

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT
IN THE CHILDREN'S COURT

No. D-202-JQ-CASE NUMBER

STATE OF NEW MEXICO ex rel.
CHILDREN, YOUTH AND FAMILIES DEPARTMENT
IN THE MATTER OF CHILD(REN)'S INITIALS, CHILDREN,
AND CONCERNING RESPONDENT'S NAME(S), RESPONDENTS.

TRIBE'S MOTION TO INTERVENE

COMES NOW Name of Tribe by Name of Movant, Title of Person Filing (Social Worker, Tribe's Attorney, etc.), and moves this Court for mandatory intervention under NMSA 1978, Section 32A-28-14 and 25 U.S.C. §1911(c).

As grounds for this motion, the undersigned states:

1. An Abuse/Neglect Petition was filed in Bernalillo County, New Mexico, Second Judicial District Court on Date in the above-captioned and numbered cause.
2. The Name of Tribe is a federally-recognized Indian tribe.¹
3. The Name of Tribe is the child(ren)'s tribe as defined under NMSA 1978, Section 32A-1-4(P) and 25 U.S.C. §1903(8).
4. Name of Child(ren)is/are under eighteen (18) years of age, is/are unmarried, has/have not been emancipated, and

is/are member(s) of the Name of Tribe; or

is/are eligible for membership in the Name of Tribe.

¹<https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes>

5. The proceedings in this case may result in the termination of the parental and/or custodial rights of the child(ren)'s parent(s) and/or Indian custodian(s).
6. The child(ren) is/are currently in the custody of the Children, Youth and Families Department (CYFD).
7. The Indian child(ren)'s tribe has the right to mandatory intervention under NMSA 1978, Section 32A-28-14 and 25 U.S.C. §1911(c).
8. The tribe's ICWA worker is [Name of Tribe's ICWA Worker](#), who can be reached at [U.S.P.S. Mailing Address, E-Mail, Phone Number, Fax, ect..](#)
9. Should intervention be granted, the [Name of Tribe](#) shall be a party to this matter. The following documents shall be provided to the tribe: all pleadings, notices of hearing, treatment plans, any and all reports, changes of placements, motions, proposed orders, and invitations to meetings. These documents shall be provided to the tribe as they would be to any other party to this case. All of the above shall be provided to [Name of Tribal Representative](#) in the following manner [U.S.P.S. Mailing Address, E-Mail, Phone Number, Fax, ect..](#)
10. The tribe requests that no hearings be set on the following tribal holidays: [Enter Tribal Observances](#).
11. I affirm by signing below that I am authorized by the tribe to participate in court proceedings, provide updates to tribal government/court, and relay to the Court the tribal government's positions on intervention, transfer, or permanency plans, over which the tribal government holds sole decision-making authority.

12. The Indian child(ren)'s tribe shall have the right to petition this Court for transfer of the proceedings to the tribal court as provided by NMSA 1978, Section

32A-28-19(D); 25 U.S.C. §1911; and 25 C.F.R. §23.115. As of this filing

- the tribe is not petitioning for transfer to tribal court at this time; or
- the tribe will be petitioning for transfer to tribal court by filing a separate pleading.

13. The undersigned certifies that he/she has notified the Children's Court Attorney, the Guardian *ad Litem*/Youth Attorney, and the attorney(s) for the respondent(s) in this case that the tribe is filing this Motion to Intervene.

WHEREFORE, the [Name of Tribe](#) requests that this Motion to Intervene be granted.

Respectfully Submitted,

[Name, Title](#)
[Address](#)
[Phone Number](#)

Certificate of Service

I hereby certify that this _____ (*name of tribe*)'s Motion to Intervene has been provided to all counsel of record by _____ (*method of service*) on the ___ of _____, 20____.

Name