

4.05.8701170 Termination of parental rights and adoption of a child in a youth-in-need-of-care guardianships.

Purpose. The Tulalip Tribes has not traditionally supported termination of a parent's rights. ~~It is currently the custom of the Tribes to view involuntary termination of a parent's rights as a last resort and a process to be used only when an adoption has been arranged in a step-parent adoption, or when one of the parents has committed a heinous act against another person. This chapter addresses both involuntary termination of a parent's rights and termination of parental rights by consent of the parent in the course of an adoption.~~

~~It is currently the custom of the Tribes to view involuntary termination of a parent's rights as a last resort and a process to be used only in the following situations:~~

- ~~a) Adoption by a biological family member, when the child has been in guardianship's care for three (3) continuous years, excluding any Judicial Reviews or dependency proceedings involving the guardian(s) and youth
 - ~~a. If both parents are deceased, the child can be adopted by a biological family member guardian, without 3-year requirement;~~~~
- ~~b) Adoption by an enrolled Tulalip Tribal member, when the child has been in the guardianship for three (3) continuous years, excluding any Judicial Reviews or dependency proceedings involving the guardian(s) and youth.~~

4.05.880-1180 Petition for termination of parental rights of a child in a youth-in-need-of-care guardianship – Who may file.

~~Any person at least 18 years old may file a petition to ask the Court to voluntarily terminate their parental rights. Only a representative of the Tulalip Tribes or a petitioner with the Tulalip Tribes' approval may file a petition for involuntary termination of a parent's rights.~~

~~Only beda?chelh or a petitioner approved by beda?chelh may file a petition with the court seeking an order to terminate the parental rights.~~

4.05.890-1190 Petition for termination of parental rights of a child in a youth-in-need-of-care guardianship – Contents.

A petition for termination of a parent's rights shall include:

Commented [SL1]: If the processes are clearly defined, does the Tribe still want to approve the termination of parental rights? Or may beda?chelh file if all requirements are met?

(1) The name, birth date, residence, and Tribal status of the child who is the subject of the petition;

(2) The name, birth date, residence, and Tribal status, if known, of the child's parent(s), ~~guardian(s)~~, or custodian(s);

2) The name, birth date, residence, and Tribal status of the child's legal guardian(s);

~~(3) If the child is residing with someone other than a parent, the location and~~ The length of time ~~the child has resided with the legal guardian(s) and at that location~~ what residence; ~~and~~

~~(4) The relationship of the guardian(s) to the child;~~

~~(5) A description of all previous known court proceedings and any current court proceedings involving the child;.~~

~~(6) A statement that no similar action is pending in a Tribal or State Court having jurisdiction over the child;~~

~~(7) A statement regarding the parent(s) involvement with the child over the child's lifetime; and~~

~~(8) A statement by the petitioner of the facts and reasons supporting the request; and~~

~~(9) Proof of approval from beda?chelh to file a petition to suspend parental rights.-~~

4.05.900-1200 Notice of hearing on petition for termination of parental rights of a child in a youth-in-need-of-care guardianship.

Upon the filing of a petition the Court shall schedule a hearing to be held within 45 to 60 days. If publication is necessary, such notice shall be consistent with TTC 2.10.030.

The petition and notice shall be served on the parent(s), the guardian(s), ~~who is required to join in the petition,~~ and beda?chelh ~~so they can prepare a report,~~ and anyone who may have an interest in the proceedings or be of assistance to the Court in adjudicating the petition.

4.05.910-1210 Pretermination report for termination of parental rights of a child in a youth-in-need-of-care guardianship – Preparation.

The petitioner(s) shall arrange to have a pretermination report prepared by beda?chelh, ~~or by a beda?chelh approved agency who~~ beda?chelh shall consult with all health,

education, and social service personnel who have had prior professional contacts with the child and any criminal justice agencies who may have had contact with the parent(s); and with the petitioner(s) to determine whether termination of the parent's rights would be in the best interest of the child. In addition, the report preparer shall investigate the biological parents' family health history either through direct consultation with the parent(s) or other family members to provide the adoptive family with health information. The report shall be in writing and contain the professional opinions of all persons consulted. ~~The pretermination report for a~~ ~~If the parent(s) who is asking the court to allow them to voluntarily are in agreement with the~~ termination of their parental rights, the report shall include the requirements listed in TTC **4.05.960**, Consent.

