



3) The person or Petitioner(s) acquired or intend to acquire physical custody of the minor child, and the date of the physical custody, is as follows:

Name: \_\_\_\_\_

Date: \_\_\_\_\_

4) The minor child's biological parents' names, tribal affiliation by blood and membership (including tribal enrollment numbers, if available) are as follows:

Name of biological mother: \_\_\_\_\_

Address: \_\_\_\_\_

Tribal affiliation of biological mother: \_\_\_\_\_

Name of biological father: \_\_\_\_\_

Address: \_\_\_\_\_

Tribal affiliation of biological father: \_\_\_\_\_

Name of child's maternal grandparent: \_\_\_\_\_

Address of maternal grandparent: \_\_\_\_\_

Name of child's paternal grandparent: \_\_\_\_\_

Address of paternal grandparent: \_\_\_\_\_

5) The date of birth of the minor child, the place of the birth including the jurisdiction of issuance of the birth certificate, the child's sex, race and tribal affiliation by blood or membership (including tribal enrollment number, if available) are as follows:

Date of birth of child: \_\_\_\_\_

Place of birth of child: \_\_\_\_\_

Jurisdiction issuing child's birth certificate: \_\_\_\_\_

Child's sex: \_\_\_\_\_ Child's race: \_\_\_\_\_

Tribal affiliation of child: \_\_\_\_\_

Is the child enrolled? \_\_\_\_\_

Do you want the child enrolled? \_\_\_\_\_

6) The name of the minor child as used in this proceeding, and the new name of the child if Petitioner(s) desire a change in name, are as follows:

Name of child as used in these proceedings: \_\_\_\_\_

Desired new name of child, if applicable: \_\_\_\_\_

7) It is the desire of Petitioner(s) that the relationship of parent and child be established between Petitioner(s) and the minor child.

8) Attached to this Petition, marked as Exhibit "A" and incorporated herein, is a complete listing of all property owned or possessed by the minor child.

9) The facts, if any, which excuse the necessity of consent of the biological parents to the adoption prayed for by Petitioner(s) are as follows:

( ) The biological parent or parents have had their parental or custodial rights terminated by a decree of a court of competent jurisdiction.

( ) The biological parent or parents have been adjudicated incompetent by reason of mental disease, defect, or injury, or by abuse of alcohol or drugs, and it appears by the preponderance of the evidence that such person will be unable to provide for the necessary care and control of the minor child for a significant period of time prior to the child reaching majority.

(     )     The biological parent or parents have, for a period of 12 months immediately preceding the filing of this Petition, willfully failed, refused, or neglected to provide and contribute to the support of their child either (1) in substantial compliance with any decree of a court of competent jurisdiction ordering certain support to be contributed, or (2) if no court order has been made concerning certain support, then within their available means through contribution of financial support, physical necessities such as food, clothing, and shelter contributions, or by performing labor or other services for and at the request of the person or agency having custody of the minor child.

(     )     The biological parent or parents have been finally adjudicated guilty of a felony and sentenced to death or a term of imprisonment which is likely to prevent the release of the parent for a period such that the parent will be unable to provide the necessary care and control of said child for a significant period of time prior to the child reaching majority.

(     )     The biological parent or parents are deceased.

10)     Filed with this Petition are the required consents of the following parents to the granting of the adoption prayed for by Petitioner(s):

(     )     biological mother

(     )     biological father

(     )     other: \_\_\_\_\_

11)     The minor child falls within the jurisdiction of this Court for the following reasons:

(     )     The minor child is a member of an Indian Tribe.

( ) The minor child is eligible for membership in an Indian Tribe, and is the biological child of a member of an Indian Tribe.

( ) The minor child has a juvenile court case which has been transferred to the Winnebago Tribal Court from the courts of another state of tribe.

( ) The minor child is a bona fide resident or domiciled within the jurisdiction of this Court (concurrent with the jurisdiction of the county and state in which the minor child resides).

12) Petitioner(s) are eligible to adopt, pursuant to Winnebago Tribal Code §4-706, for the following reason or reasons:

( ) Petitioners are husband and wife.

( ) Petitioner is either husband or wife, and the other spouse is a biological parent of the minor child.

( ) Petitioner is an unmarried person at least 21 years of age.

( ) Petitioner is a married person legally separated from the other spouse and at least 21 years of age.

( ) The minor child was born out of wedlock, and Petitioner is the minor child's unmarried mother or father.

Respectfully submitted on \_\_\_\_\_.

