

Petitioner's Packet



Termination of Parental Rights

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PETITIONER'S TERMINATION OF PARENTAL RIGHTS GUIDE

This guide is for informational purposes only and the accuracy of this information is not guaranteed. This information is not legal advice and is not a substitute for legal advice. Court Clerks cannot give you legal advice.

The parental rights of a parent can be terminated voluntarily or involuntarily. Termination of parental rights is a very serious matter and is not to be taken lightly. Terminating a parent's rights is a permanent action with lifelong effects for both the child and the parent(s). When parental rights are terminated all aspects of a parent-child relationship are dissolved.

1. Who can file a petition for termination of parental rights?

The person who files the petition to terminate the parental rights of another is called the "petitioner." The petitioner can be a parent seeking to terminate the parental rights of the other parent, a parent seeking to terminate their own parental rights, the Puyallup Tribe of Indians, or any other person with a legitimate interest in the matter.

2. How do I file a petition to terminate parental rights?

STEP 1: Read this guide carefully

Read this guide, and the petition, carefully in its entirety before completing the petition.

STEP 2: Gather Documentation/Information

Locate any personal information about the child, the child's parents, custody information, the child's assets, and other dates, documents, and details that will help you complete the petition for termination of parental rights.

STEP 3: Complete the Petition

There are three parts to the petition.

- Part 1 addresses the jurisdiction of the Court, *i.e.* the Court's authority to enter an order in this matter. You cannot leave this section blank.
- Part II addresses the pre-filing requirements. As part of the petition process, the petitioner is required to establish that the pre-filing requirements in PTC 7.04.900 have been met. The petitioner must *establish* all of the pre-filing requirements within the petition itself by gathering information from the record and incorporating that information into the petition. This includes citing procedural history and previous court findings to demonstrate that the pre-filing requirements are met. The petitioner has the responsibility of locating this information and incorporating this information into the petition. If the petitioner does not, the petitioner does

not meet the statutory requirements for filing a petition under PTC 7.04.900 and the case will not move forward. You cannot leave any sections of this part blank unless directed to do so. The Court Clerk cannot, and will not, help you locate this information.

- Part III addresses personal information and reasons for seeking termination. In this section, if the information is unknown, you cannot leave the field blank. You must state that it is unknown.

It is important to complete the complaint/petition with as much detail as possible so the judge has enough information to conduct an initial hearing. Accurately providing all the requested information will help prevent unnecessary delays in the process.

If, for genuine safety reasons, you are requesting your address to be confidential, then you must make this request to the Court while also providing your mailing address to the Court for service purposes. It is recommended that you file a Statement of Address form with this request and also leave your address blank on the petition to assist in ensuring that your address remains confidential.

STEP 4: Complete the Service Form

The personal service form is included in this packet and will help the Court locate the parents. The Court needs to locate the parents to personally give them a notice and summons to come to Court for a preliminary hearing and a copy of the petition you file with the Court. The case cannot move forward until the parent(s) are given copies of these documents. Providing as much information as accurately as possible will prevent delays in this process.

STEP 5: File the Petition

To file the complaint/petition with the Court, submit the complaint/petition, any supplemental documents, and pay the filing fee to the Court, located at 1451 East 31st St. Tacoma, WA 98404, during business hours (Monday through Friday 8:00 a.m. – 5:00 p.m., closed for holidays).

Step 5.1: Submit to the Court Clerk

- Completed & signed petition
- Personal Service form
- Statement of Address
- Any supplemental documents

Step 5.2: Pay the filing fee to the Court Clerk

- Pay the \$20 filing fee or
- File a motion to request a fee waiver (if applicable)

Step 5.3: Receive from the Court Clerk

- Your receipt or a copy of the order waiving filing fees
- A file-stamped copy of your filings

3. What happens after I file the petition?

After a petition is filed, the Court will set a hearing date, and provide a notice and summons to come to Court for a preliminary hearing with a copy of the petition to the necessary parties. The Court will also request that the Puyallup Tribal Children's Services prepare a pre-termination report. This report will help inform the judge of the circumstances and guide their decision-making process.

4. What if the parent(s) whereabouts are unknown?

Providing the parent(s) with proper notice of the petition filed to terminate a parent's rights is crucial. You must make active efforts to locate that parent(s). However, if the parent(s) cannot be given the documents personally, you may motion the Court to authorize service by mail, and as a last resort, by publication.

All forms needed to seek Court authorization to serve the respondent(s) using these alternate means are available at the Court Clerk's office.

