

SUPREME COURT OF NORTH DAKOTA

In the Interest of D.G. & D.G.

2026 ND 37 · No. Nos. 20250432 & 20250433 · Decided February 12, 2026

SUMMARY

The North Dakota Supreme Court remanded juvenile court judgments terminating a father's parental rights because the juvenile court did not make a threshold finding regarding whether the Indian Child Welfare Act applied. The court instructed the juvenile court to make that finding within 45 days, potentially receive additional evidence, and reassess the termination decision if required. The Supreme Court retained jurisdiction.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Fair McEvers, Chief Justice; Lisa Fair McEvers, Chief Justice; Daniel J. Crothers; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 12, 2026
DOCKET	Nos. 20250432 & 20250433
DISPOSITION	remanded
PROCEDURAL POSTURE	Father appealed juvenile court judgments terminating his parental rights, arguing the court failed to determine whether the Indian Child Welfare Act applied.
STANDARD OF REVIEW	The Supreme Court reviews a juvenile court's findings of fact in a termination proceeding under the clearly erroneous standard.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	G.G., father v. North Star Human Service Zone

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the juvenile court was required to make a threshold inquiry and finding regarding whether the Indian Child Welfare Act applied to the new termination-of-parental-rights petitions.
2. Whether the absence of findings concerning ICWA applicability rendered the juvenile court's termination findings clearly erroneous and required remand.

HOLDINGS

1. A juvenile court must make a threshold inquiry and finding as to whether ICWA applies for each new petition in a termination-of-parental-rights proceeding.
2. The absence of findings concerning whether ICWA applied constituted a clearly erroneous mistake and required remand.
3. The juvenile court must determine, within no more than 45 days, whether ICWA applied based on the existing record, although it may receive additional evidence in its discretion if necessary; depending on that determination, it may or must reassess the termination decision.

KEY QUOTATIONS

“State courts must ask each participant in an emergency or voluntary or involuntary child-custody proceeding whether the participant knows or has reason to know that the child is an Indian child.” (§ 6)

“We conclude juvenile courts must make a threshold inquiry as to ICWA applicability for each new petition in termination of parental rights proceedings.” (§ 7)

FACTUAL BACKGROUND

The children were removed from their parental home on June 24, 2020, and the juvenile court determined they were children in need of protection. They remained under the care, custody, and control of North Star Human Service Zone. After earlier termination petitions were denied, the State filed new petitions in 2025. The juvenile court found termination of both parents' rights was in the children's best interests but made no finding whether ICWA applied.

PROCEDURAL HISTORY

The children were removed from the parental home in 2020 and remained in the care, custody, and control of North Star Human Service Zone. Earlier termination petitions filed in 2022 were denied. The State filed new termination petitions in 2025, and the juvenile court terminated the parental rights of G.G. and S.F. without making findings regarding ICWA applicability. G.G. timely appealed, and the Supreme Court of North Dakota remanded for the required threshold determination while retaining jurisdiction.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Within no more than 45 days, the juvenile court must make a finding on whether ICWA applied based on the currently existing record. The court may, in its discretion, receive additional evidence if necessary to make the required finding. Depending on its finding, the court may or must reassess its decision whether to terminate parental rights. The Supreme Court retained jurisdiction under N.D.R.App.P. 35(a)(3)(B).

CASES CITED

- Interest of J.C., 2025 ND 217, ¶ 6, 29 N.W.3d 598
- Interest of A.P., 2024 ND 43, ¶ 12, 4 N.W.3d 232
- Interest of A.C., 2022 ND 123, ¶ 8, 975 N.W.2d 567
- Interest of K.B., 2021 ND 106, ¶ 4, 961 N.W.2d 293
- In re M.R., 2015 ND 233, ¶ 16, 870 N.W.2d 175

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