

Procedure and review checklist for Guardianship

Resources: Squaxin Island Code Chapter 10.12

Critical path:

- Petition is filed.
- Determine if consent will or will not be given by biological parent(s).
- Determine if child is Youth in Need of Care.
- Hearing is scheduled within 40 days.
- Court Clerk provides notice of hearing at least 20 days prior to the hearing.
- ICW prepares preliminary guardianship report.
- ICW seeks recommendations of social service professionals (Family Wellness).
- Family Wellness Team meets and confers for consensus recommendation.
- ICW seeks recommendations, if any, from Tribal Council.
- ICW completes guardianship report.
- ICW serves guardianship report at least 10 days prior to the hearing.
- Any one else may serve their own recommendation report at least 10 days prior to the hearing.
- Conduct hearing.
- Enter order granting or denying petition for guardianship.
- If guardianship granted, determine if order will limit or define the guardian's powers.
- Determine when or how order will terminate.
- Determine if guardianship is subject to continuing or periodic review.

1. Beginning – prepare and file a petition for guardianship.

To start an action for guardianship, a petition must be prepared. A petition should be prepared by the person promoting the guardianship. The petition must include:

- The name, birth date, residence, and tribal status of the youth who is the subject of the petition;
- The name, birth date, residence, and tribal status, if known, of the youth's parent(s);
- The name, birth date, residence, and tribal status, if known of the petitioner(s);
- If the youth is residing with someone other than a parent, the location and length of time at that location; and
- A concise statement of the facts and reasons supporting the request that the petitioner be appointed as guardian.
- The petition should be signed and verified by the applicant. For example, "I have read the foregoing petition and declare that to the best of my knowledge it is true and accurate."

2. Once the petition is filed – notice is given.

File the petition with the Court.

When the petition is received, the Court Clerk shall immediately notify the ICW.

When the petition is received, the Court Clerk shall set a date no more than 40 days from the date the petition was received.

When the Court date is set the Court Clerk shall give notice of the hearing date to the following people, at least 20 days before the hearing:

- The petitioner(s);
- The youth;
- The youth's parent(s);
- The presenting officer;
- Any person who requests notice;
- Any person the Court deems necessary for proper adjudication; and
- Any person the parties believe necessary for the hearing.

The notice must include the date, time, and place of the hearing, and a copy of the petition.

3. The Guardianship Report.

ICW must prepare a Guardianship report. The time period is short. The hearing will be less than 40 days away, and needs to be filed at least 10 days prior. Thus, ICW will have 30 days or less to complete its work.

When the petition or notice of a petition is received by ICW, ICW shall immediately begin preparation of a guardianship report.

ICW shall consult with social services staff. ICW conduct a complete home study.

ICW shall consult with the youth's parents.

ICW may review any of the youth's prior court record.

ICW shall consult with all social services, health, and education personnel who have had prior professional contacts with the youth and with the petitioner(s) to determine whether the appointment of a guardian is in the best interests of the youth. This is the Family Wellness Team.

ICW shall present the Family Wellness Team's findings and recommendations to Tribal Council and receive from Tribal Council its recommendations, if any.

Thereafter, ICW shall prepare and finalize a written Guardianship Report including the professional opinions of all personnel consulted, the Family Wellness Team's recommendation, and Tribal Council's recommendation.

At least 10 days prior to the hearing, the Guardianship Report shall be mailed by the ICW to:

- The Squaxin Island Court Clerk;
- The petitioner(s);
- The youth;
- The youth's parent(s);
- Any person who requests notice;
- Any person the Court deems necessary for proper adjudication; and
- Any person the parties believe necessary for the hearing;

Any party may file a report which includes his or her recommendations for consideration by the Court.

4. Preference.

The order of preference in placing a youth with a guardian is:

- An extended family member (a grandparent, an aunt, an uncle, a cousin);
- A member of or person eligible for enrollment in the Squaxin Island Tribe;
- A member of another Indian tribe; and
- If this order of placement preference cannot be met, for good cause shown, then placement may be made with any person who has knowledge of and a desire to foster the youth's tribal affiliation and special needs.

