

**C-2 Adoption**  
**Procedure and review checklist for Adoption**

**Resources: Squaxin Island Code Chapter 10.20**

**Critical path:**

- **Petition is filed.**
- **Hearing is scheduled within 60 days.**
- **Court Clerk provides notice of hearing at least 20 days prior to the hearing.**
- **Pre-Adoption Report is waived under the Extended Family Exception**
- **Pre-Adoption Report is required.**
- **ICW seeks recommendations of social service staff.**
- **ICW conducts a complete home study.**
- **ICW seeks recommendations, if any, from Tribal Council.**
- **ICW serves pre-adoption report at least 10 days prior to the hearing.**
- **Any one else may serve their own pre-adoption report at least 10 days prior to the hearing.**
- **Conduct hearing.**
- **Satisfy grounds for entering a decree of adoption.**
- **Enter temporary decree of adoption.**
- **Notify Bureau of Vital Statistics and Bureau of Indian Affairs.**
- **Review in one-year**
- **Decree becomes final and permanent.**

**1. Beginning – confirm that the youth is eligible to be adopted.**

A youth may be adopted only if he or she:

- **Has no parents by reason of death;**
- **Has no parents because the parent-child relationship was voluntarily terminated; or**
- **Has no parents because the parent-child relationship was involuntarily terminated.**

The Code is not clear whether a child is eligible for adoption when one parent has died or had the parent-child relationship terminated and the other parent is alive and in a parent-child relationship.

The Court has entered decrees of adoption in such cases in the Youth Court. [insert any additional information]

**2. Beginning – prepare and file a petition to adopt.**

To start an action to adopt a youth, a petition must be prepared. A petition should be prepared by the person promoting the adoption. If the petitioner is a member of the youth's extended family, the court may waive the requirement for a pre-adoptive report. 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), guardian or custodian;
- The full name to be given to the child to be adopted;
- The name, age, place and duration of residence and the tribal status of the petitioner(s);
- The relation, if any, of the petitioner(s) to the youth;
- A description of any previous civil proceedings (tribal or state) involving the care or custody of the youth to be adopted and the results of those proceedings; and
- The reasons the petitioner(s) desire to adopt the youth.
- The petition should be signed and verified by the applicant. For example, "I have read the foregoing petition and to the best of my knowledge it is true and accurate."

### **3. 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 60 days from the date the petition was received, unless the Court extends the date.

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), guardian or custodian;
- Any person the Court deems necessary for proper adjudication;
- Any person the parties believe necessary for the hearing;
- The Indian Child Welfare Office; and
- The Squaxin Island Tribe's presenting ICW officer or, if none is assigned then the Squaxin Island Legal Department.

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

### **3. The Pre-Adoption Report Not Required – Extended Family Exception.**

When the petitioner 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. SITC § 10.20.010 (F)(7).

Extended family is defined in 10.04.040 as,

This term shall be defined by the law or custom of the Indian youth's tribe, or in the absence of such law or custom, shall be a person who has reached the age of eighteen (18) and who is the youth's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.

If the petitioner is the youth's grandparent, aunt, uncle, brother or sister, brother-in-law or sister-in-law, niece, nephew, first or second cousin or step-parent then the need for a Pre-Adoption report may be waived.

#### **4. The Pre-Adoption Report.**

ICW must prepare a Pre-Adoption. The time period is short. The hearing will be less than 60 days away, and needs to be filed at least 10 days prior to the hearing. Thus, ICW will have 50 days or less to complete its work.

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

ICW shall consult with social services staff.

ICW shall consult with the youth's parents, guardian and or custodian.

ICW shall consult with all social services, health, and education personnel who have had prior professional contacts with the youth and or his or her parent(s), guardian or custodian to determine if adoption is in the best interests of the youth.

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

ICW shall present its preliminary findings and recommendations to Tribal Council and obtain from the Tribal Council its determination whether it opposes the petition.

Thereafter, ICW shall prepare and finalize a written Pre-Adoption Report including the professional opinions of all personnel consulted, whether Council opposes the petition and the recommendation of ICW.

10 days prior to the hearing, the Pre-Adoption Report shall be submitted by the ICW to:

- The petitioner(s);
- The youth;
- The youth's parent(s), guardian or custodian;

- Any person the Court deems necessary for proper adjudication;
- Any person the parties believe necessary for the hearing;
- The Squaxin Island Court Clerk;
- The Indian Child Welfare Office; and
- The Squaxin Island Tribe’s presenting ICW officer or, if none is assigned then the Squaxin Island Legal Department.

The Court Clerk may receive additional reports from any party which include his or her recommendation.

**5. The Pre-Adoption Hearing.**

The Pre-Adoption hearing is conducted consistent with the Youth Code. The Court shall consider all pre-adoption reports submitted for review. All parties shall be given the opportunity to contest the factual contents and conclusions of the pre-adoption reports.

The grounds for adoption and the burden of proof are set by statute. The Pre-Adoption Report should consider and speak to the following standards:

The Court may enter a Decree of Adoption if it finds that:

- All of the necessary procedures have been followed;
- The Squaxin Island Tribal Council does not oppose the adoption; and
- Adoption is in the best interest of the youth.

**6. Temporary Decree of Adoption.**

If the Court grants the petition for adoption, the decree will be temporary for one year. The Court will conduct a review hearing and [not clear here what standard applies] and thereafter enter a permanent decree.

**7. Permanent Decree of Adoption.**

After one year in temporary adoption status, the Court will enter a Permanent Decree of Adoption [this could be automatic]. A decree must include certain matters, including a provision that the Bureau of Vital Statistics and the Bureau of Indian Affairs be contacted.