

# Section 3:

How Do I Fill Out the Forms?



## Section 3: How Do I Fill Out the Forms?

### Summary

This section explains how to fill out the forms. The Kit includes:

**Forms** that are left blank, for you to fill out. You type your answers on these forms and then submit them to the court. Make copies of the forms before you fill them out, so that you can start over if you make a mistake that you can't erase. The forms can be found in Section 8: Forms.

**Resources** that provide information, instructions, or examples that will help you fill in the forms – the blank petitions and court orders – that you submit to the court. They can be found in Section 7, starting on Page 65.

### Contents

In this section, you will learn:

- How to fill out a petition on pleading paper
- What kind of evidence you have to include in your petition
- How to have someone else make a declaration
- How to fill out a DSS order
- How to fill out a Vital Records Order
- What to do if you have to write a letter to the judge

Before you start to fill out the forms, remember to:

- Talk to the court clerk first so you know what to submit and you have all the information you need to file your petition, forms, letters, and/or court orders correctly
- Fill out the Checklist on Page 32 (“Questions for the Court Clerk” )
- Make copies of the forms, so that you can start over if you make a mistake that you can't erase

## Filling Out the Forms

### Part One: General Information

#### How do I use the resources?

The instructions, information, samples, and examples in Section 7 — Resources tell you what to fill in on the blank forms. The instructions look like this:

#### [INSTRUCTIONS]

**TIP:** Do not be put off by the legal language in the forms. The courts have to use this language. After reading this section, you should be able to understand all the instructions that help you fill out the forms.



## How should I fill out the forms?

- Fill out the forms as completely as you can.
- Include as many facts as possible that lead you to believe your birth parents were or are Native American.
- Generally, the courts find handwritten forms harder to process, so you should use a typewriter or computer to fill in the information.

If you do not have access to a computer or typewriter, call the court clerk's office. Ask if they will accept a handwritten petition. If they won't, check with your local public library – most provide typewriters either for free or for a small fee.

If you are allowed to fill out the forms by hand, be sure to

- write neatly
- use blue or black ink

**TIP:** Make more than one copy of each blank form before you start so you have extra ones in case you make a mistake that you can't erase.

A blank petition and declaration on pleading paper (**Form A**), a blank DSS court order (**Form B**), a blank Vital Records court order (**Form C**), a third party's blank declaration on pleading paper (**Form D**), and an extra sheet of blank pleading paper (**Form E**) are in Section 8: Forms.



## Filling Out the Forms

### Part Two: The Petition and Declaration on Pleading Paper

#### How do I fill out Form A, the blank petition and declaration on pleading paper?

- Make several copies of **Form A** before you start, in case you make a mistake that you can't erase.
- Remember, each line on the pleading paper is numbered, and each fact or piece of evidence that you fill in on your petition goes on a particular numbered line, or series of numbered lines.

Look for **Resource A** in Section 7. It tells you what information to fill in on each blank numbered line or blank series of numbered lines on the petition on pleading paper.

As you fill out **Form A**, you'll want to use **both Resource A** and the information below (Pages 37-42).

#### What kind of information about my birth parents should I include in the petition?

You should include as much information as you know about your birth parents. This includes:

- one or both of your parents' names
- one or both of your parents' dates of birth
- where one or both of your parents was born
- what tribe(s) one or both of your parents belong to

**TIP:** Put the information that you think is most important (most likely to convince the judge that you are Native American) near the beginning of your petition.

Remember, if you were not born in California, and the Vital Records Office in the state where you were born agreed to accept an order from a California court, you have to include a sentence **in your petition** stating:

- who you talked with
- the exact name of the department where they work **and**
- the fact they have agreed to honor an order from a California court

**TIP:** Since this sentence is not the most important piece of information in your petition, it should go somewhere in the middle or near the end.

## Do I have to attach anything to my petition?

Yes. There are specific documents, or pieces of evidence, that you always have to include. These are:

- a copy of your Adoptive Birth Certificate **and**
- if you are a married woman, and you are using your husband's last name, you also have to include a copy of your Marriage Certificate

**TIP:** The documents, or pieces of evidence, that you attach to your petition are called “**exhibits.**” You use letters of the alphabet to number your exhibits. For example, your first Exhibit is called “Exhibit A,” your second is called “Exhibit B,” your third is called “Exhibit C,” etc. (Your Adoptive Birth Certificate is usually your first exhibit, or “Exhibit A.”)



## Do I have to attach anything else to my petition?

Yes. The judge decides whether there is enough evidence that you are Native American to open your birth records, so you should attach as much evidence about your Native American heritage as you can find.

## What kind of evidence do I attach to my petition to prove that I'm Native American?

Examples of evidence that may help prove you're Indian include:

- Any additional information you have about your birth parents' Native heritage
- Declarations from your birth parents, other relatives, your spouse (husband or wife), your social worker, or any other person who knows that you are Native American
- Photographs showing your Native American relatives (parents, grandparents, aunts, uncles, etc.)
- BIA or tribal information
- Letters from your birth parents, social workers, and/or adoption agency that provide information about your Native American heritage

**TIP:** These examples of evidence are also called “**exhibits**.”

**TIP:** Remember, you want to include evidence that you are Native American — not that you were adopted. Evidence that you were adopted does not automatically prove that you're Native American.

