

IN THE WINNEBAGO TRIBAL COURT

IN RE CUSTOMARY ADOPTION OF,)	CASE # _____
_____)	
Minor Child,)	
)	
_____,)	PETITION TO SUSPEND
Petitioner.)	PARENTAL RIGHTS

COMES NOW Petitioner, pursuant to Winnebago Tribal Code §4-723, and prays this Court suspend the parental rights of the above-named child to facilitate a customary adoption of the child. In support of this Petition, Petitioner states as follows:

1) Name, address, and telephone number of Petitioner, and nature of relationship to child:

Name: _____

Address: _____

Telephone number: _____

Nature of relationship between Petitioner and child: _____

2) Information regarding the child:

Name: _____

Age: _____

3) For an adult to request suspension of parental rights, that adult must be “possessing custody” of the child. Describe how Petitioner is possessing custody of the child at the time this Petition is filed: _____

4) Name, address, and telephone number of child's tribe:

Is the child is a member of the Winnebago Tribe of Nebraska?

() Yes, and the Tribe's address is 100 Bluff Street, Winnebago, NE, and telephone number is (402) 878-3100.

() No, and the information for the child's tribe is listed below:

Name: _____

Address: _____

Telephone number: _____

5) Name, address and telephone number of child's mother:

Name: _____

Address: _____

Telephone number: _____

If the parental rights of child's mother do not need to be suspended, describe the reason why a suspension is not needed: _____

6) Name, address and telephone number of child's father:

Name: _____

Address: _____

Telephone number: _____

If the parental rights of child's father do not need to be suspended, describe the reason why a suspension is not needed: _____

7) Name, address, and telephone number of any other relatives who may have an interest in the care, custody, and control of the minor child (attach additional pages if necessary):

Note: Pursuant to the Grandparents Rights Act (Winnebago Tribal Code §4-1104), all living grandparents of the child must be listed below.

Name	Address	Telephone number	Nature of relationship

8) Provide a statement as to why an order for suspension of parental rights is in the best interests of the child (attach additional pages if necessary): _____

9) Provide a statement as to why an order for suspension of parental rights is in the best interests of the child's tribe (attach additional pages if necessary): _____

10) State the basis for the request for the suspension of parental rights. Attach as support statements by medical, psychiatric, child protection worker, family member, and/or psychological reports or testimony: _____

11) Is there any similar action pending in a state or other tribal court having jurisdiction over the child?

() Yes, in the following court: _____

() No.

12) List any tribal agencies which have custody of the child, or which might have an interest in this proceeding or be of assistance in adjudicating the matter: _____

NOTICE OF RIGHTS

In addition to any other rights afforded under the Indian Civil Rights Act, 25. U.S.C. §1301-03 (1968), as amended or provided by the Winnebago Tribal Code, Petitioners and other parties to a customary adoption have the following rights:

A) A biological parent has the right to refuse services provided by any social services agency, however, their refusal to accept services may have a significant impact of their ability to have contact with their child.

B) The petitioner and respondent have the right to have reasonable notice and to attend any hearing arising out of the filing of a petition pursuant to this Code. The biological parents and the petitioner have the right to be represented by counsel at their own expense at all proceedings.

C) The biological parents and petitioner have the right to summon and cross-examine witnesses.

D) The biological parents and the petitioner have the right to seek independent medical, psychological or psychiatric evaluations of the child at their own expense.

Should the Petition be granted, the parental rights of the parents may be affected in the following ways:

A) A permanent suspension of the parental rights of the parent including the suspension of the right to the care, custody and control of the minor child and allowing the child to be adopted.

B) A permanent suspension of the right of the parent to have contact with the minor child including contact in person, by mail, by telephone or through third parties or the order may allow for a contact agreement agreed upon by the parties to be ordered by the Court.

C) Restraining a parent from contacting the minor child, the child's foster parent, the child's adoptive parent and/or the social services agency or agencies possessing information regarding the minor child.

D) Ordering that the biological parents' obligation to pay child support, except for arrearages, is hereby terminated.

E) Ordering that any prior court order for custody, visitation or contact with the minor child is hereby terminated.

F) Any other provision the Court finds to be in the best interest of the child.

A final order suspending parental rights may be reviewed by this Court at the request of a parent or agency possessing custody of the child only if one of the following occur:

- A) The child is not adopted within one year after the entry of the final order suspending parental rights.
- B) The adoption of the child fails.
- C) The adoptive parent is deceased.

A copy of this Petition shall be served upon the child's tribe, the child's parents, family members, caretaker, and any agency of the Winnebago Tribe which may have an interest in the proceeding or be of assistance to the Court in adjudicating the matter.

By signing this document, the Petitioner is swearing the contents of the document are true and correct except as to those matters based upon belief and, as to those matters, the Petitioner reasonably believes to be true.

Petitioner

Date

Subscribed to and sworn before me on _____

[SEAL]

Notary Public