5. The Guardianship Hearing.

The Guardianship hearing is conducted consistent with the Youth Code. The Court shall hear testimony to determine whether guardianship is in the best interest of the youth. The Court shall consider all guardianship reports submitted for review. All parties shall be given the opportunity to contest the factual contents and conclusions of the guardianship reports.

The grounds for appointing a guardian and the burden of proof are set by statute. The Guardianship Report should consider and speak to the following standards:

First, the Court may appoint a guardian when the following conditions have been proved by clear and convincing evidence:

- The parent has consented in writing to the guardianship; or
- The youth is a youth in need of care as defined under this code.

Second, the Court must also find all the following conditions have been proved by clear and convincing evidence:

- That appointment of a guardian is in the best interest of the youth;
- The youth's best interests would not be served if the youth remains under the parent's care and custody; and

- That the petitioner(s) can provide appropriate and adequate parental care for the youth's financial and emotional support.

6. Order of Appointment – Powers of Guardian.

If the Court orders the appointment of a guardian, the order may define or limit the guardian's power. Consider the following non-exhaustive list:

- Supervised or unsupervised visits will continue at the direction of ICW.
- Frequency and duration of visits will be determined by ICW.
- Review will occur every six months.
- Guardian will provide periodic reports of cultural activities to ICW.
- Guardianship will terminate when _____.

If the order does not define or limit the power of the guardian, the guardian has all the rights and responsibilities of a parent except:

- The power to enroll a youth in a tribe other than the Squaxin Island Tribe if the child is enrolled or eligible for enrollment in the Squaxin Island Tribe;
- The guardian shall not move outside a fifty (50) mile radius of the Squaxin Island tribal center without Court approval upon notice and hearing;
- The guardian may not consent to any adoption of the child;
- The Court may order visitation between the youth and parent(s) or any other person if the Court finds such visitation is in the best interest of the youth.
- Unless ordered by the Court, the guardianship shall not be subject to periodic or continuing supervision.

Chapter 10.12

GUARDIANSHIP

Sections:

- 10.12.010 General provisions.
10.12.020 Starting an action to
appoint guardian.

10.12.010 General provisions.

Intent. It is the custom of the Squaxin Island Tribe that youths be raised within the supportive network of extended family and community if the youth's parents are unable to adequately care for him or her. The Squaxin Island Tribe has never recognized "termination of parental rights," even in cases of extreme abuse or neglect. A parent may have been completely restricted from having any contact with his or her child and the child may have been raised by a relative but the parent's status as the child's parent was never "terminated." Similarly, a person raising another person's child did not "adopt" the child. The provision for guardianship in this code is intended to reflect these values and customs of the Squaxin Island Tribe.

The Court may, on rare occasions, face cases which cannot be handled in the customary way. Chapter 10.16, Termination of Parental Rights, addresses those rare circumstances. (Res. 86-26 (part))

10.12.020 Starting an action to appoint guardian.

A. Petition—Who May File. Any person at least eighteen (18) years old may file a petition with the Court requesting that he or she be appointed as a guardian. If the petitioner is married, his or her spouse must also be

at least eighteen (18) years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the court. "Spouse" for purposes here includes common law spouses. "Common law spouse" for purposes of this code means parties to a marriage recognized under tribal custom or parties to a relationship wherein the couple reside together and intend to reside together as a family.

B. Petition—Contents. A petition for appointment of a guardian shall include:

1. The name, birthdate, residence, and tribal status of the youth who is the subject of the petition;
2. The name, birthdate, residence, and tribal status, if known, of the youth's parent(s) and of the petitioner(s);
3. If the youth is residing with someone other than a parent, the location and length at that location; and
4. A concise statement of the facts and reasons supporting the request that the petitioner be appointed as a guardian.

C. Setting the Hearing. When the Court receives the petition it shall set a hearing date, which shall not be more than forty (40) days after the Court receives the petition.

