Department of Law, Office of the Attorney General. However, if a tribe does not have that information, or if it was incomplete (if a parent, for example, does not have an attorney at the time the letter is sent), then the tribe should research up-to-date information on the parties to serve.

Although the Alaska Court System *should* provide tribes with information on parties to serve, some court offices refuse to provide that information to *any* party over the phone, or to tribes that have not yet intervened. The tribe may call the clerk’s office at the customer service line listed for the location where a case is being heard to obtain information from the court. Contact information for the clerk’s office is available here: <http://courts.alaska.gov/courtdir/index.htm>.

If the Alaska Court System refuses to provide a tribe with information, the tribe may contact the Department of Law, Office of the Attorney General serving the area where the case is being heard. Child protection staff in that office should be able to provide you with the names of the parties to be served, as well as the next hearing date, time, and courtroom information (including call-in number). The numbers and service areas for each regional Office of the Attorney General are as follows (and is current as of Sept. 2019):

|  |  |  |
| --- | --- | --- |
| **Office Location** | **Courts Served (and Court Case No. Prefix)** | **Phone Numbers** |
| Anchorage | Anchorage (3AN), Cordova (3CO) Dillingham (3DI), Glennallen (3GL), Naknek (3NA), Unalaska (3UN), Valdez (3VA) | (907) 269-5140 |
| Bethel | Aniak (4AK), Bethel (4BE), Emmonak (4EM), Hooper Bay (4HB) | (907) 269-5140  *Support Staff*  (907) 543-1686  *Attorneys* |
| Fairbanks | Delta Junction (4DJ), Fairbanks (4FA), Fort Yukon (4FY), Galena (4GA), Nenana (4NE), Tok (4TO)  Utqiagvik (2BA) | (907) 451-2811 |
| Juneau | Angoon (1AG), Haines (1HA), Hoonah (1HN), Juneau (1JU), Kake (1KA), Ketchikan (1KE), Petersburg (1PE), Prince of Wales (1PW), Sitka (1SI), Skagway (1SK), Wrangell (1WR), Yakutat (1YA) | (907) 465-3600 |
| Kenai | Homer (3HO), Kenai (3KN), Kodiak (3KO), St. Paul Island (3ST), Sand Point (3SP), Seward (3SW) | (907) 283-8962 |
| Nome | Kotzebue (2KB), Nome (2NO), Unalakleet (2UT) | (907) 269-5140  *Support Staff*  (907) 443-4860  *Attorney* |
| Palmer | Palmer (3PA) | (907) 761-5649 |

In most cases, the GAL, and parents’, children’s, and Indian custodian’s attorneys are employees of the State of Alaska. The Assistant Attorney General and OCS caseworker will always be employees of the State. Mailing addresses for State of Alaska employees are available at [www.alaska.gov/whitepages](http://www.alaska.gov/whitepages).

Some parties, however, will not be State of Alaska employees. If the GAL's name does not appear in the State of Alaska directory, they are likely contract GALs, and the AAG's office should be able to provide you with their information. You may also call the Office of Public Advocacy’s administrative office, which can provide complete contact information for GALs under contract, at (907) 269-3500.

If an attorney's name does not appear in the State of Alaska directory, then their address should be available through the Alaska Bar Association, <https://alaskabar.org/member-services/member-directories/>.

**Special Instructions for Serving Petitions to Transfer to Tribal Court Jurisdiction**

Under ICWA’s federal regulations, 25 C.F.R. § 23.115(a), tribes can seek transfer of jurisdiction by making an oral request on record in the state court proceedings. For requests to transfer made in writing, CINA Rule 23 governs how tribes can seek to transfer jurisdiction from the Alaska Court System to a tribal court, which has additional service requirements.