\_\_\_\_\_  
Signed name, Petitioner

\_\_\_\_\_  
Signed name, Petitioner

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Printed name

STATE OF \_\_\_\_\_ )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

SUBSCRIBED TO and sworn before me by the above Petitioner(s) on this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

IN THE WINNEBAGO TRIBAL COURT

IN RE ADOPTION OF, ) CASE # \_\_\_\_\_  
 )  
 )  
 ) **PARENTAL CONSENT**  
 ) **TO ADOPTION**  
 )

*THIS DOCUMENT MUST BE SIGNED IN THE PRESENCE OF A JUDGE*

I, \_\_\_\_\_, state as follows:

- 1) I am the biological parent of \_\_\_\_\_.
- 2) I understand that a petition has been filed requesting that the above-named child be adopted by \_\_\_\_\_.
- 3) I wish to consent to this adoption, as I believe that the adoption would be in the child's best interest.
- 4) I understand that if the Court enters an adoption, that my parental rights will be terminated, and that I will no longer be considered to legally be the parent of the child. I have had the opportunity to fully review the language of the statute listed below, and have had an opportunity to have any questions I may have about the effect of this statute and of the adoption answered for me.

4-717 Effect of final decree of statutory adoption

1. After a final decree of adoption pursuant to this Article is entered, the relationship of parent and child, and all the rights, duties, and other legal consequences of the natural relation of a child and parent shall thereafter exist between such adopted child, the adopting parents, and the kindred of the adopting parents. The adopted child shall inherit real and personal property from the adopting family and the adopting family shall inherit from the child in accordance with law as if such child were the natural child of the adopting parent(s).

2. After a final decree of adoption pursuant to this Article is entered, the natural parents of the adopted child, unless they are the adoptive parents or the spouse of an adoptive parent, shall be relieved and terminated from all parental rights and responsibilities for said child, including the right to inherit from the child, provided, that the child shall remain eligible to inherit from said natural parents, and retain all rights to membership in a tribe by virtue of his/her birth to said natural parents.

3. Unless the traditional custodians and grandparents of a child have given their consent to the adoption of the child, or have had their custodial rights terminated in the same manner that a parent consents or has their rights terminated, the court, at any time within two years after the final decree of adoption or refusal of the adoptive parents to allow visitation, whichever is later,

may, upon application of a natural traditional custodian or a natural grandparent, order reasonable visitation rights in favor of said person if the court deems such visitation in the best interest of the child. The court may enforce such visitation rights and make orders thereto at any time after timely filing of an application therefore. Notice of such application shall be served upon the adoptive parents as a summons is served.

5) I am signing this consent freely, voluntarily, knowingly, and intelligently, and am not being forced or threatened in any way to sign this consent. I am signing this consent solely because I believe the adoption to be in the best interest of the child.

6) I understand that this consent may not be signed within ten days of the birth of the child, and may be withdrawn at any time prior to the entry of a final adoption decree.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

### JUDGE'S CERTIFICATE

THIS MATTER comes before the Honorable \_\_\_\_\_,  
who certifies as follows:

1) \_\_\_\_\_, the parent of \_\_\_\_\_, comes before me personally wishing to consent to an adoption of the child.

2) The terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian.

3) The parent or Indian custodian either fully understood the explanation in English, or that it was interpreted into a language that the parent or Indian custodian understood.

4) I find that the parent's consent to the adoption was given freely, knowingly, intelligently, and voluntarily.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BY THE COURT

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Judge's signature

IN THE WINNEBAGO TRIBAL COURT

IN RE ADOPTION OF, ) CASE # \_\_\_\_\_  
 )  
 )  
 \_\_\_\_\_ ) **PARENTAL CONSENT**  
 ) **TO ADOPTION**  
 )

*THIS DOCUMENT MUST BE SIGNED IN THE PRESENCE OF A JUDGE*

I, \_\_\_\_\_, state as follows:

- 1) I am the biological parent of \_\_\_\_\_.
- 2) I understand that a petition has been filed requesting that the above-named child be adopted by \_\_\_\_\_.
- 3) I wish to consent to this adoption, as I believe that the adoption would be in the child's best interest.
- 4) I understand that if the Court enters an adoption, that my parental rights will be terminated, and that I will no longer be considered to legally be the parent of the child. I have had the opportunity to fully review the language of the statute listed below, and have had an opportunity to have any questions I may have about the effect of this statute and of the adoption answered for me.

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5) I am signing this consent freely, voluntarily, knowingly, and intelligently, and am not being forced or threatened in any way to sign this consent. I am signing this consent solely because I believe the adoption to be in the best interest of the child.

6) I understand that this consent may not be signed within ten days of the birth of the child, and may be withdrawn at any time prior to the entry of a final adoption decree.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name

### JUDGE'S CERTIFICATE

THIS MATTER comes before the Honorable \_\_\_\_\_,  
who certifies as follows:

1) \_\_\_\_\_, the parent of \_\_\_\_\_, comes before me personally wishing to consent to an adoption of the child.

2) The terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian.

3) The parent or Indian custodian either fully understood the explanation in English, or that it was interpreted into a language that the parent or Indian custodian understood.

4) I find that the parent's consent to the adoption was given freely, knowingly, intelligently, and voluntarily.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

BY THE COURT

\_\_\_\_\_  
Printed name and title

\_\_\_\_\_  
Judge's signature