D. Notice of Hearing. Notice of the hearing shall be given by the court clerk or other person designated by the tribe to perform this duty as provided under Section 10.04.110, Service, at least twenty (20) days before the hearing. The notice shall include the date, time, and place of the hearing and a copy of the petition. The notice shall be served on:

1. The petitioner(s);
2. The youth;
3. The youth's parent(s);
4. The presenting officer;
5. Any person the Court deems necessary for proper adjudication; and

6. Any person the parties believe necessary for the hearing.

E. Guardianship Report—Preparation. The Indian Child Welfare worker, in consultation with the social services staff, shall prepare a guardianship report. In preparing the report, the Indian Child Welfare worker shall conduct a complete home study and shall consult with the youth's parent(s), all health, education and social service personnel who have had prior professional contacts with the youth, and with the petitioner(s) to determine whether appointment of a guardian would be in the best interests of the youth. The Indian Child Welfare worker may also review the child's previous court record, if any. In addition, the Indian Child Welfare worker must obtain the recommendation, if any, of the Squaxin Island Tribal Council as to the disposition and any other relevant issues. The guardianship report shall be in writing and contain the professional opinions of all personnel consulted.

F. Guardianship Report—Service. The Indian Child Welfare worker shall mail the guardianship report to the Court and to all parties to the proceeding at least ten (10) days before the hearing.

G. Additional Reports. Any party may file a report which shall include his or her recommendations for consideration by the Court.

H. Guardianship Hearing—Purpose. The Court shall conduct the hearing to determine whether appointment of a guardian is in the best interest of the youth.

I. Guardianship Hearing—Conduct. The hearing shall be private and closed. The following procedural rules apply: Section 10.08.030F, Testimony, Sections 10.08.030G through J, Rules of Evidence, Section 10.08.030K, Admissibility of Statements, and Sections 10.08.030L through M, Questioning

Witnesses, Section 10.08.030N, Written Testimony, and Section 10.08.030O, Rules for Discovery.

The Court shall hear testimony to determine whether guardianship is in the best interest of the youth. The Court shall consider all guardianship reports submitted for review.

All parties shall be given the opportunity to contest the factual contents and conclusions of the guardianship reports.

J. Grounds for Appointing a Guardian and Burden of Proof.

1. The Court may appoint a guardian when the following conditions have been proved by clear and convincing evidence:

a. The parent has consented in writing to the guardianship; or

b. The youth is a youth in need of care as defined under this code.

2. In addition to finding one of the above conditions has been proved, the Court must also find all the following conditions have been proved by clear and convincing evidence:

a. That appointment of a guardian is in the best interest of the youth; and

b. The youth's best interests would not be served if the youth remains under the parent's care and custody; and

c. That the petitioner(s) can provide appropriate and adequate parental care for the youth's financial and emotional support.

K. Placement Preference. The order of preference in placing a youth with a guardian is:

1. Extended family member;
2. A member of or person eligible for enrollment in the Squaxin Island Tribe;
3. A member of another Indian tribe;
4. If this order of placement preference cannot be met, for good cause shown, then placement may be made with any person who

has knowledge of and a desire to foster the youth's tribal affiliation and special needs.

L. Enrollment Prior to Appointment of Guardian. If a youth is eligible for enrollment in the Squaxin Island Tribe, the Indian Child Welfare worker may assist the parent in making application for enrollment of the youth to the Squaxin Island enrollment clerk.

M. Order of Appointment—Powers of Guardian. If the Court orders the appointment of a guardian, the order may define or limit the guardian's power. If the order does not define or limit the power of the guardian, the guardian has all the rights and responsibilities of a parent except:

1. The power to enroll a youth in a tribe other than the Squaxin Island Tribe if the child is enrolled or eligible for enrollment in the Squaxin Island Tribe;
2. The guardian shall not move outside a fifty (50) mile radius of the Squaxin Island tribal center without Court approval upon notice and hearing; and
3. The guardian may not consent to any adoption of the child.

N. Visitation. The Court may order visitation between the youth and parent(s) or any other person if the Court finds such visitation is in the best interest of the youth.

O. Court Review. Unless ordered by the Court, the guardianship shall not be subject to periodic or continuing supervision. (Res. 86-26 (part))

4/18/06

Kevin,

Here are the code sections that I believe would need to be revised to establish the additional qualifications for guardians that you mentioned this morning, along with draft revisions. I also included qualifications for guardians ad litem and prospective adoptive guardians. For this first draft, I used the same qualifications for all, though I think that the matters related to perjury, witness and juror tampering, etc. are more relevant for guardians ad litem than they may be for adoptive parents and guardians. I was also trying to be conscious of the fact that if the qualifications are too restrictive, many potentially great guardians may be disqualified by a past legal issue – I put in some lists and timelines as placeholders, but you'll have to let me know what you think the right balance is. Let me know what you think, and I'll finish drafting this as a resolution.

