

SECTION 1.0 - TITLE AND CODIFICATION

This Chapter shall be known as the Indian Child Welfare Act and shall be codified as Title 13, Chapter 2 of the Snoqualmie Tribal Code.

SECTION 2.0 - STATUTORY AUTHORIZATION

The aboriginal and inherent sovereign power to govern the Snoqualmie Indian Tribe is vested in the Snoqualmie Tribal Council. The Snoqualmie Tribal Council has the authority to safeguard and promote the peace, safety, morals, and general welfare of the members of the Tribe by regulating the behavior of all persons within the jurisdiction of the Tribe, and by providing for the enactment and enforcement of laws of the Tribe. This authority includes the ability to adopt laws or resolutions to regulate the domestic relations of members of the Tribe and to provide for the appointment of guardians for minors and mental incompetents and to protect the welfare of children or other at-risk populations. Snoq. Tr. Const. Art. VIII, §§ (m), (n).

The Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.*, "declares that it is the policy of this Nation to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families by the establishment of minimum Federal standards for the removal of Indian children from their families and the placement of such children in foster or adoptive homes which will reflect the unique values of Indian culture, and by providing for assistance to Indian tribes in the operation of child and family service programs." It is intended that the provisions of this Chapter be consistent with and carry out the purposes of the Indian Child Welfare Act, 25 U.S.C. § 1901, *et seq.* All applicable provisions of the Act shall be deemed to be incorporated by reference in this Chapter, and in the event of a conflict between provisions of that Act and this Chapter, the provisions of this Chapter shall control.

SECTION 3.0 - PURPOSE AND SCOPE

The purpose of this Chapter is to preserve and strengthen families of the Snoqualmie Indian Tribe to the greatest extent possible, to preserve and strengthen a Tribal child's cultural and ethnic identity, and to secure for any Tribal child removed from his or her home that care, guidance, and love as nearly equivalent as that which he or she should have been given by his or her parents to help him or her develop into a responsible, well-adjusted member of the Tribal community. The well-being and protection of Snoqualmie Tribal children are of the utmost importance to the Snoqualmie Indian Tribe and the Tribe desires to establish an Indian Child Welfare Program that meets the needs of all Snoqualmie Tribal children. Should there be any conflict in the application of these purposes, the application in the context of what is in the best interests of the child shall prevail.

SECTION 4.0 - DEFINITIONS

ABANDONMENT means when a parent has not contacted the child by telephone, letter, or in person and has made no provisions for his/her care, nor is there any indication of the parent's willingness to assume his/her parental role for more than one continuous year.

ABUSE means any of the following situations, taken together or separately:

- (1) the infliction of physical, emotional, or mental injury on a child, including but not limited to sexual abuse or sexual exploitation;
- (2) failing to maintain reasonable care and treatment of a child;
- (3) exploiting or overworking a child to such an extent that the child's health or well-being is endangered;
- (4) subjecting the child to excessive physical or mental discipline;
- (5) failing to protect the child from abuse;
- (6) failing to provide a safe environment for the child free from persons who may harm the child; or
- (7) allowing a child to knowingly ride in a vehicle operated by a person whose driving abilities are impaired by alcohol or drug usage.

ADJUDICATION means the process by which the allegations in a Petition filed under this Chapter or in accordance with state and/or Federal child welfare laws are found to be true, or not true, by a Tribal, state, or Federal judge, in the course of an evidentiary hearing.

ADULT means a person who is either eighteen (18) years of age or older or otherwise emancipated.

BEST INTERESTS OF THE CHILD means the preservation of the connection, or the creation of such a connection if one does not exist currently, between a Snoqualmie Tribal child and the child's culture, family, and Tribe in a stable setting where the usual and special needs of that child may be met; where the child is secure and safe; where the child is emotionally, physically, socially, and spiritually healthy, and academically enriched.

CHILD IN NEED OF CARE has the definition contained in Section 11.2 of this Chapter.

CONTEMPT OF COURT means any willful disobedience of or interference with any order of the Court.

CUSTODIAN means a person or entity that has legal authority and/or physical custody over a child either under Tribal law or custom, state law, court order, or parental permission. This term generally applies to foster parents, child placing agencies, and persons temporarily caring for a child by providing food, shelter, and supervision of the child at the request of a parent.

DEPENDENCY CASE means a case in which a child is alleged to be, or has been found by a state court to be a "child in need of care."

DEPENDENT CHILD means a child who has been found by the state court to be a "child in need of care."

