

TITLE 8. FAMILY CODE

Chapter 8.2

TRANSFER OF JURISDICTION

Sections:

- 8.2.1 Transfer of Proceedings from State or Other Tribal Court.
- 8.2.2 Transfer of Proceeding to Another Court.

8.2.1. Transfer of Proceedings from State or Other Tribal Court. The Court may accept or decline any transfer of jurisdiction over a youth. A proceeding transferred to the Family Court from another court shall be transferred in the same status as the proceeding's status in the other court. Upon acceptance of the case, the Family Court may exercise any of its powers under this title. The Court may transfer a proceeding from another jurisdiction according to the following procedure.

(a) Receipt of Notice. The Indian Child Welfare (ICW) specialist shall be the tribal agent for service of notice of state court Indian child welfare proceedings.

(b) Recommendation for Transfer or Intervention. The ICW specialist shall conduct an investigation, consult with the Indian Child Welfare Committee if possible, and recommend to the tribal attorney whether or not the Tribe should petition for transfer from or intervene in the state or other tribal court proceeding. In making his or her recommendation, the ICW specialist shall give weight to the likelihood of the Suquamish Family Court's acceptance of the case.

(c) Petition for Transfer. The tribal petition for transfer shall be filed within the time period stated in the notice.

(d) Acceptance of Transfer. The Court shall not accept transfer of a case from state or other tribal courts unless a parent's or Indian custodian's petition for transfer is granted by the state or other tribal court or the Tribe's petition for transfer is granted by the state or other tribal court and the ICW specialist and tribal attorney recommend acceptance.

(e) The Tribal Council may issue guidelines setting forth the criteria the Court shall apply in determining whether to accept or decline transfer of a case.

(f) Action upon Transfer. Upon transfer of the case from state or other tribal court to the Suquamish Family Court, the presenting officer shall file a youth-in-need-of-care petition. A proceeding transferred from another court shall be received by the Court in the same status as the proceeding's status under this title. (Res. 83-090 §II.G, passed Dec. 5, 1983; renumbered by 98-004, passed Feb. 2, 1998)

8.2.2. Transfer of Proceeding to Another Court. The Court may at its discretion transfer a proceeding to another jurisdiction according to the following procedure.

(a) Any party or the parent or custodian of the youth may petition the Court to transfer a proceeding.

(b) The Court shall hold a hearing in which it determines whether or not to transfer the proceeding and whether or not to retain continuing jurisdiction over the proceeding if it is transferred.

(c) Written notice of the hearing date, time, and place shall be given to the youth, his or her custodian, and any other party seeking or opposing transfer of the proceeding.

(d) A parent's wishes regarding transfer shall be considered, but the controlling factor shall be the youth's best interest. (Res. 83-090 §II.H, passed Dec. 5, 1983; amended by Res. 94-156 (part), passed Nov. 21, 1994; renumbered by 98-004, passed Feb. 2, 1998)