

STATE OF WISCONSIN CIRCUIT COURT _____ COUNTY

IN RE:

_____,
Petitioner

AND

_____,
Respondent

**ORDER FOR TRANSFER OF
CASE TO TRIBAL COURT
WITH NO OBJECTION**

Case No. _____
IVD No. _____

FINDINGS OF FACT:

The _____ Tribe of Indians (The Tribe) is receiving funding from the federal government to operate a child support program under Title IV-D of the federal Social Security Act (42 USC 654 et al.)

The State is a real party in interest to this action pursuant to Wis. Stat. §767.205(2).

The court recognizes the Tribe's Inherent power to regulate domestic relations among its members.

The Tribe has enacted tribal ordinances governing the establishment of paternity, and the establishment and enforcement of child support, medical support, custody and placement orders.

_____ is an enrolled member of The Tribe.

Pursuant to the standards in P.L. 83-280 and after consideration of the factors in Montana vs. United States, 450 U.S. 544 (1981), the court finds that the circuit court and the _____ Tribal court have concurrent jurisdiction over this matter.

Notice of Intent to transfer this case was provided to _____ by regular mail on _____.

Ten (10) business days having elapsed since the date of notice and no objection having been raised, the court finds that transfer of the post-judgment child support, medical support, custody and placement provisions of this action to The Tribe is warranted.

After consideration of the factors in Wis. Stats. §801.54 and §822.27, Wis. Stats., the court finds that this circuit court is an inconvenient forum and that the _____ tribal court is a more appropriate forum to determine modifications to the existing child custody determinations herein and that transfer of those issues should also be made to the _____ tribal court.

IT IS HEREBY ORDERED:

The child support, medical support, custody and placement provision of this action are transferred to The Tribe and the _____ County Clerk of Circuit court is ordered to send a copy of the entire court file in this action to The Tribe.

All proceedings in _____ County Circuit Court regarding the issues of child support, medical support, custody and placement in this action are hereby stayed.

Upon the lapse of five (5) years following the last court order entered in _____ County Circuit court in this action, and there being no further proceedings or motions in said court during said time regarding the issues of child support, medical support, custody and placement, then any further proceedings regarding these issues shall be dismissed.

Dated: _____

BY THE COURT:

Circuit Judge

STATE OF WISCONSIN CIRCUIT COURT _____ COUNTY

IN RE:

_____,
Petitioner

AND

_____,
Respondent

**ORDER APPROVING
TRANSFER OF CASE TO
TRIBAL COURT**

Case No. _____

IVD No. _____

THIS MATTER CAME BEFORE THE COURT ON: _____

APPEARANCES

Petitioner: ☐ in person ☐ by phone ☐ did not appear ☐ with Atty/GAL _____
Respondent: ☐ in person ☐ by phone ☐ did not appear ☐ with Atty/GAL _____
☐ Translator _____ ☐ GAL for Minor Child _____

FINDINGS OF FACT:

The _____ Tribe of Indians (The Tribe) is receiving funding from the federal government to operate a child support program under Title IV-D of the federal Social Security Act (42 USC 654 et al.)

The State is a real party in interest to this action pursuant to Wis. Stat. §767.205(2).

The court recognizes the Tribe's Inherent power to regulate domestic relations among its members.

The Tribe has enacted tribal ordinances governing the establishment of paternity, and the establishment and enforcement of child support, medical support, custody and placement orders.

_____ is an enrolled member of The Tribe.

Pursuant to the standards in P.L. 83-280 and after consideration of the factors in Montana vs. United States, 450 U.S. 544 (1981), the court finds that the circuit court and the _____ Tribal court have concurrent jurisdiction over this matter.

Notice of Intent to transfer this case was provided to the parties by regular mail on _____.

After consideration of the factors in Wis. Stat. §801.54, and hearing the arguments of those in appearance, the court finds that transfer of the post-judgment child support, medical support, custody and placement provisions of this action to The Tribe is warranted.

After consideration of the factors in Wis. Stats. §801.54 and §822.27, the court finds that this circuit court is an inconvenient forum and that the _____ tribal court is a more appropriate forum to determine modifications to the existing child custody determinations herein and that transfer of those issues should also be made to the _____ tribal court.

Additional Findings (if any):

IT IS HEREBY ORDERED:

The child support, medical support, custody and placement provisions of this action are transferred to The Tribe and the _____ County Clerk of Circuit Court is ordered to send a copy of the entire court file in this action to The Tribe.

All proceedings filed after the date of this order related to child support, medical support, custody or placement shall be filed and heard in the tribal court for The Tribe.

IT IS FURTHER ORDERED:

Any further proceedings in _____ County Circuit Court regarding the issues of child support, medical support, custody and placement provisions in this action are hereby stayed.

Upon the lapse of five (5) years following the last court order entered in the circuit court in this action, and there being no further proceedings or motions in said court during said time regarding the issues of child support, medical support, custody and placement, then this action regarding these issues shall be dismissed.