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4.05.920-1220 Pretermination report for termination of parental rights of a child in a youth-in-need-of-care guardianship – Service.

~~Whoever prepares the report~~ shall file and serve the pretermination report with the Court at least ten (10) calendar days before the hearing.

4.05.930-1230 Additional reports for termination of parental rights of a child in a youth-in-need-of-care guardianship.

Any party may file with the Court a report which shall include ~~their~~ ~~his or her~~ recommendations regarding the proceeding. The party shall provide copies of the report to all other parties at least ten (10) days prior to the hearing.

4.05.940-1240 ~~Termination Hearing~~ for termination of parental rights of a child in a youth-in-need-of-care guardianship – Conduct.

The hearing shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall consider all reports submitted for review. All parties shall be given the opportunity to testify and to contest the factual contents and conclusions of the pretermination report(s).

4.05.1250-950 Grounds for termination of parental rights of a child in a youth-in-need-of-care guardianship and burden of proof.

The Court may order termination of a parent's rights only when an appropriate adoptive home is available and adoption proceedings have been filed in conjunction with the termination proceedings. ~~In addition, the Court must first approve the parent's consent as provided in this chapter or in cases of involuntary termination.~~ ~~The~~ petitioner must prove by **clear and convincing** evidence each of the following:

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(1) The parent:

~~(a) Was provided the requisite time to reunify with their child and has not completed their dependency case plan services;~~

~~(b) Is not actively making progress towards completing their and dependency case plan services the permanency plan for the child had been changed to not return to parent; and~~

~~(c) The parent has not had legal custody of their child(ren) for at least three consecutive years and the parent(s) has not been having family time or contact with the youth. Subjected the child to aggravated circumstances including but not limited to abandonment, torture, chronic abuse, severe neglect or sexual abuse or exploitation; or~~

~~(d) Voluntarily consents to termination of parental rights.~~

~~(b) Committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate murder or manslaughter of a child or the sibling or parent of the child;~~

~~(c) Committed aggravated assault against a child;~~

~~(d) Committed an heinous crime against another person; or~~

~~(e) Committed neglect of a child that resulted in serious bodily injury or death;~~

(2) The Guardian(s):

~~— (a) Must be an adult, 18 years or older, and the youth's biological family member or; an enrolled Tulalip Tribal Member; and~~

~~(c) and Must have had guardianship of the youth for at least three (3) consecutive years and during those three (3) consecutive years had there were no judicial review hearings or dependency matters opened as to the guardian(s);~~

~~3(2) That termination of the parent's rights and adoption are in the best interest of the child and of the Tulalip Tribal community;~~

~~4(3) That the Tulalip Tribes has offered or helped arrange for appropriate resources to help the parent care appropriately for the child; and~~

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(54) That it is unlikely that the parent will be able to care appropriately for the child.

4.05.1260969 Consent to termination of parental rights of a child in a youth-in-need-of-care guardianship.

Consent of a parent to terminate his or her rights to a child is not valid unless:

(1) The parent is at least 18 years old;

(2) The parent has received counseling from an appropriate professional who has explained the consequences of terminating ~~his or her~~their rights, has explored all available services to help the parent care for the child (such as parenting classes and substance abuse treatment), and has explored alternatives to termination and adoption, such as guardianship;

(3) The parent orally explains ~~his or her~~their understanding of the meaning of termination of parental rights to the judge and the judge certifies that the terms and consequences of the consent were fully explained and were fully understood by the parent; and ~~the decision was made without coercion; and~~

(4) The consent was given no sooner than 30 days after the birth of the child. This does not mean the child cannot be placed with the prospective adoptive parents or other caregiver during the 30-day period.

(5) Any consent may be withdrawn prior to the entry of a final decree of adoption and, if no other grounds exist for keeping the child from the parent(s), the child shall be returned to the parent(s).

4.05.1270979 Enrollment prior to termination of parental rights of a child in a youth-in-need-of-care guardianship.

If a child is not enrolled but is eligible for membership in the Tulalip Tribes, beda?chel shall assist in making an application for membership or enrollment of the child.

4.05.1280989 Disposition of termination of parental rights of a child in a youth-in-need-of-care guardianship.

If parental rights are terminated by the Court, the adoption shall proceed. If parental rights are not terminated, ~~but sufficient grounds for finding the child is in need of care have been proved to the Court, the Court may make a disposition consistent with the youth-in-need-of-care provisions of this code~~the youth-in-need-of-care guardianship will remain in place.

