

SUPREME COURT OF NORTH DAKOTA

In the Interest of W.J.

2026 ND 43 · No. No. 20250458 · Decided February 19, 2026

SUMMARY

The North Dakota Supreme Court summarily affirmed a juvenile court order terminating K.D.’s parental rights to W.J. The court held that the juvenile court’s finding that W.J. was a child in need of protection was not clearly erroneous and that termination did not constitute an abuse of discretion, while noting the applicability of the Indian Child Welfare Act.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Chase R. Lingle; Daniel J. Crothers; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 19, 2026
DOCKET	No. 20250458
DISPOSITION	affirmed
PROCEDURAL POSTURE	K.D. appealed a juvenile court order terminating his parental rights to W.J.
STANDARD OF REVIEW	Factual findings in a termination-of-parental-rights proceeding are reviewed under the clearly erroneous standard. Whether termination would promote the child's welfare is reviewed for abuse of discretion when the required elements have been proven by clear and convincing evidence.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	K.D., Father v. State of North Dakota

TOPICS

- termination of parental rights
- indian child welfare act
- standard of review
- appellate procedure
- parental rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the juvenile court clearly erred in finding that W.J. was a child in need of protection.
2. Whether the juvenile court abused its discretion by terminating K.D.'s parental rights.

HOLDINGS

1. The juvenile court's finding that W.J. was a child in need of protection was not clearly erroneous.
2. The juvenile court did not abuse its discretion in terminating K.D.'s parental rights.
3. The judgment was summarily affirmed under N.D.R.App.P. 35.1(a)(2) and (4).

KEY QUOTATIONS

“We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).” (¶ 1)

FACTUAL BACKGROUND

The juvenile court found that W.J. was a child in need of protection and terminated K.D.'s parental rights. K.D. challenged the finding as clearly erroneous, and the North Dakota Supreme Court also considered the termination under the applicable parental-rights and Indian Child Welfare Act framework.

PROCEDURAL HISTORY

The Juvenile Court of Morton County terminated K.D.'s parental rights. K.D. appealed, challenging the juvenile court's finding that W.J. was a child in need of protection. The North Dakota Supreme Court summarily affirmed the order.

DISPOSITION

affirmed

CASES CITED

- Interest of A.C., 2022 ND 123, ¶ 5, 975 N.W.2d 567
- Interest of A.P., 2022 ND 131, ¶ 2, 976 N.W.2d 244

OPINION

Interest of W.J. 2026 ND 43

PER CURIAM.

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

2026 ND 43 In the Interest of W.J., Child State of North Dakota, Petitioner and Appellee v. W.J., Child; E.J., Mother; Anika Butts, Guardian ad Litem, Respondents and K.D., Father, Respondent

and Appellant No. 20250458 Appeal from the Juvenile Court of Morton County, South Central Judicial District, the Honorable Tessa M. Vaagen, Judicial Referee. AFFIRMED. Per Curiam. Chase R. Lingle, Assistant State's Attorney, Mandan, ND, for petitioner and appellee; submitted on brief. Steven Balaban, Bismarck, ND, for respondent and appellant; submitted on brief. Interest of W.J. No. 20250458 Per Curiam. [¶1] K.D. appeals from a juvenile court order terminating his parental rights to W.J. He argues the court's finding that W.J. is a child in need of protection is clearly erroneous. The juvenile court has authority to terminate parental rights under N.D.C.C. ch. 27-20.3. The Indian Child Welfare Act applies to this case. See 25 U.S.C. §§ 1901-1963; see also N.D.C.C. ch. 27-19.1. We conclude the court's findings are not clearly erroneous and the court did not abuse its discretion when it terminated K.D.'s parental rights. See Interest of A.C., 2022 ND 123, ¶ 5, 975 N.W.2d 567 (the clearly erroneous standard of review applies to factual findings made in a termination of parental rights proceeding); see also Interest of A.P., 2022 ND 131, ¶ 2, 976 N.W.2d 244 (whether terminating parental rights would promote the child's welfare is left to the court's discretion when the required elements are proven by clear and convincing evidence). We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4). [¶2] Lisa Fair McEvers, C.J. Daniel J. Crothers Jerod E. Tufte Jon J. Jensen Douglas A. Bahr 1