

4.05.720870 - Customary adoption and suspension of parental rights for youth-in-need-of-care guardianships.

Purpose. Customary adoption within the Tulalip Tribes is a two-step process. The first step involves judicial suspension of parental rights until the child turns 18, but does not ~~require judicial~~ ~~termination of~~ parental rights. The second step is a ceremonial and legal process in which another family or community member assumes parental responsibilities through customary adoption. Customary adoption is intended to provide permanence to a child. ~~There is a presumption that suspension of parental rights is in the child's best interest if the following has occurred:~~

Commented [SL1]: add significant familial relationship / what does "community member" mean

(1) For Youth-in-Need-of-Care Guardianships, ~~beda?chelh shall not review requests to file a Motion to Suspend Parental rights unless the below has been met:-~~

~~(a) The child has been adjudicated a youth in need of care;~~

~~(b) The parent was given the requisite time period to reunify with the child;~~

~~(c) The permanent plan for the child was changed from return home to a permanent plan of guardianship; and~~

~~(a)(d) The child has been in legal guardianship with the same guardian(s) a minimum of three continuous years, excluding any Judicial Reviews involving the guardian(s) or dependency matters involving the guardian(s) and the Guardian(s) have successfully completed the three-year Guardianship review period:-~~

~~(b) The parent(s) have not been engaging in family time or been in contact with the child for three consecutive years or have consented to customary adoption per 4.05.780.~~

~~(c) The request does not violate beda?chelh's policy on suspension of parental rights and customary adoption;~~

~~(d) The guardian has provided beda?chelh proof that they have engaged in the Cultural and Family Connectivity Plans; and~~

~~(d) The Tulalip Tribes is not in opposition to the suspension of parental rights or the customarycustomary adoption.~~

Commented [SL2]: If the processes are clearly defined, does the Tribe still want to approve the suspension of parental rights?

(2) For Non-Youth in Need of Care Guardianships-

~~(a) The parents have consented to suspension of parental rights and cultural adoption and the child has been in the legal guardianship in a non-youth-in-need-of-care guardianship with the same person a minimum of three continuous years.~~

Scope. This section of the code applies to suspension of parental rights and customary adoption proceedings involving children in youth-in-need-of-care guardianships and shall be liberally interpreted and construed as an exercise of the inherent sovereign authority of the Tulalip Tribes to embody and promote the basic traditional values of the Tulalip Tribes regarding the protection and care of the Tribes' children.

4.05.880730 ~~Petition~~Motion to suspend parental rights for youth-in-need-of-care guardianships.

~~Any adult who has had legal guardianship of the child for more than three year(s) may request beda?chelh file a petition~~beda?chelh shall have the sole discretion to determine whether to file a motion with the Court seeking an order suspending the parental rights of the biological parents in the youth's underlying dependency matter.

4.05.890740 ~~Petition~~-Motion – Contents.

(1) Only beda?chelh may file the motion to suspend parental rights.

(2) The suspension of parental rights petitionmotion filed by beda?chelh shall include:

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

(b) The name, birth date, place and duration of residence, and Tribal status of the person(s) who has guardianship of the child;

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

(d) The relationship, if any, of the guardian(s) to the child;

(e) A description of all previous known court proceedings involving the child;

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

(g) A statement regarding the parent(s) involvement with the child over the child's lifetime, and

~~(h)(g)~~ A statement as to the basis for the request for the suspension of parental rights, supported by medical, psychiatric, or psychological reports, or family members or others that have knowledge relevant to this proceeding.

~~(2) The petitioner shall sign the petition and shall affirm under oath that the contents are true and correct except as to those matters based upon belief and as to those matters the petitioner reasonably believes them to be true. [Res. 2020-554; Res. 2018-346; Res. 2015-101].~~

4.05.900750 Notice of hearing on motion to suspend parental rights for a youth-in-need-of-care guardianship petition.

At the time of filing, 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 Court shall cause written notice of such hearing to be served upon the guardian(s)petitioner, the parent(s) and bedachelh.

4.05.910760 Suspension of parental rights hearing.

A suspension of parental rights hearing is not a hearing in which a birth parent has the opportunity to request return home of the child or to change the permanent plan for the child. If the parent(s) consented to the suspension of parental rights and customary adoption, the parent(s) may withdraw consent at any time, any such parental consent may be withdrawn prior to the entry of a final order suspending parental rights.

