

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 2009

Adopting new Child in Need of Aid Rule 26 addressing intervention by Indian child's tribe or Indian custodian, and amending the CINA Rules and Table of Contents to combine headings for Parts X and XI.

IT IS ORDERED:

1. A new Child in Need of Aid Rule is adopted that reads as follows:

Rule 26. Intervention by Indian Child's Tribe or Indian Custodian.

(a) In any state court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have the right to intervene at any point in the proceeding.

(b) The court shall, upon request, provide the service information of the parties and future hearing information to the Indian custodian or Indian child's tribe either in writing or orally.

(c) Any Indian custodian or Indian child's tribe seeking to intervene must file with the court where the matter is pending a notice of intervention, which should be served on all parties. The court shall accept a notice of intervention even if it has not been served on all parties and provide a copy to all parties who have not been served.

(d) The court has discretion to accept an oral notice of intervention made on record.

(e) The notice of intervention is effective upon filing.

(f) The court shall issue a written acknowledgment of the intervention and serve the acknowledgment on all parties.

(g) Any party may respond to a notice of intervention within 10 days of service. A reply must be filed within 5 business days after service of the response.

Note: The use of the word “notice” instead of “motion” was purposeful to be consistent with the Indian Child Welfare Act, which establishes the Indian child’s tribe’s right to intervene as a party in CINA proceedings. No motion under Civil Rule 24 is required in light of the Indian Child Welfare Act’s clear language of the express right to intervene. 25 U.S.C. § 1911(c).

2. The following headings in the Child in Need of Aid Rules and Table of Contents are combined and renumbered:

**Part X. TRANSFER OF JURISDICTIONS ~~AND PART XI.~~
TRIBAL COURT ORDERS ENTERED IN ICWA-DEFINED
CHILD CUSTODY PROCEEDINGS.**

Rule 23. Transfer of Jurisdiction to Tribal Court.

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Rule 24. Registration and Confirmation of Tribal Court Orders under the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963).

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Rule 25. Expedited Enforcement of Tribal Court Orders under the Indian Child Welfare Act (25 U.S.C. §§ 1901-1963).

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Rule 26. Intervention by Indian Child’s Tribe or Indian Custodian.

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DATED: June 22, 2023

EFFECTIVE DATE: October 16, 2023

/s/
Chief Justice Maassen

/s/
Justice Carney

/s/
Justice Borghesan

/s/
Justice Henderson

/s/
Justice Pate