K

Chapter 10.04

10.04.090 Guardian ad litem.

A. Appointment. The Court, under any proceedings authorized by this code, ~~shall~~ ^{may} appoint for the purpose of that proceeding, a guardian ad litem for a youth where it finds that the youth does not have a natural or adoptive parent, guardian, or custodian willing and able to exercise sound judgment as to the best interests of the youth, or upon the request of the Indian Child Welfare worker.

B. Qualifications. The guardian ad litem must be familiar with the rights of youth and the provisions of this code. No person shall be qualified to serve as a guardian ad litem who:

1. Has been convicted in the past five (5) years under the laws of any jurisdiction of any felony offense involving: assault; perjury; false swearing; bribing, intimidating, or tampering with a witness or juror; dishonesty; or similar crimes;

2. Has been convicted in the past ten (10) years under the laws of any jurisdiction of any felony, misdemeanor or civil offense involving sexual offense, kidnapping, false imprisonment, domestic abuse (including but not limited to child abuse or neglect, or elder abuse or neglect), custodial interference, or similar crime;

3. Is required to register as a kidnapping or sex offender under the laws of any jurisdiction.

C. Duties. A guardian ad litem shall:

- 1. Represent the youth's best interest in any proceeding as required by the Court; and
2. Make recommendations to the Court on disposition. (Res. 86-26 (part))

10.12.020 Starting an action to appoint guardian.

A. Petition--Who May File. Any person at least eighteen (18) years old may file a petition with the Court requesting that he or she be appointed as a guardian. If the petitioner is married, his or her spouse must also be at least eighteen (18) years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the court. "Spouse" for purposes here includes common law spouses. "Common law spouse" for purposes of this code means parties to a marriage recognized under tribal custom or parties to a relationship wherein the couple reside together and intend to reside together as a family.

B. Petition--Contents. A petition for appointment of a guardian shall include:

- 1. The name, birthdate, residence, and tribal status of the youth who is the subject of the petition;
2. The name, birthdate, residence, and tribal status, if known, of the youth's parents, and of the petitioner(s);

3. If the youth is residing with someone other than a parent, the location and length at that location; and

4. A concise statement of the facts and reasons supporting the request that the petitioner be appointed as a guardian,

C. Setting the Hearing. When the Court receives the petition it shall set a hearing date, which shall not be more than forty (40) days after the Court receives the petition,

unless extended by agreement of parties.

Form prepared by the CJ & Ct.

Consent. Petition shall include same consent provision. If DE & biolog parent consents he or she shall sign the consent provision on the petition.

Release. Petitioner shall provide release for criminal and credit background checks.

D. Notice of Hearing. Notice of the hearing shall be given by the court clerk or other person designated by the Tribe to perform this duty as provided under Section 10.04.110, Service, at least twenty (20) days before the hearing. The notice shall include the date, time, and place of the hearing and a copy of the petition. The notice shall be served on:

1. The petitioner(s);
2. The youth;
3. The youth's parent(s);
4. The presenting officer;
5. Any person the Court deems necessary for proper adjudication; and
6. Any person the parties believe necessary for the hearing.

E. Guardianship Report--Preparation. The Indian Child Welfare worker, in consultation with the social services staff, shall prepare a guardianship report. In preparing the report, the Indian Child Welfare worker shall conduct a complete home study and shall consult with the youth's parent(s), all health, education and social service personnel who have had prior professional contacts with the youth, and with the petitioner(s) to determine whether appointment of a guardian would be in the best interests of the youth. The Indian Child Welfare worker may also review the child's previous court record, if any. In addition, the Indian Child Welfare worker must obtain the recommendation, if any, of the Squaxin Island Tribal Council as to the disposition and any other relevant issues. The guardianship report shall be in writing and contain the professional opinions of all personnel consulted.

F. Guardianship Report--Service. The Indian Child Welfare worker shall mail the guardianship report to the Court and to all parties to the proceeding at least ten (10) days before the hearing.