4.05.920770 Final order for suspension of parental rights.

If the Court determines by clear and convincing evidence that suspension of parental rights ~~is~~ is in the best interests of the child, it shall issue a final order for the a suspension of parental rights. The final order shall make specific written findings of fact, state separately its conclusions of law, and enter an appropriate judgment or order. The Court shall make findings that it is in the child's best interests that a final order for suspension of parental rights be entered, and the Court shall specify the basis of those findings.

(1) Such an order for the suspension of parental rights shall include, but is not limited to, the following:

(a) A determination that the parent(s) received notice of the proceedings that advised them of their rights;

(b) A determination that the parent(s) have not been involved in the child's life engaged in family time or contact with the youth or that the parent(s) has

consented voluntarily, without coercion, to the suspension of parental rights per 4.05.780930

(c) A determination that the suspension of parental rights is in the child's best interest;

(d) A determination that the Tulalip Tribes does not oppose the customary adoption; and

~~(b) Because the child has been in a guardianship with the same guardian for a minimum of three years prior to the filing of a petition to suspend the parental rights of the child's biological parents, there is a rebuttable presumption that the suspension of parental rights is in the best interest of the child;~~

~~(f)~~(e) A permanent suspension of the parental rights of the parent including the suspension of the right to the care, custody, and control of the minor child and allowing the child to be customarily adopted.

(2) In addition, the order may contain provisions that include:

(a) An order that the biological parent(s) are restrained from contacting the minor child or the child's adoptive parent(s), including contact in person, by mail, by telephone or through third parties.

(b) An order that ~~Or~~ the parent(s) are ~~order may~~ allowed visitation-family time and/or ~~for a~~ contact, and a visitation-Family Connectivity and/or Agreement, agreed upon by the parties, ~~to be ordered by the Court;~~

(c) ~~(b)~~ An order ~~Ordering~~ that any prior court order for custody, visitation or contact with the minor child is hereby terminated, unless there is an existing order for siblings who are placed in a customary adoption or guardianship with different families or grandparents who have maintained an ongoing relationship with the child;

(d) ~~(e)~~ An order that ~~the~~ biological parents' obligation to pay child support, except for arrearages, is terminated; and/or

(e) An order that ~~or that~~ a child support obligation continues until the age of majority, and/or continues or is modified according to an agreed schedule.

(3) Final orders for the suspension of parental rights may be reviewed by the Court at the request of the parent(s) ~~or, beda?chelh or the prospective adoptive parent~~ only if one of the following occurs:

- (a) The child is not adopted after a period of one year after the entry of the final order suspending parental rights;
- (b) The adoption of the child fails; or
- (c) The adoptive parent is deceased.

Notice of this review shall be provided to all parties to the hearing at which the final order was issued.

4.05930-780 Voluntary consent to suspension of parental rights.

A parent may voluntarily agree to suspend his or her parental rights if the consent has been signed by the parent(s) in front of a Tribal Court judge with the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent and if the Tribal Court judge makes a determination and finding that the parent's consent is not the result of coercion, threat, duress, fraud, overreaching, or improper promise on the part of any person.

Consent of a parent to suspend their parental 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 suspending their parental rights, has explored all available services to help parent(s) care for the child (such as parenting classes and substance abuse treatment) and has explored alternatives to suspension of parental rights, such as guardianship.
- (3) The parent orally explains their understanding of the meaning of suspension of parental rights to the Judge, and the manner in which they came to the decision to voluntarily suspend their parental rights, 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) Any parental consent may be withdrawn prior to the entry of a final order suspending parental rights and, if no other ground exists for keeping the child from the parent, the child shall be returned to the parent.

4.05.940790 Petition for youth-in-need-of-care customary adoption.

(1) Any adult who has been the legal guardian of a child for ~~more than~~ three consecutive years, not including any judicial reviews or dependency matters, and where the parental rights of that child's biological parents have been suspended, may file a petition with the Court seeking an order for the customary adoption of the minor child. The petition shall contain the following information:

(a) The name, address, telephone number, tribal status, and age of the child to be customarily adopted;

(b) The name, address, tribal status, and telephone number of the petitioner(s) and ~~the each~~ petitioner's relationship, if any, to the child. If the petitioner is married, ~~their his or her~~ spouse must also be at least 18 years old and shall join in the petition, unless the spouse's whereabouts is-are unknown or unless waived by the Court;

(c) The proposed name of the adoptee after the entry of the final order of customary adoption. The child's birth surname cannot be removed as part of these proceedings, but the adoptive family's name may be added to the child's legal name;

(d) Attach a copy of the final order suspending the parental rights of the biological parent(s);

(e) A statement as to why a final order for customary adoption is in the best interests of the child and the best interests of the Tulalip Tribes;

(f) A statement or evidence as to basis for the customary adoption; and

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

4.05950-890 Yout-in-need-of-care cCustomary adoption report – Preparation.

