

IN THE SUPREME COURT  
STATE OF NORTH DAKOTA

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2026 ND 43

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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

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No. 20250458

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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