

TITLE 8. FAMILY CODE

Chapter 8.4

ADOPTION

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8.4.1. Jurisdiction. The Youth Court has jurisdiction over this chapter pursuant to STC §§8.1.4–8.1.6. (Res. 83-090 §VI.A1, passed Dec. 5, 1983; amended by Res. 94-156 (part), passed Nov. 21, 1994; reference corrected from §8.1.5 prior to 1998 to §§8.1.4–8.1.6, Jul. 14, 2008)

8.4.2. Who May Be Adopted. Any Indian youth may be adopted when:

(a) His or her parents' rights were terminated pursuant to Chapter 8.3 of this title when no appeal was taken or, upon appeal, the decision to terminate parental rights was affirmed;

(b) His or her parents' rights were terminated by another court of competent jurisdiction;

(c) His or her natural parents are deceased; or

(d) Both natural parents consent to the adoption. (Res. 83-090 §VI.A2, passed Dec. 5, 1983)

8.4.3. Petitions. (a) Adoption proceedings may be initiated by any person wishing to adopt by the filing of a petition in the Court. The petition shall state:

(1) The relation, if any, of the petitioner to the youth;

(2) The name, sex, date of birth, and residence, if any, of the youth;

(3) The names and addresses of:

- (A) The youth's parents, if living;
- (B) The youth's custodian; or
- (C) Guardian *ad litem* of the youth;

(4) If the youth is in shelter care, the location and the time he or she was placed in shelter care;

(5) The tribal affiliation of the petitioner; and

(6) The tribal affiliation of the youth.

(b) The petition shall be accompanied by a certified copy of the order terminating the parental rights of the youth's natural parent(s) or proof that the natural parent(s) of the youth are deceased or that both consent to the adoption. (Res. 83-090 §VI.A3, 4, passed Dec. 5, 1983)

8.4.4. (Reserved)

8.4.5. Hearing Date. The Court shall set a date for the adoption hearing not more than twenty (20) days after receipt of the petition. (Res. 83-090 §VI.B1, passed Dec. 5, 1983)

8.4.6. Voluntary Consent. (a) In those cases where the natural parents are consenting to the adoption, the Court shall specifically question the natural parents on:

- (1) The consequences and finality of the adoption;
- (2) The reasons for the natural parents' consent; and
- (3) The presence of duress or undue influence.

After the questioning, the parents' consent shall be acknowledged in writing before the judge.

(b) No consent given prior to or within ten (10) days after the birth of the Indian child shall be valid.

(c) In any voluntary adoptive placement, the parents' consent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, and the child shall be returned to the parent. (Res. 83-090 §VI.B2, passed Dec. 5, 1983)

8.4.7. Findings. The Court shall determine whether:

(a) The youth's parents' rights have been terminated;

(b) The youth's parents are deceased; or

(c) The youth's parents consent to the adoption, that the consent was made without duress or undue influence, and that the natural parents fully understand the nature and finality of the decree of adoption. (Res. 83-090 §VI.B3, passed Dec. 5, 1983)

8.4.8. Special Placement Report. The counselor shall prepare a pre-adoption placement report. The report shall present an opinion as to whether the adoption is in the best interests of the youth. Adoptions that will result in the substantial alienation of an Indian youth from his or her tribe, culture, or heritage shall not be favored. To the extent essential to the best interests of the youth, preference shall be given as provided in §8.1.62 of this title. (Res. 83-090 §VI.B4, passed Dec. 5, 1983; reference corrected from §8.2.10 to §8.1.62, Jul. 14, 2008)

8.4.9. Youths at Least Twelve Years Old. If the youth is at least twelve (12) years old, the youth must also appear before the Court and consent to the adoption. (Res. 83-090 §VI.B5, passed Dec. 5, 1983)

8.4.10. Order. After the Court has heard the evidence, has questioned the natural parents as provided in §8.4.6 if their consent is being given, and has determined that adoption is in the best interests of the youth, the Court shall enter an order of adoption. The order shall be kept in the records of the Suquamish Tribe, the Bureau of Indian Affairs, and the Bureau of Vital Statistics of the State of Washington. (Res. 83-090 §VI.B6, passed Dec. 5, 1983; amended by Res. 84-017 (4), passed Mar. 12, 1984)

Note: The following subsections renumbered for consistency.

8.4.2(1)-(4) changed to 8.4.2(a)-(d)

8.4.3(a)(3)(i)-(iii) changed to 8.4.3(a)(3)(A)-(C)