EXTENDED FAMILY means family ties based generally upon bloodlines, marriage, friendship, caring, and cultural relationships. This term can include any member of the Snoqualmie Tribal community who is reliable, responsible, loving, and willing to care for a child in a culturally appropriate way.

FOSTER CARE means substitute family care for a child who has been voluntarily or involuntarily removed from parental care.

GUARDIAN means a person, other than the child's parent, who is legally vested with the power and responsibility to care for the child and/or the child's property.

GUARDIAN AD LITEM means a person appointed by the Court to represent the best interests of a child. The guardian ad litem may, but need not be, an attorney licensed to practice law in the state of Washington.

INCOMPETENT means a person who has been found by a court of competent jurisdiction to be mentally or physically incapable of caring for him/herself.

INDIAN TRIBE means any Tribe, band, nation, or group of Native Americans recognized by the Secretary of the Interior as eligible for services provided to Native Americans. This term also includes any Tribe recognized as an "Indian Tribe" by the Snoqualmie Indian Tribe, regardless of Federal recognition status.

INDIAN CHILD means any unmarried person under the age of eighteen (18) who is:

- (1) A member of an Indian Tribe;
- (2) Eligible for membership in an Indian Tribe, including eligibility for adoption into Tribal membership;
- (3) The biological child of a member of an Indian Tribe; or,
- (4) Considered to be Native American by himself/herself and by the Snoqualmie Indian Tribe.

The Tribal Council shall be the final decision-maker regarding who is an Indian child for purposes of this Chapter.

INDIAN CHILD WELFARE PROCEEDING means any proceeding commenced under this Chapter.

INDIAN CHILD WELFARE PROGRAM means the Snoqualmie Tribe's program within the Social Services Department charged with protecting and advocating for Tribal children, and serving their families.

INTERVENOR means a person or entity who has been allowed by the Court to intervene and has been granted certain rights in the case.

MINOR means a person under eighteen (18) years of age who is not emancipated.

NEGLECT means either of the following:

- (1) Failure of the parent, guardian, or custodian to provide adequate food, clothing, shelter, medical care, education, or supervision for the child's health, safety, and well-being; or,
- (2) Failure of the parent, guardian, or custodian to take advantage of reasonably available public assistance and service programs designed to meet such needs when the parent, guardian, or custodian cannot meet those needs without assistance.

NEGLIGENT TREATMENT OR MALTREATMENT means an act or omission which evinces a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a minor's health, welfare, and safety.

PARENT means a biological or adoptive parent, but does not include an unwed father who has not acknowledged or established paternity in one or more of the following ways: being identified as the father on the child's birth certificate, by acknowledging paternity to Tribal enrollment authorities or to any court of competent jurisdiction, or through formal paternity proceedings under state or Tribal law.

RELATIVE means any person who is a blood relation of the child or anyone deemed by the ICW Program to have established a significant familial-type relationship with the child.

SHELTER CARE means a home or other living facility used as a short-term living place for a child pending return to the child's family, or placement in foster care or other out-of-home care.

SNOQUALMIE TRIBAL CHILD means a child who is an enrolled member of the Snoqualmie Indian Tribe, or who is eligible for enrollment in the Snoqualmie Indian Tribe as either an adopted or regular member, provided that the child is a descendant of the Snoqualmie Indian Tribe.

SNOQUALMIE TRIBAL LANDS or **TRIBAL LANDS** include lands over which the Snoqualmie Tribe exercises jurisdiction, including but not limited to, the initial reservation, trust lands (Tribal and individual), lands subject to treaty-reserved rights, and lands within the federal definition of "Indian Country" set forth in 18 U.S.C. § 1151.

STPS means the Snoqualmie Tribal Police Services.

TRIBE means the Snoqualmie Indian Tribe.

SECTION 5.0 - TRIBAL JURISDICTION OVER INDIAN CHILD WELFARE PROCEEDINGS INVOLVING SNOQUALMIE TRIBAL CHILDREN

5.1 JURISDICTION OF THE SNOQUALMIE TRIBAL COURT

The Snoqualmie Tribal Court shall have jurisdiction exclusive as to any state over any Indian Child Welfare Proceeding involving a Snoqualmie Tribal Child, regardless of the location of the residence or domicile of the child, except when the Tribe consents to such jurisdiction or when such jurisdiction is otherwise vested in the State by existing Federal law, in which case the Snoqualmie Tribal Court shall have concurrent jurisdiction over the same matters to the extent consistent with Federal law. When a Snoqualmie Tribal Child is already a ward of the Snoqualmie Tribal Court, the Court shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

The Snoqualmie Tribal Court shall have jurisdiction over adults in furtherance of its powers under this code. The Court may issue orders as are necessary for the welfare of children and families.