4.05.1290990 Adoption of a child in a youth-in-need-of-care guardianship.

~~Who May File. Any person at least 18 years old may file a petition with the Court to adopt a child. If the petitioner is married, his or her spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the Court. [Res. 2020-554; Res. 2018-346; Res. 2015-101].~~

Who May File:

~~(1) A biological family member of the youth who is at least 18 years old and has been the legal guardian of the child for at least three (3) continuous years, excluding any judicial review or dependency proceedings they were a party to. If the petitioner is married, their spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts are unknown or unless waived by the court; or~~

~~(2) Any enrolled Tulalip Tribal Member who is at least 18 years old and has been the legal guardian of the child for at least three (3) continuous years, excluding any judicial review or dependency proceedings they were a party to. If the petitioner is married, their spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts is are unknown or unless waived by the court.~~

4.05.1000-1300 Petition for adoption of a child in a youth-in-need-of-care guardianship – Contents.

The adoption petition shall include:

- (1) The name, birth date, residence, and Tribal status of the child who is the subject of the petition;
- (2) The name, birth date, place and duration of residence, and Tribal status of the petitioner(s);
- (3) The name, birth date, residence, and Tribal status of the parent(s);
- (4) The relationship, ~~if any,~~ of the petitioner(s) to the child;
- (5) The names and addresses, if known, of all persons whose consent is required and proof of such consent;
- (6) A description of all previous court proceedings involving the care or custody of the child to be adopted and the results of these proceedings along with copies of all court orders including orders terminating a parent's rights to the child;

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(7) The reasons the child is available for adoption and why the petitioner(s) desires to adopt the child; and

(8) Any request the petitioner(s) has for changing the child's name.

4.05.1310 Availability for adoption of a child in a youth-in-need-of-care guardianship.

A child who is the subject of a youth-in-need-of-care guardianship may be adopted only if ~~he or she~~ that child has no parents by reason of death or by voluntary (by consent) or involuntary termination of the parent-child relationship.

4.05.1320 Setting the adoption hearing for a child in a youth-in-need-of-care guardianship.

When the Court receives the petition for adoption it shall set a hearing date, which shall not be more than 45 calendar days after the Court received the petition, unless continued for good cause shown. The Court may conduct an adoption hearing with the termination hearing.

4.05.1330 Notice of adoption hearing for a child in a youth-in-need-of-care guardianship.

At the time of filing, the Court shall cause written notice of such hearing to be served upon the ~~petitioner guardian(s)~~ and ~~bedat?chelh~~. Such notice shall be consistent with TTC 2.10.030.

4.05.1340 Adoption report for a child in a youth-in-need-of-care guardianship – Preparation.

The ~~petitioner guardian(s)~~ shall arrange to have a pre-adoption report prepared by ~~bedat?chelh or a bedat?chelh approved provider~~. The adoption report shall be in writing and contain the professional opinions of all persons consulted. The home study shall include all information concerning:

(1) The physical and mental health condition of the child, petitioner(s), and any persons living in the petitioner's home;

(2) The circumstances of the voluntary or involuntary termination of the parent's rights to the child ~~or of the parent's death~~;

(3) The home environment, family life, access to health services, and resources of the petitioner(s);

(4) The child's and petitioner's cultural heritage and Tribal status;

(5) The marital status of the petitioner(s);

(6) The names and ages of the petitioner's children and of any other persons residing with the petitioner(s);

(7) Information from health, education, and social service personnel who have had prior professional contacts with the child and petitioner(s);

~~8) How the petitioner(s) have kept the child connected to their culture and to the Tulalip Tribes, to include specific examples and a Cultural Connectivity Plan outlining how petitioner(s) will continue to ensure the child remains connected to their culture and to the Tulalip Tribes;~~

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~~(9) How the petitioner(s) have kept the child connected to their parents, siblings, and family members to include specific examples and a Family Connectivity Plan outlining how petitioner(s) will continue to keep the child connected to their parents, siblings, and family members as defined in [TTC 4.05.030\(28\)](#);~~

~~(108) A check of the criminal records and CPS records, if any, of the petitioner(s);~~