G. Additional Reports. Any party may file a report which shall include his or her recommendations for consideration by the Court.

H. Guardianship Hearing--Purpose. The Court shall conduct the hearing to determine whether appointment of a guardian is in the best interest of the youth.

I. Guardianship Hearing--Conduct. The hearing shall be private and closed. The following procedural rules apply: Section 10.08.030F, Testimony, Sections 10.08.030G through J, Rules of Evidence, Section 10.08.030K, Admissibility of Statements, and Sections 10.08.030L through M, Questioning Witnesses, Section 10.08.030N, Written Testimony, and Section 10.08.030O, Rules for Discovery.

The Court shall hear testimony to determine whether guardianship is in the best interest of the youth. The Court shall consider all guardianship reports submitted for review.

All parties shall be given the opportunity to contest the factual contents and conclusions of the guardianship reports.

J. Grounds for Appointing a Guardian and Burden of Proof.

1. The Court may appoint a guardian when the following conditions have been proved by clear and convincing evidence:

- a. The parent has consented in writing to the guardianship; or
- b. The youth is a youth in need of care as defined under this code.

2. In addition to finding one of the above conditions has been proved, the Court must also find all the following conditions have been proved by clear and convincing evidence:

- a. That appointment of a guardian is in the best interest of the youth; and

b. The youth's best interests would not be served if the youth remains under the parent's care and custody; and

c. That the petitioner(s) can provide appropriate and adequate parental care for the youth's financial and emotional support;

d. The proposed guardian is qualified. No person shall be qualified to serve as a guardian who:

i. Has been convicted in the past five (5) years under the laws of any jurisdiction of any felony offense involving: assault; perjury; false swearing; bribing, intimidating, or tampering with a witness or juror; dishonesty; or similar crimes;

ii. Has been convicted in the past ten (10) years under the laws of any jurisdiction of any felony, misdemeanor or civil offense involving sexual offense, kidnapping, false imprisonment, domestic abuse (including but not limited to child abuse or neglect, or elder abuse or neglect), custodial interference, or similar crime;

iii. Is required to register as a kidnapping or sex offender under the laws of any jurisdiction.

K. Placement Preference. The order of preference in placing a youth with a guardian is:

1. Extended family member;

2. A member of or person eligible for enrollment in the Squaxin Island Tribe;

3. A member of another Indian tribe;

4. If this order of placement preference cannot be met, for good cause shown, then placement may be made with any person who has knowledge of and a desire to foster the youth's tribal affiliation and special needs.

L. Enrollment Prior to Appointment of Guardian. If a youth is eligible for enrollment in the Squaxin Island Tribe, the Indian Child Welfare worker may assist the parent in making application for enrollment of the youth to the Squaxin Island enrollment clerk.

M. Order of Appointment--Powers of Guardian. If the Court orders the appointment of a guardian, the order may define or limit the guardian's power. If the order does not define or limit the power of the guardian, the guardian has all the rights and responsibilities of a parent except:

1. The power to enroll a youth in a tribe other than the Squaxin Island Tribe if the child is enrolled or eligible for enrollment in the Squaxin Island Tribe;

2. The guardian shall not move outside a fifty (50) mile radius of the Squaxin Island tribal center without Court approval upon notice and hearing; and

3. The guardian may not consent to any adoption of the child.

N. Visitation. The Court may order visitation between the youth and parent(s) or any other person if the Court finds such visitation is in the best interest of the youth.

O. Court Review. Unless ordered by the Court, the guardianship shall not be subject to periodic or continuing supervision. (Res. 86-26 (part))

10.20.010 General provisions.

A. Petition--Who May File. Any qualified person eighteen (18) years or older wishing to adopt a youth may file a petition with the Tribal Court requesting that he or she be appointed as a guardian. No person shall be qualified to serve as a guardian who:

1. Has been convicted in the past five (5) years under the laws of any jurisdiction of any felony offense involving: assault; perjury; false swearing; bribing, intimidating, or tampering with a witness or juror; dishonesty; or similar crimes;

2. Has been convicted in the past ten (10) years under the laws of any jurisdiction of any felony, misdemeanor or civil offense involving sexual offense, kidnapping, false imprisonment, domestic abuse (including but not limited to child abuse or neglect, or elder abuse or neglect), custodial interference, or similar crime;

3. Is required to register as a kidnapping or sex offender under the laws of any jurisdiction.
If the petitioner is married, his or her spouse must also be at least eighteen (18) years old, be qualified to serve as a guardian pursuant to this section A, and, unless the spouse's whereabouts is unknown or unless waived by the Court must sign the petition. "Spouse" for purposes here includes common law spouses. "Common law spouse" for purposes of this code means parties to a marriage recognized under tribal custom or parties to a relationship wherein the couple reside together and intend to reside together as a family.