The petitioner(s) shall arrange to have a pre-customary adoption report prepared by beda?chelh. The customary adoption report shall be in writing and contain the professional opinions of all persons consulted. beda?chelh shall conduct a complete home study including all information concerning:

Commented [SL3]: Developing specific language, adding:

can change child's first/middle name if child is 12 or older and agrees to the name change - otherwise only change surname to add adoptive parent's surname

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

(2) The circumstances of the suspension of the parents' rights to the child ~~or of the parents' 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 each 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) The way 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) The way 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\(28\)](#);

(8) A check of the criminal and CPS records, if any, of the petitioner(s) shall be requested from State and Tribal law enforcement authorities, and a final guardianship re-clear background check shall be completed for the guardian(s);

(9) Any evidence of alcohol and drug abuse in petitioner(s)' household and any history of alcohol or drug abuse by the petitioner(s)' or anyone residing in their home;

(10) The recommendation, if any, of the Tulalip Tribes regarding the customary adoption;

~~(11) The opinion of the child if he or she they are is over the age of 12nine, and whether they he or she should be given an opportunity to provide this opinion in person to the Court in chambers; and~~

(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) beda?chelh's recommendation; and

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

If beda?chelh has previously prepared a guardianship home study, they shall provide an update that includes the additional information above. In addition, if available, beda?chelh shall apply for customary adoption support if requested.

4.05.960840 Additional reports.

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

4.05.9704000820 Youth-in-need-of-care ~~C~~customary adoption hearing – Conduct.

(1) The hearing on customary adoption shall be ceremonial and shall be private and closed. Only beda?chelh, the petitioner(s), the child, anyone there on behalf of the petitioner(s), and any family members invited by petitioner(s) or who have maintained an ongoing relationship with the child, including siblings, shall be permitted to attend.

(2) The burden of proving the allegations of the petition shall be upon the petitioner(s) and the standard of proof shall be by a preponderance of evidence.

4.05.9804040830 Grounds for entering decree of youth-in-need-of-care customary adoption.

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

(1) Customary adoption is in the best interest of the child and the Tulalip Tribal community; and

Commented [SL4]: Developing specific language, would add a section:

Guardians agreeing to love/support their child regardless of gender identity or who they love?

(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 customary adoption.

4.05.9901020840 Per capita and general welfare payments.

The adopting parent shall receive current Tribal member per capita or General Welfare payments on behalf of the child in accordance with Chapters 5.20 and 16.01 in the Tulalip Tribal Code.

4.05.100030850 Additional hearings post-adoption.

Final orders of a customary adoption may be reviewed by the Court only if a substantial change of circumstance occurs, such as the adoptive parent is deceased without the appointment of a legal guardian and there are no provisions within a will providing for the care and custody of the child. Notice of this review shall be provided to all parties to the hearing at which the final order was issued.

4.05.8101060 Appeals.

Orders suspending the parental rights and issuing a customary adoption for youth in youth-in-need-of-care guardianships are final orders for purposes of appeal.

4.05.1020 Private customary adoption and suspension of parental rights.

Purpose. Customary adoption within the Tulalip Tribes is a two-step process. The first step involves suspension of parental rights until the child turns 18, but does not ~~require judicial termination~~ terminate -of parental rights. The second step is a ceremonial and legal process in which family or community members assumes parental responsibilities through customary adoption. Customary adoption is intended to provide permanence to a child. ~~There is a presumption that suspension of parental rights is in the child's best interest if the following has occurred:~~

Commented [SL5]: add significant familial relationship / what does "community member" mean

(2) For Private Guardianships, the Court may review a Petition to Suspend Parental Rights if the below has been met:

(a) The parents have consented to suspension of parental rights and customary adoption and the child has been in ~~the legal guardianship in a non-youth-in-need-of-care~~ private guardianship with the same person a minimum of three continuous years, ~~not including any judicial reviews or dependency matters.~~

Scope. This section of the code applies to suspensions of parental rights and customary adoption proceedings involving children in private guardianships and shall be liberally interpreted and construed as an exercise of the inherent sovereign authority of the

Tulalip Tribes to embody and promote the basic traditional values of the Tulalip Tribes regarding the protection and care of the Tribes' children. 4.05.730

4.05.1030 Motion to suspend parental rights in private guardianships.

The parent(s) or Guardian(s), with proof of consent signed by the parent(s), may file a motion with the Court seeking an order suspending the parental rights of the biological parent(s) in the private gGuardianship matter.

