

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, CHILD(REN),  
AND CONCERNING RESPONDENT'S NAME(S), RESPONDENT(S).

**ORDER GRANTING TRIBE'S MOTION TO INTERVENE**

THIS MATTER HAVING come before the Court upon the *Name of Tribe* Motion to Intervene, filed on *Date* , by *Name and Title of Movant*, who has affirmed that the movant has the authority to file the Motion to Intervene, the Court hereby FINDS as follows:

1. The *Name of Tribe* is a federally-recognized Indian tribe.<sup>1</sup>
2. 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).
3. *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*.
4. 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).
5. The child(ren) is/are currently in the custody of the Children, Youth and Families Department (CYFD).

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

6. 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).
7. The tribe shall be listed as a party in the court's case management system and in all pleadings filed after this date.
8. The tribe's ICWA worker shall be listed as a participant in the court's case management system.
9. 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 ICWA Representative](#) in the following manner [U.S.P.S. Mailing Address, E-Mail, Phone Number, Fax, ect..](#)
10. The Court will attempt not to set any hearings on tribal holidays and reminds all parties that the unavailability of the tribe in an ICWA case may be grounds to vacate and reset a hearing.
11. The child's tribe has designated [Name of Tribal ICWA Representative](#) as its ICWA tribal representative. This Court and all parties are relying on the representative's assertions that the representative is authorized by the tribe to participate in court proceedings, provide updates to tribal government/court, and relay to this Court the tribal government's positions on intervention, transfer, or permanency plans, over which the tribal government holds sole decision-making authority. At any time during the course of this case, [Name of Tribe](#) may designate another individual to serve in this role as ICWA representative.

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. Any request for transfer shall be filed by separate motion.

**IT IS THEREFORE ORDERED** that the motion is well-taken and the request for mandatory intervention is granted under NMSA 1978, Section 32A-28-14 and 25 U.S.C. §1911(c).

**IT IS SO ORDERED.**

\_\_\_\_\_  
CATHERINE A. BEGAYE  
DISTRICT COURT JUDGE

**Certificate of Service**

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

\_\_\_\_\_  
TCAA