## Do I have to say anything about the exhibits I attach to the petition?

Yes. In the petition, you should:

- describe each exhibit in a few words **and**
- tell the judge where to look for it, by writing, “See attached Exhibit \_\_\_\_.”

**TIP:** Make sure you staple your exhibits to your petition, so they don't get lost. If an exhibit has more than one page, make sure you number every page. Also, you should type “Exhibit \_” in the bottom right corner of each page, so the judge knows which exhibit they're looking at. And you should type your name in the bottom left corner, so the judge knows it's yours.

### What if there isn't enough space on my petition to describe all of my evidence?

If you run out of space on your petition, you can use a blank piece of pleading paper to:

- describe the rest of your evidence
- tell the judge about other facts in your case

Extra pieces of blank pleading paper are attached for your use. See **Form E**.

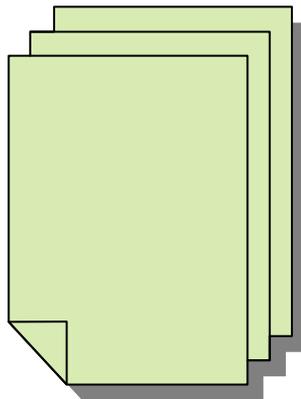
### Can I put anything else on this extra piece of blank pleading paper?

Yes. You should make more than one copy of this blank piece of pleading paper because it has many uses. You can:

- use it in case you make a mistake you can't erase
- attach photographs to it

**TIP:** Remember to type your name in the bottom left corner of the page, so the judge knows it's yours.

**TIP: Don't ever** write on the back of any pleading paper. **Always** use an extra piece if you run out of space on one sheet.



## Who else can make a sworn statement or declaration that I am Native American?

Any person who knows you are Native American. This might include:

- your birth parents
- other relatives
- your “**spouse**” (husband or wife)
- your social worker

**TIP:** Remember, a declaration is a written statement where the person who signs it swears that the information on the form is true and correct to the best of their knowledge. Someone who makes a sworn statement promises that they are telling the truth under penalty of perjury. This means that a declaration from another person who swears that you are Native American is more convincing to a judge than a plain statement that you are Native American.

A blank declaration on pleading paper for another person to fill out is attached for your use. See **Form D**.

**TIP:** Remember, the court calls you “the petitioner.” If someone besides yourself makes a declaration to the court, the court will call that person a “**third party**.”

**TIP:** It is important for the person writing the declaration to not only state that that you are Native American but discuss **what facts they have to believe** that you are Native American.



### How do I fill in Form D, a third party's blank declaration on pleading paper?

- Remember, this form is for someone else to fill out, not you.
- Make several copies of **Form D** before you give it to someone else, in case the other person makes a mistake that they can't erase.
- Remember, each line on the pleading paper is numbered, and each fact or piece of evidence that you fill in on your petition goes on a particular numbered line, or series of numbered lines.

Look for **Resource D** in Section 7. It tells you what information to fill in on each blank numbered line or blank series of numbered lines on the declaration on pleading paper.

**TIP:** You can also give an extra copy of a blank piece of pleading paper (**Form E**) to any person who is writing you a declaration. They can use this extra piece of pleading paper if they run out of room when they're filling out their declaration form.

You will have to contact the court clerk to find out if the declaration has to be typed, or if it can be handwritten. The court clerk may accept a handwritten declaration if it is written neatly and is in blue or black ink.



## Filling Out the Forms Part Three: Court Orders

### How do I fill out Form B, the blank DSS order?

- Make several copies of **Form B** before you start, in case you make a mistake you can't erase.

Look for **Resource B** in Section 7. It tells you what information to fill in on the blank DSS order.

- **Do not** date or sign the order — the judge has to do that.

### How do I fill out Form C, the blank Vital Records order?

- Make several copies of **Form C** before you start, in case you make a mistake you can't erase.

Look for **Resource C** in Section 7. It tells you what information to fill in on the blank Vital Records order.

- **Do not** date or sign the order — the judge has to do that.

**TIP:** Remember, if you were not born in California, the Vital Records Office in the state where you were born may want you to add information to the Vital Records order before you submit it to the California court.

## **Filling Out the Forms**

### **Part Four: Letter to the Judge**

#### **What if the court clerk says I have to write a letter to the judge? What do I put in the letter?**

Your letter will be more informal than a petition. Be sure to include:

- As much information as you can about your birth parents – especially any and all facts that lead you to believe they were or are American Indian
- If possible, the sources of the information that leads you to believe that your birth parents are/were American Indian
- Any attachments and exhibits that provide evidence that you or your birth parents are/were American Indian

If you have to write a letter to the judge, you can call your local CILS office to discuss what to include.