Deleted: must sign the petition,

B. Petition--Contents. The adoption petition shall include:

1. The name, date of birth, residence and tribal status of the youth;
2. The full name to be given to the child to be adopted;
3. The name, age, place and duration of residence and the tribal status of the petitioner(s);
4. The relation, if any, of the petitioner(s) to the youth;
5. The names and addresses, if known, of all persons whose consent is required; and proof of consent, if given;

6. A description of any previous civil proceedings involving the care or custody of the youth to be adopted and the results of these proceedings;

7. The reasons the petitioner(s) desire(s) to adopt the youth.

C. Availability for Adoption. A youth may be adopted only if he has no parents by reason of death or by the voluntary or involuntary termination of the parent-child relationship. The Court may conduct a hearing as provided under Chapter 10.16, Termination of Parental Rights, prior to or in consolidation with an adoption hearing.

D. Setting the Hearing. When the Court receives the petition for adoption, it shall set a date for the adoption hearing, which shall not be more than sixty (60) days after the Court receives the petition, unless extended for good cause shown.

E. Notice of Hearing. Notice of the hearing shall be given by the court clerk or other person designated by the Tribe to perform this duty as provided under Section 10.04.110, Service, at least twenty (20) days before the hearing. The notice shall include the date, time and place of the hearing, and a copy of the petition. The notice shall be served on:

1. The petitioner(s);
2. The youth;
3. The youth's parent(s), guardian or custodian;
4. The presenting officer;
5. Any person the court deems necessary for proper adjudication; and
6. Any person the parties believe necessary for the hearing.

F. Pre-Adoption Report. The Indian Child Welfare worker, in consultation with the social services staff, shall prepare a pre-adoption report. In preparing the report, the Indian Child Welfare worker shall conduct a complete home study including all information reasonably available concerning:

1. The physical and mental condition of the youth, the petitioner(s) and the petitioner(s)' family;
2. The parent(s) of the youth;
3. The home environment, family life, health facilities and resources of the petitioner(s);
4. The youth's cultural heritage and tribal status;
5. The marital status of the petitioner(s), if married, and divorce, if any. The names and ages of other children, both natural and adopted, of the petitioner(s);
6. The recommendation, if any, of the Squaxin Island Tribal Council regarding the adoption; and
7. Any other facts and circumstances relating to the propriety and advisability of the adoption.

When the petitioner(s) is a member of the youth's extended family, the court, in its discretion, may waive the formal written requirements for the pre-adoptive report and require only such oral information from the Indian Child Welfare worker and social services staff as the court deems necessary.

G. Pre-Adoption Report--Service. The Indian Child Welfare worker shall mail the pre-adoption report to the Court and all parties to the proceedings at least ten (10) days before the hearing.

H. Additional Reports. Any party may file a report which shall include his or her recommendations for consideration by the Court.

I. Adoption Hearing--Purpose. The Court shall conduct the adoption hearing to determine whether adoption is in the best interest of the youth and, if so, whether the proposed guardian (and spouse where applicable) is qualified.

J. Adoption Hearing--Conduct. The hearing shall be private and closed. The following procedural rules apply: Sections 10.08.030F, Testimony, 10.08.030G through J, Rules of Evidence, Section 10.08.030K, Admissibility of Statements, Sections 10.08.030L through M, Questioning Witnesses, 10.08.030N, Written Testimony, and 10.08.030O, Rules for Discovery.

K. Grounds for Entering Decree of Adoption. The Court may enter a decree of adoption if it finds that all necessary procedures have been followed, that the Squaxin Island tribal council does not oppose it, that it would be in the best interest of the youth, and the proposed guardian is qualified.