~~(119) Any evidence of [current](#) alcohol and drug abuse in petitioner's household [and any history of past alcohol or drug abuse by the petitioner's or any people living in their home](#);~~

~~(12) The opinion of the child shall be clearly stated in the report if they are 12 and older, and the child shall be given an opportunity to provide their opinion in person to the Court in chambers;~~

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~~(13) The opinion of the child may be clearly stated in the report if they are younger than 12, and they may be given an opportunity to provide their opinion in person to the Court in chambers;~~

~~(14) [beda?chel's recommendation](#);~~

~~(10) [The opinion of the child if hethey or she is over the age of 12nine, and whether theyhe or she should be given an opportunity to provide this opinion in person to the Court in chambers](#);~~

~~(154) The recommendation, if any, of the Tulalip Tribes regarding the adoption; and~~

~~(162) Any other facts and circumstances relating to whether or not the adoption should be granted.~~

4.05.13050 Adoption report for a child in a youth-in-need-of-care guardianship – Service.

~~beda?chelh. The person preparing the pre-adoption report~~ shall file and serve ~~it-the pre-adoption report~~ at least ten (10) calendar days before the hearing.

4.05.13060 Additional adoption reports for a child in a youth-in-need-of-care guardianship.

Any party may file with the Court a report which shall include ~~their his or her~~ recommendations regarding the adoption. In addition, the Court may order additional reports or appoint a GAL to prepare a report on the Court's behalf. The party shall provide copies of the report to all other parties at least ten (10) days prior to the hearing.

4.05.13070 Adoption hearing for a child in a youth-in-need-of-care guardianship – Conduct.

The hearing shall be private and closed. Only ~~the parties, beda?chelh staff, Office of Reservation Attorney staff,~~ and those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall consider all adoption reports submitted for review. All parties shall be given the opportunity to testify and present evidence.

4.05.13080 Grounds for entering decree of adoption for a child in a youth-in-need-of-care guardianship.

The Court may enter a decree of adoption if it finds that:

- (1) Adoption is in the best interest of the child and the Tulalip Tribal community; ~~and~~
- (2) That the petitioner(s) can provide appropriate and adequate parental care for the child; and
- (3) That the Tulalip Tribes does not oppose the adoption.

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Should "petitioners" be changed to prospective adoptive parents?

4.05.13090 Enrollment prior to entry of adoption decree for a child in a youth-in-need-of-care guardianship.

If a child is eligible for membership in the Tulalip Tribes, beda?chelh shall assist ~~in-with~~ making-submitting an application for membership or enrollment of the child.

4.05.14400 Denial of adoption petition for a child in a youth-in-need-of-care guardianship.

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 child.

4.05.14110 Decree of adoption for a child in a youth-in-need-of-care guardianship.

If the Court grants the petition for adoption, the Court shall enter findings of fact and conclusions of law and a separate decree of adoption. The decree shall include:

- (1) A statement that the child is available for adoption and any order the Court may make concerning recognition of the consents or orders terminating parental rights filed in the case;
- (2) A statement that the child is, for all intents and purposes, the child, legal heir, and lawful issue of the petitioner(s);
- (3) The marital status of the petitioner(s);
- (4) The full name of the child upon adoption;
- (5) That such adoption will remain temporary for one year from the date of entry of the decree, and shall become permanent at the expiration of the one-year period;
- (6) Orders directing the Court Clerk to forward a certified copy of the decree to the appropriate Bureau of Vital Statistics for purposes of obtaining a corrected birth certificate when the adoption becomes permanent in one year; and
- (7) A statement that the records of the proceeding shall remain sealed unless otherwise ordered by the Court.

4.05.14120 Effect of decree of adoption.

A decree of adoption has the following effect: it creates the relationship between the adopted child and the petitioner(s) and all relatives of the petitioner(s) that would have existed if the child were a legitimate blood descendant of the petitioner(s). 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. The decree does not override any Tribal enrollment laws or requirements.

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4.05.14130 Visitation Family Time and Cultural Connectivity.

Adoptive parents shall be encouraged to help the child maintain positive relationships with their biological family and connection to the Tulalip Tribes. However, the adoptive parents shall have the exclusive right and power to decide the terms, if any, of visitation family time by any person with the child.