4.05.1040 Motion – Contents.

(1) The suspension of parental rights motion shall include:

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

(b) The name, birth date, place and duration of residence, and Tribal status of the person(s) who has guardianship of the child;

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

(d) The relationship, if any, of the guardian(s) to the child;

(e) A description of all previous known court proceedings involving the child;

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

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

(hg) A statement as to the basis for the request for the suspension of parental rights, supported by medical, psychiatric, or psychological reports, or family members or others that have knowledge relevant to this proceeding.

(2) The petitioner(s) shall sign the motion and shall affirm under oath that the contents are true and correct except as to those matters based upon belief and as to those matters the petitioner reasonably believes them to be true.

4.05.10570 Notice of hearing on ~~petition~~ motion to suspend parental rights in private guardianship.

At the time of filing, 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 Court shall cause written notice of such hearing to be served upon the petitioner(s), the parent(s), and ~~the~~ Office of Reservation Attorney.

4.05.10680 Suspension of parental rights in private guardianship hearing.

The parent(s) may withdraw their consent at any time, ~~and such parental consent may be withdrawn~~ prior to the entry of a final order suspending parental rights.

4.05.10790 Final order for suspension of parental rights in private guardianship.

If the Court determines by clear and convincing evidence that suspension of parental rights is in the best interests of the child, it shall issue a final order for the suspension of parental rights. The final order shall make specific written findings of fact, state separately its conclusions of law, and enter an appropriate judgment or order. The Court shall make findings that it is in the child's best interests that a final order for suspension of parental rights be entered, and the Court shall specify the basis of those findings.

(1) Such an order for the suspension of parental rights shall include, but is not limited to, the following:

(a) A determination that the parent(s) received notice of the proceedings that advised them of their rights;

(b) A determination that the parent(s) has consented voluntarily, without coercion, to the suspension of parental rights per 4.05.930.

(c) A determination that the Tulalip Tribes does ~~not~~ oppose the ~~customary~~ adoption; and

(d) A permanent suspension of the parental rights of the parent including the suspension of the right to the care, custody, and control of the minor child and allowing the child to be customarily adopted.

(2) In addition, the order may contain provisions that include:

(a) An order that the biological parent(s) are restrained from contacting the minor child or the child's adoptive parent(s), including contact in person, by mail, by telephone or through third parties;

(b) An order that the parent(s) are allowed family time and/or contact, and a Family Connectivity Agreement, agreed upon by the parties,

(c) An order that any prior court order for custody, ~~visitation-family time,~~ or contact with the minor child is hereby terminated, unless there is an existing order for siblings who are placed in a customary adoption or guardianship with different families or grandparents who have maintained an ongoing relationship with the child;

(d) An order that the biological parents' obligation to pay child support, except for arrearages, is terminated; and/or

(e) An order that a child support obligation continues until the age of majority, and/or continues or is modified according to an agreed schedule.

(3) Final orders for the suspension of parental rights may be reviewed by the Court at the request of the parent(s) or the prospective adoptive parent(s) only if one of the following occurs:

(a) The child is not adopted after a period of one year after the entry of the final order suspending parental rights;

(b) The ~~customary~~ adoption of the child fails; or

(c) The adoptive parent is deceased.

Notice of this review shall be provided to all parties to the hearing at which the final order was issued.

4.05.108440 Voluntary consent to suspension of parental rights in private guardianships.

A parent may voluntarily agree to suspend ~~his or her~~their parental rights if the consent has been signed by the parent(s) in front of a Tribal Court judge with the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent and if the Tribal Court judge makes a

determination and finding that the parent's consent is not the result of coercion, threat, duress, fraud, overreaching or improper promise on the part of any person.

Consent of a parent to suspend their parental rights to a child is not valid unless:

(1) The parent is at least 18 years of age.

(2) The parent has received counseling from an appropriate professional who has explained the consequences of suspending their parental 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 suspension of parental rights, such as guardianship.