5. What happens at the preliminary hearing?

You must show up at the hearing. The hearing is private and closed, so only those individuals with a legitimate interest in being at the hearing will be present. The judge will hear from the parties and based on the circumstances will make a decision on how to proceed.

6. What happens after the hearing?

What happens after the hearing depends on what the judge orders. Therefore, it is important to read any order issued by the judge and understand its contents because it will outline the next step in the process.

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

_____ *Full Name(s) of minor child(ren) or vulnerable Tribal adult*

_____ *DOB(s) of minor child(ren) or vulnerable Tribal adult*

=====

_____,
_____,
Plaintiff(s)/Petitioner(s),

v.
_____,
_____,
Defendant(s)/Respondent(s).

Case No. _____

ADDRESS AUTHORIZATION FOR SERVICE BY:

FIRST CLASS MAIL

EMAIL

OTHER: _____

YOU MUST COMPLETE THIS FORM IF YOU ARE A PARTY TO THIS CASE

My name is _____, and I am a party to this case.

I authorize to accept service by all parties and the court of all future pleadings, papers, and court orders for this case to the following address:

FIRST CLASS MAIL:

EMAIL: _____

OTHER: _____

(Optional) I also authorize to accept legal papers at the following:

Case No. _____

Address Authorization for Service

I understand that it is my responsibility to inform this Court and the other party if my address changes while this case remains open. I must also provide the other party with a copy of a Notice of Address Change and file this with this Court.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Co-Party Signature (if any)

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

**IN THE CHILDREN'S COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re the parental rights of:

_____,

Parents of: _____,

DOB: _____

=====

_____,
Petitioner(s).

Case No.

**PETITION TO
TERMINATE PARENTAL RIGHTS**

Involuntary

Voluntary

COMES NOW, _____, the Petitioner(s), to establish the following:

Part I.

Basis for the Court's Jurisdiction

To the best of Petitioner's knowledge and belief, jurisdiction of the Children's Court to adjudicate this matter is proper under PTC 7.04.040 because the minor is under the age of 18 and is:

- an enrolled member of the Puyallup Tribe or eligible for membership in the Puyallup Tribe.
- Indian as defined in PTC 7.04.030 and reside or is/are domiciled within the exterior boundaries of the Puyallup Indian Reservation.
- the child of enrolled member(s) of the Puyallup Tribe or other Indians, as defined in PTC 7.04.030, including adopted children, and resides or is domiciled within the exterior boundaries of the Puyallup Indian Reservation.
- The child resides or is domiciled within the exterior boundaries of the Puyallup Indian Reservation, for whatever reason, in the home of an enrolled member of the Puyallup Tribe or other Indians, as defined in PTC 7.04.030, and the parent(s), guardian(s), or custodian(s) has/have consented to the Court's jurisdiction.

Part II.

Pre-Filing Requirements (*Proceed to Petitioner's Statement if termination is voluntary*)

The pre-filing requirements are mandated by PTC 7.04.900. You, Petitioner, must establish all of the following pre-filing requirements within this petition by gathering information from the record and incorporating that information into your petition. This includes citing procedural history and previous court findings to demonstrate that you meet the pre-filing requirements. You have the responsibility of locating this information and incorporating this information into the petition. If you do not, you do not meet the statutory requirements for filing your petition under PTC 7.04.900 and your case will not move forward. The Court Clerk cannot, and will not, do this for you.

i. The child has been found to be an abandoned or neglected child under the Code for at least a one-year period of time. The Court made this finding on _____ during a _____ hearing.
(Date) *(Type of Hearing)*

There has been no further orders altering that finding. (*Attach the order and any additional documents that support this*)

ii. The child has been removed from their parent(s) for a period of one year or more. The child was removed from _____ by _____
(Parent/guardian/custodian)
_____ on _____.
(Agency that removed the child) *(Date of removal)*

There has been no subsequent order altering the child's removal, and as of today, the child has still not been returned to their parent(s). (*Attach proof*)

iii. The Court has entered an order which states what underlying problem(s) the parent(s) was/were required to correct. The order was issued on _____ by _____.
(Date) *(Presiding Judge)*

The underlying problem(s) the parent(s) were required to correct were (*the order is attached*): _____

The parent(s) was/were served with a copy of this order in the following manner

_____.

iv. The social service agency involved, _____, has made a good faith attempt to offer or provide all Court-ordered and/or necessary services that are reasonably available in the community and which are capable of helping the parent resolve his or her underlying problem(s). The social service agency made the following good faith attempts: _____

These good faith attempts can be evidenced by: _____

v. There is little likelihood the conditions will be remedied so that the child can be returned to the parent(s) in the near future because _____

vi. Continuation of the parent-child relationship clearly diminishes the child's prospects for successful placement into a permanent and stable home because

vii. Not returning the child to their parent is the least detrimental alternative that can be taken because _____

Petitioner's Statement

As established above, to the petitioner's best information and belief, the pre-filing requirements set forth in PTC 7.04.900 have been met.