4.05.1440 Adoption records.

All records, reports, proceedings, and orders in adoption cases are confidential and shall not be available for release or inspection except:

(1) The Bureau of Indian Affairs may have access to such information as is necessary to protect inheritance rights or enrollment status of the adopted child (and ~~their~~his or her descendants);

(2) A copy of the decree of adoption, but not the findings of fact and conclusions of law, may be given to a Bureau of Vital Statistics as provided in this chapter;

(3) ~~bedah shall have access to case file documents;~~ and

(4) An adopted child may ~~petition-motion~~ the Court, upon reaching 18 years of age, for release of specifically requested information, limited to: the biological parents' names, addresses, ~~and~~ Tribal status ~~and Social Security numbers;~~ and the names and relationship to the child of relatives ~~for the purpose of medical need or medical history information or to assist in making a relative placement of a child of the adoptive child.~~

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4.05.1450 Private termination of parental rights and adoption.

Purpose. The Tulalip Tribes has not traditionally supported termination of a parent's rights. It is currently the custom of the Tribes to view voluntary termination of a parent's rights as a last resort and a process to be used in the following situations:

c) ~~Stepparent adoption, when the biological parent is deceased;~~

d) ~~Adoption by a biological family member of the child, 18 years of age or older; or~~

e) ~~An enrolled Tulalip Tribal member, 18 years of age or older~~

Commented [SL6]: Should this stay? If it does, should we add a definition and parameters around this type of adoption?

4.05.1460 Petition for termination of parental rights – Who may file.

Any person at least 18 years old may file a petition to ask the Court to voluntarily terminate their parental rights.

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4.05.1470 Petition – Contents.

A petition for termination of a parent's rights shall include:

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(1) The name, birth date, residence, and Tribal status of the child who is the subject of the petition;

(2) The name, birth date, residence, and Tribal status, if known, of the child's parent(s), guardian(s), or custodian(s);

(3) If the child is residing with someone other than a parent, the location and length of time at that location; and

(4) A statement by the petitioner of the facts and reasons supporting the request.

4.05.1480 Notice of hearing on petition.

Upon the filing of a petition, the Court shall schedule a hearing to be held within 45 to 60 days. If publication is necessary, such notice shall be consistent with TTC 2.10.030. The petition and notice shall be served on the parents, the guardian, who is required to join in the petition, and ORA.

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4.05.1490 Pretermination report – Preparation.

The petitioner shall arrange to have a pretermination report prepared by a court approved agency who shall consult with all health, education, and social service personnel who have had prior professional contacts with the child and any criminal justice agencies who may have had contact with the parent(s); and with the petitioner(s) to determine whether termination of the parent's rights would be in the best interest of the child. In addition, the report preparer shall investigate the biological parents' family health history either through direct consultation with the parent or other family member to provide the adoptive family with health information. The report shall be in writing and contain the professional opinions of all persons consulted. The pretermination report for a parent who is asking the court to allow them to voluntarily terminate their parental rights shall include the requirements listed in TTC 4.05.960. Consent.

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4.05.1500 Pretermination report – Service.

Whoever prepares the report shall file and serve the pretermination report with the Court at least 10 calendar days before the hearing.

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4.05.1510 Additional reports.

Any party may file with the Court a report which shall include his or her recommendations regarding the proceeding. The party shall provide copies of the report to all other parties prior to the hearing.

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4.05.1520 Termination hearing – Conduct.

The hearing shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall consider all reports submitted for review. All parties shall be given the opportunity to testify and to contest the factual contents and conclusions of the pretermination report(s).

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4.05.1530 Grounds for termination and burden of proof.

The Court may order termination of a parent's rights only when an appropriate adoptive home is available, and adoption proceedings have been filed in conjunction with the termination proceedings. In addition, the Court must first approve the parent's consent as provided in this chapter or in cases of involuntary termination the petitioner must prove by clear and convincing evidence each of the following:

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(1) The parent(s):

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(a) Voluntarily terminated their parental rights

(2) The Guardians:

(a) Must be a family member, 18 years or older; or

(b) Tulalip Tribal Member, 18 years of age or older.

(3) That termination of the parent's rights and adoption are in the best interest of the child and of the Tribal community;

(5) That it is unlikely that the parent will be able to care appropriately for the child. [Res. 2020-554; Res. 2018-346; Res. 2015-101].

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4.05.1540 Consent.