(3) The parent orally explains their understanding of the meaning of suspension of parental right to the Judge, and the manner in which they came to the decision to voluntarily suspend their parental rights, and the Judge certified 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 prospective adoptive parent or other caregivers during the 30-day period. Any consent may be withdrawn prior to the entry of a final order suspending parental rights and, if no grounds exist for keeping the child from the parent, the child shall be returned to the parent.

4.05.109420 Petition for customary adoption for youth in private guardianships.

(1) Any adult who has been the legal guardian of a child for ~~more than~~ three consecutive years, not including judicial reviews or dependencies involving the guardian(s) and youth, and after the parental rights of that child's biological parents have been suspended, may file a petition with the Court seeking an order for the customary adoption of the minor child. The petition shall contain the following information:

(a) The name, address, telephone number, tribal status, and age of the child to be adopted;

(b) The name, address, tribal status, and telephone number of the petitioner(s) and the petitioner~~-(s)~~' relationship, if any, to the child. If the petitioner is married, ~~his or her~~their spouse must also be at least 18 years old and shall join in the petition, unless the spouse's whereabouts ~~are~~is unknown or unless waived by the Court;

(c) The proposed name of the adoptee after the entry of the final order of customary adoption. The child's birth surname cannot be removed as part of these proceedings, but the adoptive family's name may be added to the child's legal name;

(d) Attach a copy of the final order suspending the parental rights of the biological parent(s);

(e) A statement as to why a final order for customary adoption is in the best interests of the child and the best interests of the Tulalip Tribes;

(f) A statement or evidence as to basis for the customary adoption;

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

4.05.1100 Customary adoption report – Preparation.

The petitioner(s) shall arrange to have a pre-~~customary~~ adoption report prepared by a court approved private contractor other than beda?chelh, at the petitioners' own time and expense. -The customary adoption report shall be in writing and contain the professional opinions of all persons consulted. The contractor shall conduct a complete home study including all information concerning:

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

(2) The circumstances of the suspension of the parents' rights to the child-~~or of the parents' 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);

Commented [SL6]: Developing specific language: will be something like:

can change child's first/middle name if child is 12 or older and agrees to the name change - otherwise only change surname to add adoptive parent's surname

(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) The way 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) The way 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)**;

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

(11) 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 this opinion in person to the Court in chambers;

(128) A check of the criminal and CPS records, if any, of the petitioner(s) shall be requested from State and Tribal law enforcement authorities;

(139) Any evidence of current alcohol and drug abuse in petitioner(s)' household and any history of past alcohol or drug abuse in petitioner(s)' household;

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

(11) The opinion of the child if he or she is over the age of 12, and whether they should be given an opportunity to provide this opinion in person to the Court in chambers; and

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

Petitioner(s) shall file the report ten (10) days prior to the hearing date. If beda?chelh has previously prepared a guardianship home study, they shall provide an update that includes the additional information above. In addition, beda?chelh shall apply for adoption support if requested.

4.05.1110 Additional reports.

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

4.05.1120 Customary adoption hearing for youth in private guardianships – Conduct.

(1) The hearing on customary adoption shall be ceremonial and shall be private and closed. Only ~~the~~ petitioner(s), ~~the~~ child, anyone there on behalf of the petitioner(s), and any of the child's family members invited by petitioner(s) or who have maintained an ongoing relationship with the child, including siblings, shall be permitted to attend.

(2) The burden of proving the allegations of the petition shall be upon the petitioner(s) and the standard of proof shall be by a preponderance of evidence.

4.05.1130 Grounds for entering decree of customary adoption for private guardianship.

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

(1) Customary adoption is in the best interest of the child and the Tulalip Tribal community;

(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 customary adoption.

4.05.1140 Per capita and general welfare payments.

The adopting parent(s) shall receive current Tribal member per capita or General Welfare payments on behalf of the child in accordance with Chapters 5.20 and 16.01 ~~TTC~~ of the Tulalip Tribal Code.

4.05.1150 Additional hearings post-adoption.

Final orders of a customary adoption may be reviewed by the Court only if a substantial change of circumstance occurs, such as the adoptive parent(s) is deceased without the appointment of a legal guardian and there are no provisions within a will providing for the care and custody of the child. Notice of this review shall be provided to all parties to the hearing at which the final order was issued.

4.05.1160 Appeals.

Orders suspending the parental rights and issuing a customary adoption for youth in private guardianships are final orders for purposes of appeal.