Part III.

(If information in this section is unknown you must state that the information is unknown.)

COMES NOW, _____, the Petitioner(s), and requests the Court terminate the parental rights of the parent(s) of the above named minor based upon the following allegations to the best information and belief of the petitioner(s).

Petitioner Information

- There is only one petitioner.
- Petitioners are married to each other.
- Petitioners are not married to each other.
- Child Welfare Presenter (*If so, proceed to the next section*)
- Other: _____

1. a) Petitioner's full name: _____
Birth Date: _____
Place of residence: _____

Phone: _____

I wish for my contact information to be confidential. I may be served at the Court Clerk's office.

- b) Enrolled member of the Puyallup Tribe.
- Eligible for membership in the Puyallup Tribe.

- Enrolled member of the _____ Tribe.
- Eligible for membership in the _____ Tribe.
- Considered Indian by the community.
- Other _____.

c) Petitioner's Relationship to the Minor Child

- Mother Sibling Cousin
- Father Aunt Uncle
- Grandparent No relationship exists.
- Other: _____

2. a) Petitioner's full name: _____

Birth Date: _____

Place of residence: _____

Phone: _____

- I wish for my contact information to be confidential. I may be served at the Court Clerk's office.

- b) Enrolled member of the Puyallup Tribe.
- Eligible for membership in the Puyallup Tribe.
- Enrolled member of the _____ Tribe.
- Eligible for membership in the _____ Tribe.
- Considered Indian by the community.
- Other _____.

c) Petitioner's Relationship to the Minor Child

- Mother Sibling Cousin
- Father Aunt Uncle
- Grandparent No relationship exists.
- Other: _____

Minor Child's Information

1. Full Name: _____

Child's gender: _____

Birth Date: _____

Place of birth: _____

Place of residence: _____

Minor resides with Petitioner(s). Petitioner(s) wish for their contact information to be confidential.

2. Enrolled member of the Puyallup Tribe.
 Eligible for membership in the Puyallup Tribe.
 Enrolled member of the _____ Tribe.
 Eligible for membership in the _____ Tribe.
 Considered Indian by the community.
 Other _____.

3. The individual(s), or agency, with legal custody of the minor is/are:
Name(s): _____
Address: _____

Minor resides with Petitioner(s). Petitioner(s) wish for their contact information to be confidential.

Proof of legal custody is:

- attached.
 not attached because _____.

- The individual(s) or agency with temporary custody of the minor is/are:
Name(s): _____
Address: _____

Minor resides with Petitioner(s). Petitioner(s) wish for their contact information to be confidential.

Proof of temporary custody is:

- attached.
 not attached because _____.

4. Please list any court cases involving the minor.

Mother's Information

1. Mother's Name: _____

Birth Date: _____

Address: _____

Phone: _____

- 2. Enrolled member of the Puyallup Tribe.
- Eligible for membership in the Puyallup Tribe.
- Enrolled member of the _____ Tribe.
- Eligible for membership in the _____ Tribe.
- Considered Indian by the community.
- Other _____.

- 3. Mother is deceased.
- Mother has consented in writing to the termination of parental rights, in the presence of, and with approval of the Court.
 - A copy of the consent is attached.
 - A copy of the consent is not attached because _____.
- Mother's parental rights were terminated by prior Court order. (*Attach a copy of order*)
- None of the above.

- 4. Mother is 18 or older.
- Mother is under the age of 18, but has been emancipated by Court order.
 - A copy of the order is attached.
 - A copy of the order is not attached because _____.
- Mother is under the age of 18.
 - Mother's Parents' Information:
 - a) Name of the mother's mother: _____
 - Address of the mother's mother: _____
 - _____
 - Phone of the mother's mother: _____
 - Mother's mother is deceased.
 - Other: _____

b) Name of the mother's father: _____

Address of the mother's father: _____

Phone of the mother's father: _____

Mother's father is deceased.

Other: _____

Mother's Guardians' Information:

Name of the mother's guardian(s): _____

Address of the mother's guardian(s): _____

Phone of the mother's guardian(s): _____

Mother has no parent(s) or guardian(s). (*Attach additional pages if needed*)

Name of extended family member(s): _____

Relationship to the extended family member(s): _____

Address of the extended family member(s): _____

Phone of the extended family member(s): _____

Father's Information

1. Father's Name: _____

Birth Date: _____

Address: _____

Phone: _____

2. Enrolled member of the Puyallup Tribe.

Eligible for membership in the Puyallup Tribe.