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Consent of a parent to terminate his or her rights to a child is not valid unless:

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(1) The parent is at least 18 years old;

(2) The parent has received counseling from an appropriate professional who has explained the consequences of terminating his or her rights, has explored all available services to help the parent care for the child (such as parenting classes and substance abuse treatment), and has explored alternatives to termination and adoption, such as guardianship;

(3) The parent orally explains his or her understanding of the meaning of termination of parental rights to the judge and the judge certifies that the terms and consequences of the consent were fully explained and were fully understood by the parent; and

(4) The consent was given no sooner than 30 days after the birth of the child. This does not mean the child cannot be placed with the prospective adoptive parents or other caregiver during the 30-day period. Any consent may be withdrawn prior to the entry of a final decree of adoption and, if no other grounds exist for keeping the child from the parent, the child shall be returned to the parent. [

4.05.1550 Enrollment prior to termination.

If a child is not enrolled but is eligible for membership in the Tulalip Tribes, the Petitioner will be referred to Enrollment Department, who shall assist in making an application for membership or enrollment of the child.

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4.05.1560 Disposition.

If parental rights are terminated by the Court, the adoption shall proceed. If parental rights are not terminated, but sufficient grounds for finding the child is in need of care have been proved to the Court, the Court may make a disposition consistent with the youth-in-need-of-care provisions of this code.

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4.05.1580 Adoption.

(1) Any biological family member of the child who is at least 18 years old. If the petitioner is married, their spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the court; or

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Any enrolled Tulalip Tribal Member who is at least 18 years old. If the petitioner is married, their spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the court; or

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Any stepparent who is at least 18 years old. Their spouse must also be at least 18 years old and must sign the petition, unless the spouse's whereabouts is unknown or unless waived by the court.

4.05.1590 Petition – Contents.

The adoption petition shall include:

(1) The name, birth date, residence, and Tribal status of the child who is the subject of the petition;

(2) The name, birth date, place and duration of residence, and Tribal status of the petitioner(s);

(3) The name, birth date, residence, and Tribal status of the parent(s);

(4) The relationship, if any, of the petitioner(s) to the child;

(5) The names and addresses, if known, of all persons whose consent is required and proof of such consent;

(6) A description of all previous court proceedings involving the care or custody of the child to be adopted and the results of these proceedings along with copies of all court orders including orders terminating a parent's rights to the child;

(7) The reasons the child is available for adoption and why the petitioner(s) desires to adopt the child; and

(8) Any request the petitioner(s) has for changing the child's name.

4.05.1600 Availability for adoption.

A child may be adopted only if he or she has no parents by reason of death or by voluntary (by consent) or involuntary termination of the parent-child relationship.

4.05.1610 Setting the hearing.

When the Court receives the petition for adoption it shall set a hearing date, which shall not be more than 45 calendar days after the Court received the petition, unless

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continued for good cause shown. The Court may conduct an adoption hearing with the termination hearing.

4.05.1620 Notice of hearing.

At the time of filing, the Court shall cause written notice of such hearing to be served upon the petitioner and ~~bedah?chelh~~. Such notice shall be consistent with TTC 2.10.030.

4.05.1630 Adoption report – Preparation

The petitioner(s) shall arrange to have a pre-adoption report prepared by a court approved contractor, at the petitioners' own time and expense. ~~bedah?chelh or a bedah?chelh approved provider~~. The adoption report shall be in writing and contain the professional opinions of all persons consulted. The home study shall include all information concerning:

(1) The physical and mental condition of the child, petitioner(s) and persons living in the petitioner's home;

(2) The circumstances of the voluntary or involuntary termination of the parent's rights to the child or of the parent's death;

(3) The home environment, family life, access to health services, and resources of the petitioner(s);

(4) The child's and petitioner's cultural heritage and Tribal status;

(5) The marital status of the petitioner(s);

(6) The names and ages of the petitioner's children and of any other persons residing with the petitioner(s);

(7) Information from health, education, and social service personnel who have had prior professional contacts with the child and petitioner(s);

8) How the petitioner(s) have kept the child connected to their culture and to the Tulalip Tribes, to include specific examples and a Cultural Connectivity Plan outlining how petitioner(s) will continue to ensure the child remains connected to their culture and to the Tulalip Tribes;

(9) How the petitioner(s) have kept the child connected to their parents, siblings, and family members to include specific examples and a Family Connectivity Plan outlining how petitioner(s) will