* + - * All of the legal parties (attorneys, unrepresented parties, and guardians ad litem) may be served by regular mail (or by fax or email, if they have consented in advance) with a copy of the petition to transfer, proposed order, notice of rights, tribal court order confirming it will accept jurisdiction (if issued at that point), and certificate of service.
* Parents and/or Indian Custodians must be served by *certified or registered mail, with restricted delivery* with all the same documents *plus*: a copy of the petition that began the state court Child in Need of Aid proceedings (usually titled “Emergency Petition for Adjudication of Child in Need of Aid and Temporary Custody” or “Non-Emergency Petition for Child in Need of Aid and Temporary Custody”)

**Filing in Court**

Motions to intervene, petitions to transfer jurisdiction, reports, and any other document the tribe would like the Child in Need of Aid court to consider should be filed in the court where the case is being heard. This information is available in the case heading:

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**

**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In the Matter of: )

)

John Jacob 01/02/03 ) Case Nos. 4FA-19-00001 CN

)

)

Child(ren) under the age of eighteen (18) )

Note that some, but not all, courts will accept filings by email or fax, and when documents are filed by email or fax, certain procedures must be followed. Information on the rules for fax and email filings in each judicial district is available below (and is current as of January 2020):

|  |  |
| --- | --- |
| First Judicial District (Juneau Area) | [Order on Fax Filing](https://public.courts.alaska.gov/web/jord/docs/fax1st.pdf)  [Order on Email Filing](https://public.courts.alaska.gov/web/jord/docs/1st-email-am.pdf) |
| Second Judicial District (Nome and Utqiagvik Area) | [Order on Fax Filing in Barrow](https://public.courts.alaska.gov/web/jord/docs/faxbar.pdf)  [Order on Fax Filing in Kotzebue](https://public.courts.alaska.gov/web/jord/docs/faxkot.pdf)  [Order on Fax Filing in Nome](https://public.courts.alaska.gov/web/jord/docs/faxnom.pdf)  [Order on Email Filing](https://public.courts.alaska.gov/web/jord/docs/2d-email.pdf) |
| Third Judicial District (Anchorage, Palmer, Kenai Peninsula, Kodiak, Aleutians) | [Order on Fax Filing in Homer, Kenai and Seward](https://public.courts.alaska.gov/web/jord/docs/faxken.pdf)  Note: Only with permission of court, or for Motion for Expedited Consideration |
| Fourth Judicial District (Bethel and Fairbanks Area) | [Order on Email Filing in Fairbanks](https://public.courts.alaska.gov/web/jord/docs/4th-pj-19-02.pdf) and Fourth Judicial District  Note: Email address for filing differs from district-wide email filing instructions  [Order on Email Filing in Aniak, Bethel, Delta Junction, Emmonak, Fort Yukon, Galena, Hooper Bay, Nenana and Tok](https://public.courts.alaska.gov/web/jord/docs/4th-efilings-ani.pdf)  [Order on Faxed Filings in Delta Junction, Fort Yukon, Galena, Nenana and Tok](https://public.courts.alaska.gov/web/jord/docs/faxgal.pdf)  [Order on Fax Filings in Aniak and Emmonak](https://public.courts.alaska.gov/web/jord/docs/faxani.pdf) |

The mailing addresses and fax numbers for the Alaska State Court accepting filing are available here: <http://courts.alaska.gov/courtdir/index.htm>.

When filing documents by mail, tribes should provide the original document, plus one copy of the document, and a self-addressed envelope with enough postage to return only the copies of the document to the tribe. The tribe should ask the clerk to file stamp or “conform” the copy of the document. This file-stamped document will be the tribe’s proof that the document was filed with the court.

Special Instructions for Fairbanks Filings:

In Fairbanks, the court clerks will reject tribal filings for intervention that use the title “Notice of Intervention.” Instead, the court requires that the filing be labeled as a “Motion” for it to be accepted and considered by the court.

In cases involving more than one child, tribes will need to provide an *original document* to file with the court for *each child*. Without this, the Fairbanks court is likely to reject the entire filing.

In providing two originals, the tribe should bold and/or underline the child for whom each original filing is made, such as:

Original Filing #1:

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**

**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In the Matter of: )

)

**John Jacob, 01/02/03** ) Case Nos. **4FA-19-00001 CN**

Jingleheimer Schmidt, 04/05/06 ) 4FA-19-00002 CN )

)

Child(ren) under the age of eighteen (18) )

)

Original Filing #2:

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA**

**FOURTH JUDICIAL DISTRICT AT FAIRBANKS**

In the Matter of: )

)

John Jacob, 01/02/03 ) Case Nos. 4FA-19-00001 CN

**Jingleheimer Schmidt, 04/05/06** )  **4FA-19-00002 CN** )

)

Child(ren) under the age of eighteen (18) )

)