Deleted: and

L. Denial of Adoption Petition. If the adoption petition is denied, the Court shall specifically state the reasons for the denial and shall designate who shall have custody of the youth.

M. Decree of Adoption. If the Court grants the petition for adoption, the decree shall include:

1. Such facts as are necessary to establish the youth is available for adoption, and that the adoptive home and parents are adequate and capable of providing proper care of the youth;
2. A provision that the Bureau of Vital Statistics of the state where the child was born and the Bureau of Indian Affairs shall be notified of the adoption and a certified copy of the decree shall be mailed to those offices; and
3. That such adoption remain temporary for one year from date of entry of such decree, and shall become permanent at the expiration of the one-year period.
4. A provision changing the legal name of the person adopted may be included.

N. Effect of Decree of Adoption. A decree of adoption has the following effect: It creates the relationship between the adopted person and the petitioner and all relatives of the petitioner, that would

have existed if the adopted person were a legitimate blood descendant of the petitioner. This relationship shall be created for all purposes, including inheritance and applicability of statutes, documents, and instruments, whether executed before or after entry of the adoption decree, that do not expressly exclude an adopted person by their terms.

O. Adoption Records. All records, reports, proceedings, and orders in adoption cases are confidential and shall not be available for release or inspection. Information contained in such records may be released upon petition to the Tribal Court by the adopted person after reaching legal majority. However, information may be released as necessary to amend the child's birth certificate. (Res. 86-26 (part))

SQUAXIN ISLAND TRIBAL COURT
YOUTH COURT
SQUAXIN ISLAND RESERVATION

IN RE: WELFARE OF:

Case No.: CI-

_____, an Indian child

GUARDIANSHIP REPORT
SITC § 10.12.020 (E)

DOB _____

NOTE FOR HEARING: _____, 2006

On _____, _____ filed a petition for guardianship of _____ triggering the requirement that ICW provide a Guardianship Report. ICW submits the following Guardianship Report and supercedes the Guardianship Report filed on _____. The updated report was prepared following a multi-disciplinary staffing. ICW submits the following, as required by SITC § 10.12.020 (E):

1. Youth in Need of Care.

_____ was determined to be a Youth In Need of Care on _____.

2. Consultation with the Youth's Parent.

The birth mother has not consented to the guardianship. The birth father's whereabouts are not known to ICW and he has not appeared at any ICW matters.

3. Complete Home Study.

1 A Family Home Study of _____, petitioners, was completed by ICW based on interviews
2 _____ . Since then there has been no change in their circumstances to warrant
3 revising the home study.

4 **4. Consultation with all Professional Service Providers.**

5 The Family Wellness Team, the successor to the Child Protection Team, consisting of treatment,
6 mental health, education, law enforcement and probation and ICW staff, met on _____, to
7 consult regarding the petition. Their consensus recommendation is attached hereto. Their
8 recommendation is: grant the petition for guardianship with the following conditions: (a) the _____
9 continue to make the child available for visits with the extended family no less than two times per month
10 supervised by ICW, unless both families agree that the _____ may supervise the visits; (b)
11 unsupervised visits by the extended family may occur, as directed by ICW, when the visitor complies
12 with any previous court order; (c) the frequency and duration of visits may be increased as directed by
13 ICW; (d) the Youth Court will maintain continuing jurisdiction so that ICW can actively (i) support the
14 birth mother to regain legal custody if she were to rehabilitate and (ii) monitor the relationship between
15 the guardians and the child; and (e) and the guardians provide periodic reports to ICW of the cultural
16 activities that Christian has participated in.

17 **5. Time Period of Dependency.**

18 The child was born _____. The child was designated a Youth In Need of Care _____.
19 The child has been a dependent since.

20 **6. Squaxin Island Tribal Council Recommendation.**

21 On _____, the Tribal Council unanimously stated,

22 The Tribal Council recommends adoption of the Family Wellness Team
23 consensus recommendation.

24 SQUAXIN ISLAND ICW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Telephone: 360._____
Fax: 360.427.2652
E-mail: yharvey@squaxin.nsn.us

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing _____, 2006.

DATED this _____, 2006.

Paralegal
Squaxin Island Tribe Legal Department