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continue to keep the child connected to their parents, siblings, and family members as defined in TTC 4.05.030(28);

(10) A check of the criminal records and CPS records, if any, of the petitioner(s);

(11) Any evidence of current alcohol and drug abuse in petitioner's household and any history of past alcohol or drug abuse by the petitioner's or any people living in their home;

(12) The opinion of the child shall be clearly stated in the report if they are 12 and older, and the child shall be given an opportunity to provide their opinion in person to the Court in chambers;

(13) The opinion of the child may be clearly stated in the report if they are younger than 12, and they may be given an opportunity to provide their opinion in person to the Court in chambers;

(14) A check of the criminal records and CPS records, if any, of the petitioner(s);

(15) Any evidence of alcohol and drug abuse in petitioner's household;

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(16) The recommendation, if any, of the Tulalip Tribes regarding the adoption; and

(17) Any other facts and circumstances relating to whether or not the adoption should be granted.

4.05.1640 Adoption report – Service.

The person preparing the pre-adoption report shall file and serve it at least 10 calendar days before the hearing.

4.05.1650 Additional reports.

Any party may file with the Court a report which shall include his or her recommendations regarding the adoption. In addition, the Court may order additional reports or appoint a GAL to prepare a report on the Court's behalf. The party shall provide copies of the report to all other parties prior to the hearing.

4.05.1660 Adoption hearing – Conduct.

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The hearing shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall consider all adoption reports submitted for review. All parties shall be given the opportunity to testify.

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4.05.1670 Grounds for entering decree of adoption.

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The Court may enter a decree of adoption if it finds that:

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(1) Adoption is in the best interest of the child and the Tribal community; and

(2) That the petitioner(s) can provide appropriate and adequate parental care for the child; and

(3) That the Tulalip Tribes does not oppose the adoption.

4.05.1680 Enrollment prior to entry of adoption decree.

If a child is eligible for membership in the Tulalip Tribes, the petitioner shall be referred to Tribal Enrollment department, who shall assist in making application for membership or enrollment of the child.

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4.05.1690 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 child.

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4.05.1700 Decree of adoption.

If the Court grants the petition for adoption, the Court shall enter findings of fact and conclusions of law and a separate decree of adoption. The decree shall include:

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(1) A statement that the child is available for adoption and any order the Court may make concerning recognition of the consents or orders terminating parental rights filed in the case;

(2) A statement that the child is, for all intents and purposes, the child, legal heir, and lawful issue of the petitioner(s);

(3) The marital status of the petitioner(s);

(4) The full name of the child upon adoption;

(5) That such adoption will remain temporary for one year from the date of entry of the decree, and shall become permanent at the expiration of the one-year period;

(6) Orders directing the Court Clerk to forward a certified copy of the decree to the appropriate Bureau of Vital Statistics for purposes of obtaining a corrected birth certificate when the adoption becomes permanent in one year; and

(7) A statement that the records of the proceeding shall remain sealed unless otherwise ordered by the Court.

4.05.1710 Effect of decree of adoption.

A decree of adoption has the following effect: it creates the relationship between the adopted child and the petitioner(s) and all relatives of the petitioner(s) that would have existed if the child were a legitimate blood descendant of the petitioner(s). 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. The decree does not override any Tribal enrollment laws or requirements.

4.05.1720 ~~Visitation~~Family time and cultural connectivity.

Adoptive parents shall be encouraged to help the child maintain positive relationships with the biological family. However, the adoptive parents shall have the exclusive right and power to decide the terms, if any, of visitation by any person with the child.

4.05.17350 Adoption records.

All records, reports, proceedings, and orders in adoption cases are confidential and shall not be available for release or inspection except:

(1) The Bureau of Indian Affairs may have access to such information as is necessary to protect inheritance rights or enrollment status of the adopted child (and his or her descendants);

(2) A copy of the decree of adoption, but not the findings of fact and conclusions of law, may be given to a Bureau of Vital Statistics as provided in this chapter; and

(3) An adopted child may petition the Court, upon reaching 18 years of age, for release of specifically requested information, limited to: the biological parents' names, addresses, Tribal status and Social Security numbers; and the names and relationship

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to the child of relatives for the purpose of medical need or medical history information or to assist in making a relative placement of a child of the adoptive child.