Date: _____

BY THE COURT:

Circuit Judge

Pursuant to the standards in P.L. 83-280 and after consideration of the factors in *Montana vs. United States*, 450 U.S. 544 (1981), the court finds that the circuit court and the _____ Tribal court have concurrent jurisdiction over this matter.

Notice of Intent to transfer this case was provided to the parties by regular mail on _____.

After consideration of the factors in Wis. Stat. §801.54, and hearing the arguments of those in appearance, the court finds that transfer of the post-judgment child support, medical support, custody and placement provisions of this action to The Tribe is not warranted, and all further proceedings in this action shall remain before this court.

Additional Findings (if any):

IT IS HEREBY ORDERED:

All further proceedings in this action shall remain in this court and the transfer of the child support, medical support, custody and placement provisions of this action to The Tribe is denied.

Date: _____

BY THE COURT:

Circuit Judge

STATE OF WISCONSIN CIRCUIT COURT COUNTY

IN RE:

_____,
Petitioner

AND

_____,
Respondent

**PETITION AND ORDER
FOR WITHDRAWAL OF
INTENT TO TRANSFER**

Case No. _____

IVD No. _____

WHEREAS, on _____, the _____ County Child Support Agency filed a Notice of Intent to Transfer the above-referenced case to the _____ Tribe of Indians;

WHEREAS, _____ Request for Hearing to object to the transfer was filed with the _____ County Clerk of Court;

WHEREAS, _____ is not an enrolled member of the _____ Tribe of Indians of Wisconsin;

WHEREAS, _____ does not reside on the reservation of the _____ Tribe of Indians of Wisconsin;

WHEREAS, the Memorandum of Understanding between the State of Wisconsin, the Department of Children and Families; the Bureau of Child Support, the _____ County Child Support Agency and the _____ Tribal Child Support Agency requires the withdrawal of the Intent to Transfer when an objection is raised by a parent who is not an enrolled _____ Tribal member and does not reside on the reservation of the _____ Tribe of Indians of Wisconsin.

NOW THEREFORE, the State of Wisconsin respectfully requests the Court to enter an Order granting the withdrawal of the Intent to Transfer this case to the _____ Tribe of Indians.

Dated: _____

Attorney

County Child Support
State Bar No. _____

ORDER

Based on the above petition, the State's request to withdraw the Intent to Transfer this case is hereby granted without prejudice.

Dated: _____

BY THE COURT:

Circuit Judge

STATE OF WISCONSIN CIRCUIT COURT _____ COUNTY

IN RE:

_____,
Petitioner

AND

_____,
Respondent

**REQUEST FOR HEARING ON
CASE TRANSFER TO THE
_____ TRIBE**

Case No. _____

IVD No. _____

TO THE CIRCUIT JUDGE OF _____ COUNTY:

I request a hearing to contest the transfer of my case regarding the issues of legal custody, physical placement and child support to the _____ Tribe of Indians.

Signature

Name Printed or Typed

Date

_____ **For Agency Use Only** _____

The above requested hearing is scheduled for:

Date: _____

Time: _____

Location: _____

Presiding Official: _____

Address: _____

BRIEFLY EXPLAIN THE REASON YOU OPPOSE THE TRANSFER OF THIS
CASE TO THE _____ TRIBAL COURT:

STATE OF WISCONSIN CIRCUIT COURT _____ COUNTY

IN RE:

_____,
Petitioner

AND

_____,
Respondent

**PETITION AND ORDER
FOR WITHDRAWAL OF
INTENT TO TRANSFER**

Case No. _____
IVD No. _____

WHEREAS, on _____, the _____ County Child Support Agency filed a Notice of Intent to Transfer the above-referenced case to the _____ Tribe of Indians;

WHEREAS, _____ Request for Hearing to object to the transfer was filed with the _____ County Clerk of Court;

WHEREAS, _____ is not an enrolled member of the _____ Tribe of Indians of Wisconsin;

WHEREAS, _____ does not reside on the reservation of the _____ Tribe of Indians of Wisconsin;

WHEREAS, the Memorandum of Understanding between the State of Wisconsin, the Department of Children and Families; the Bureau of Child Support, the _____ County Child Support Agency and the _____ Tribal Child Support Agency requires the withdrawal of the Intent to Transfer when an objection is raised by a parent who is not an enrolled _____ Tribal member and does not reside on the reservation of the _____ Tribe of Indians of Wisconsin.

NOW THEREFORE, the State of Wisconsin respectfully requests the Court to enter an Order granting the withdrawal of the Intent to Transfer this case to the _____ Tribe of Indians.

Dated: _____

Attorney

County Child Support
State Bar No. _____

ORDER

Based on the above petition, the State's request to withdraw the Intent to Transfer this case is hereby granted without prejudice.

Dated: _____

BY THE COURT:

Circuit Judge