

MOTION TO TRANSFER JURISDICTION AND DISMISS CASE

**IN THE _____ COURT
FOR _____ COUNTY, STATE OF _____**

In the Matter of: _____,)	Case No.
)	
DOB: _____,)	MOTION TO TRANSFER
)	JURISDICTION AND DISMISS
A Person Under Eighteen Years of Age.)	THE CASE
_____)	

COMES NOW the Petitioner, _____, the undersigned, and petitions the Court to transfer this action to the _____ Tribal Court, _____ Reservation, ____ (city) _____, ____ (state) _____, and to dismiss the state court proceeding pursuant to the Indian Child Welfare Act, 25 U.S.C. § 1911(b). As grounds therefore, the Tribe states:

1. The minor child involved in this proceeding is an "Indian child" as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(4), in that the child is under eighteen years of age, date of birth _____, and the child is a member of, Enrollment No. _____, or is eligible for membership in, the Tribe.

2. The _____ is an "Indian tribe" as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(8), and this fact is entitled to judicial notice by virtue of publication in the Federal Register, [list most recent publication of tribes entitled to federal services and benefits].

3. The Tribe is "the Indian child's tribe" as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(5), in that the child is a member of, or eligible for membership in, the Tribe.

4. This is a child custody proceeding as defined by the Indian Child Welfare Act, 25 U.S.C. § 1903(1), in that it involves a foster care placement, termination of parental rights, pre-adoptive placement or adoptive placement.

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5. The Indian Child Welfare Act, 25 U.S.C. § 1911(b), requires that the state court transfer a child custody proceeding involving an Indian child to the jurisdiction of the Tribe when the Indian child's tribe petitions the state court.

6. Good cause does not exist to deny transfer of this proceeding.

7. The Tribal Court seeks to take jurisdiction of this proceeding and to provide planning and placement for the named child.

WHEREFORE Petitioner requests the Court to transfer the above captioned proceeding to the Tribal Court, _____ Reservation, _____(city)_____, _____(state)_____, and to dismiss this case as stated above.

_____, Signed

I hereby certify that a true and correct copy of this Motion was mailed to the opposing party this _____ day of _____, 20____.

By: