

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used when you are filing for a petition for traditional adoption and either you are unable to afford to pay the filing service fee or you want someone other than the Court Process Server to personally serve the Petition for Adoption and Notice of Hearing on the natural parent of the child(ren) to be adopted.

The person serving the natural parent with the petition and notice of hearing must do so at least 10 days before the scheduled hearing.

FORMS INVOLVED. The first form is an **Affidavit of Personal Service**. You will need to have the person who personally serves the petition and notice on the natural parents fill in the necessary information with help from the instructions below and then file the affidavit with the court.

The Tribal Code allows you to have an adult (someone over the age of 18) member of the Rosebud Sioux Tribe who resides on the reservation personally serve your papers on the defendant within the reservation. If they do, have the person who serves the defendant fill out the **Affidavit of Personal Service form**. Then file the affidavit of service with the court to be placed in your court file. If you have the court process server do the service, they will file their own affidavit and won't need this form.

Once your petition is filed, the court will prepare a notice of hearing. The court process service will personally serve the natural parents with a copy of the petition and notice which requires a service fee unless you can get the service fee waived. Or, if the service fee is not waived, you can have someone over the age of 18, who is a tribal member, is a resident of the reservation and not a party to the adoption personally serve the natural parent with the petition and notice of hearing. Personal service means handing a copy of the petition and notice of hearing to the natural parent or if the natural parent cannot be conveniently located, then by delivering a copy of the petition and notice at the natural parent's dwelling with to a member of the natural parent's family or household over the age of 14 years.

The person serving the natural parent with the petition and notice of hearing must do so at least 10 days before the scheduled hearing.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out this form follow these instructions. The number below is the number on the form where the information for that number needs to be inserted.

Instructions for filling out the Affidavit of Service:

- (1) on this line insert the name of each child you are seeking to adopt and their date of birth (DOB).
- (2) on this line insert the name of person who personally served the Petition and Notice of Hearing.
- (3) on this line insert name of the person served with the petition and notice of hearing.

- (4) on this line insert the date the person was served with the petition and notice of hearing.
- (5) on this line insert the day.
- (6) on this line insert the month.
- (7) on this line insert the year.
- (8) on this line have the person who served the petition and notice of hearing sign their name before a Notary Public.

Have the person who you are using to serve the papers date and sign this form before a Notary Public and file it with the court.

ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD INDIAN RESERVATION)SS
ROSEBUD, SOUTH DAKOTA)

IN CHILDREN'S COURT

DOCKET _____

IN RE THE MATTER OF THE ADOPTION OF:

(1) _____ DOB: _____

AFFIDAVIT OF SERVICE

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

Comes now, (2) _____ and upon oath states and alleges as follows:

1. That I did personally serve a true and correct copy of the attached petition for traditional adoption upon (3) _____ on (4) _____ within the exterior boundaries of the Rosebud Sioux Indian Reservation.

2. That I am over the age of 18 years old.

3. That I am an enrolled member of the Rosebud Sioux Tribe.

4. That I am a resident and do reside on the Rosebud Indian Reservation.

5. That I am not a party to this to this action as either plaintiff or defendant.

Dated this (5) _____ day of (6) _____, (7) _____.

BY:

(8) _____
AFFIANT

Sworn and subscribed to before me this _____ day of _____, _____.

Notary Public
My commission expires:
(SEAL)

Sworn and subscribed to before me this _____ day of _____, _____.

Notary Public
My commission expires:
(SEAL)