Enrolled member of the _____ Tribe.

Eligible for membership in the _____ Tribe.

Considered Indian by the community.

Other _____.

3. Father is deceased.

- Father has consented in writing to the termination of parental rights, in the presence of, and with approval of the Court.
 - A copy of the consent is attached.
 - A copy of the consent is not attached because _____.
- Father's parental rights were terminated by prior Court order. (*Attach a copy of order*)
- None of the above.

4. Father is 18 or older.
- Father is under the age of 18, but has been emancipated by Court order, which is attached.
 - A copy of the order is attached.
 - A copy of the order is not attached because _____.
- Father is under the age of 18.
- Father's Parents' Information:
- a) Name of the father's mother: _____
- Address of the father's mother: _____
- _____
- Phone of the father's mother: _____
- Father's mother is deceased.
- Other: _____
- b) Name of the father's father: _____
- Address of the father's father: _____
- _____
- Phone of the father's father: _____
- Father's father is deceased.
- Other: _____
- Father's Guardians' Information:
- Name of the father's guardian(s): _____
- Address of the father's guardian(s): _____
- _____
- Phone of the father's guardian(s): _____
- Father has no parent(s) or guardian(s). (*Attach additional pages if needed*)

Name of extended family member(s): _____

Relationship to the extended family member(s): _____

Address of the extended family member(s): _____

Phone of the extended family member(s): _____

Grounds for Termination

1. Please check all that apply.

- This action is a voluntary termination. **(Skip to the minor's assets section)**
- Abandonment
 - The parent(s), _____, has/have not contacted the child by telephone, letter or in person. *(Please explain below)*
 - The parent(s), _____, has/have not provided any financial support for more than one year without a break. *(Please explain below)*
 - The parent(s), _____, has/have had only marginal contacts for 24 out of the latest 48 months. *(Please explain below)*
- Willful and repeated physical injuries. *(Please explain below)*
- Willful and repeated acts of sexual abuse or sexual exploitation. *(Please explain below)*
- The return of the child may result in serious permanent emotional damage as supported by the best evidence available in the field of child development. *(Please explain below)*

2. Please provide information that supports these claims. If you are also attaching a report/other documentation to support these claims please indicate that below. Attach additional pages if necessary.

Minor Child's Assets

1. The minor has no assets.

**IN THE CHILDREN'S COURT OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re the parental rights of:

_____,

Parents of: _____

DOB(s): _____

=====
_____,
_____,
Petitioner(s).

Case No. _____

**PERSONAL SERVICE FOR
TERMINATION OF PARENTAL
RIGHTS**

I, _____, Petitioner(s) am providing the following information to help the Court personally serve the respondent(s).

Physical Traits

1) The respondent, _____'s, physical appearance is:

Hair Color: _____

Eye Color: _____

Approximate Height: _____

Approximate Weight: _____

Tattoos, birthmarks, or other identifying features: _____.

2) The respondent, _____'s, physical appearance is:

Hair Color: _____

Eye Color: _____

Approximate Height: _____

Approximate Weight: _____

Tattoos, birthmarks, or other identifying features: _____.

Physical Address

3) The respondent, _____'s, last known physical address is:
_____.

Respondent was last known to reside there on this date: _____.

4) The respondent, _____'s, last known physical address is:
_____.

Respondent was last known to reside there on this date: _____.

Employment

1) The respondent, _____'s, last known place of employment is:
_____.

Respondent was last known to work there on this date: _____.

Last known to be unemployed.

2) The respondent, _____'s, last known place of employment is:
_____.

Respondent was last known to work there on this date: _____.

Last known to be unemployed.

Frequent Locations

1) The respondent, _____'s, known hangouts are (name & address):
_____.

Respondent is generally there at this time: _____.

2) The respondent, _____'s, known hangouts are (name & address):
_____.

Respondent is generally there at this time: _____.

Other Information

Other information to aid the Court in locating the respondent for personal service (e.g. where else can they be found and how else they can be identified):

I certify, under penalty of perjury under the laws of the Puyallup Tribe of Indians, that the foregoing statement and any attachments are true and correct to the best of my knowledge and belief. Puyallup Tribal Code § 5.12.1180.

Party Signature

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)

Co-Party Signature (if any)

Date

/s/

Print Name – Party Electronic Signature

Attorney/Advocate Bar No. (if applicable)