5.2 TRANSFER OF PROCEEDINGS TO SNOQUALMIE TRIBAL COURT

In any state court Indian Child Welfare Proceeding involving a Snoqualmie Tribal Child who is not domiciled or does not reside on Snoqualmie Tribal lands, the state court will transfer such proceeding to the jurisdiction of the Snoqualmie Tribal Court, in the absence of good cause to the contrary or objection by either parent. The transfer to Snoqualmie Tribal Court shall occur upon the petition of either parent, the Indian custodian, or the Snoqualmie Tribe.

(a) **Request and Acceptance of Transfer.** It shall be the practice of the ICW Program to request transfer of a Snoqualmie child subject to a state Indian Child Welfare Proceeding and for the Snoqualmie Tribal Court to accept such transfer, except when good cause to the contrary exists, which includes but may not be limited to the following factors:

- (1) The wishes of the parent, custodian, or guardian;
- (2) The wishes of the child, if he/she is able to understand the meaning of a transfer of jurisdiction;
- (3) The recommendation of the ICW Program;
- (4) The place the child and each party lives and their Tribal affiliation and/or enrollment status;
- (5) Any special needs of the child that are being served by the other jurisdiction and whether transfer of jurisdiction would interfere with such services;

- (6) The ties and contacts each party has with the communities involved;
- (7) The stage of the proceedings in each of the courts with a claim to jurisdiction at the time the motion is brought;
- (8) Whether the other court has timely responded to the notice of the Snoqualmie Tribal Court; and
- (9) Whether the other court or government has previously declined to accept, or failed to accept, a transfer of jurisdiction over the child.

(b) **Procedure.**

- (1) **Petition.** The party requesting transfer shall submit a written petition to the Tribal Court requesting transfer of jurisdiction. The party requesting transfer shall serve its petition requesting transfer of jurisdiction on the other parties – including but not limited to the ICW Program and the parents, legal guardians, or legal custodians – and the jurisdiction in which the case is currently pending.
- (2) **Objection.** A party, or the jurisdiction in which the case is currently pending, who opposes the transfer must object in writing filed with the Tribal Court within fourteen (14) days of the date the petition was served. The opposition shall be served on all parties.
- (3) **Ruling.** The Tribal Court may accept or deny the transfer *ex parte* upon the expiration of the fourteen (14) day objection period, provided proof of service has been filed by the petitioner. However, if a party timely objects to the transfer in writing, the Tribal Court shall hold a hearing within fourteen (14) days of the filing of the objection.

(c) **Upon Transfer.** If a matter is transferred from state court to Tribal Court, it shall not be necessary for a new petition or complaint to be filed if the pleadings filed in the state court action are sufficient to give notice of the matter therein involved. ICW shall determine whether a new case plan or services plan should be conducted. A review hearing for the newly transferred case shall occur within forty-five (45) days of the transfer.

5.3 INTERVENTION IN STATE COURT PROCEEDINGS

The ICW Program shall intervene in any state court Indian Child Welfare Proceeding involving a Snoqualmie Tribal Child in accordance with the Indian Child Welfare Act, 25 U.S.C. § 1911(c) and any applicable state Indian child welfare laws.

SECTION 6.0 - FULL FAITH AND CREDIT; NOTICE TO OTHER TRIBES

6.1 FULL FAITH AND CREDIT TO PUBLIC ACTS, RECORDS, AND JUDICIAL PROCEEDINGS

When not contrary to the laws, policies, and customs of the Snoqualmie Indian Tribe, the Snoqualmie Indian Tribe shall give full faith and credit to the public acts, records, and judicial proceedings of the United States, every State, every territory or possession of the United States to the same extent that such entities give full faith and credit to public acts, records, and judicial proceedings of the Snoqualmie Indian Tribe.

6.2 NOTICE TO OTHER TRIBES

If the Court or any party in an Indian Child Welfare Proceeding has reason to believe that the youth is a member or eligible for membership in another Indian tribe, the Court or party shall notify the ICW Program. The ICW Program shall then give written notice of the proceeding to that other Indian tribe. The notice shall state that the Indian tribe must respond by written filing with the Tribal Court fifteen (15) days of receiving the notice and shall indicate whether it intends to intervene in the matter.

SECTION 7.0 - PROCEDURE FOR INDIAN CHILD WELFARE HEARINGS

7.1 CIVIL PROCEEDINGS

All proceedings under this Chapter are civil proceedings. Except as otherwise provided herein, all proceedings under this Chapter shall be governed by the Snoqualmie Tribal Rules of Court, STC 3.2, unless different rules of procedure are established in this Chapter.

7.2 NOTICE

(a) **Petitions.** No initial hearing on a Petition for any Indian Child Welfare Proceeding shall go forward without at least twenty (20) days written notice prior to the hearing to all parties, to be provided by the party filing the Petition, unless otherwise provided in this Chapter. The notice shall include:

- (1) The nature and general purpose of the proceeding and name of the Court;
- (2) The name of the child subject to the proceeding;
- (3) The name, if known, to whom the notice is directed;
- (4) The date, time, and place of the hearing;

- (5) Information that, if indigent, the parent, legal guardian, or legal custodian may be entitled to court-appointed counsel and the procedure to use to secure appointed counsel;
- (6) Guidance that written responses to any Petition filed are due within thirteen (13) days of receipt of the notice, the names and addresses of the Court with which responses and other pleadings must be filed and all parties on whom responses and other pleadings must be served, and the manner by which filing and service must be accomplished; and
- (7) Notice that failing to respond or appear may result in a default order being entered that may impact the legal rights of the individual being served the notice;
- (8) A copy of the Petition attached and served with the notice.

(b) **Other hearings.** No Indian Child Welfare Proceeding shall go forward without at least fourteen (14) days written notice prior to the hearing to all parties, unless otherwise provided in this Chapter. The notice shall be prepared and served by the party noting the hearing. The notice shall include:

- (1) The nature and general purpose of the proceeding and name of the Court;
- (2) The name of the child subject to the proceeding;
- (3) The name, if known, to whom the notice is directed; and
- (4) The date, time, and place of the hearing.

7.3 MOTIONS

Motions may be raised orally or in writing, unless otherwise required by the Court or this Chapter. If a motion is not made in open court during and as a consequence of events at an Indian Child Welfare Proceeding, the moving party shall notify the Court and all other parties of the nature of the motion; the date, time, and place of presentation of the motion; and the basis for the motion at least ten (10) days before the motion is presented in Court.

7.4 OTHER COURT FILINGS

Any party may submit reports or other pleadings by filing them with the Court. Any document filed with the Court must be served by the submitting party on all other parties at least ten (10) days prior to the hearing, following the procedure set forth in this Section, unless otherwise provided in this Chapter. Written answers, if any, to such reports and pleadings may be filed and served at least four (4) days prior to the hearing.

7.5 SERVICE OF PROCESS

- (a) **Initial Hearings.** All petitions and notices for initial hearings in Indian Child Welfare Proceedings shall be personally served by the Snoqualmie Indian Child Welfare Program or a person who has no stake in the outcome of the proceeding. Personal service means either giving it to the person directly, or by leaving it at the person's residence or place of employment with a person at least fourteen (14) years old who lives or works there. An officer of the Snoqualmie Tribe Police Services may be asked to do personal service of process in accordance with this Section.
- (b) **Subsequent Hearings.** Notices for all subsequent hearings and all other pleadings shall be served either by personal service or by regular mail. Mail service is complete three (3) days after mailing within the state of Washington, fourteen (14) days after mailing outside the state of Washington but within the United States, and thirty (30) days outside the United States, unless otherwise ordered by the Court. Notice shall be accomplished by the Tribe, except where the notice is for a hearing requested by another party, in which case the party requesting the hearing shall serve the notice.
- (c) **Alternate Method of Service.** The Court may order an alternate method of service depending on the circumstances. This may include publication in a legal newspaper qualified to publish summonses in the State within which the county consists. Publication shall be accomplished in King County and the county within which the person to be served is believed to reside. Notice shall be published once a week for three (3) consecutive weeks, with the final publication at least twenty (20) days prior to the date fixed for the hearing. Reference to the child's name in the publication shall be by initials. Factors the Court shall consider in determining whether service by publication is appropriate shall include whether the name and/or place of residence of the person is unknown and whether after due diligence, the person attempting service of the notice has been unable to make service.
- (d) Service is not complete until a Certificate of Service has been filed with the Court. The Certificate of Service shall state the date and manner of service, the name of the person served, the address where the person was served, and a list of all documents served, and shall be signed and dated under penalty of perjury by the person who accomplished the service. If the parties have agreed to service by email and the document is filed with the Court by email with other parties included, the email filing shall serve as a Certificate of Service with respect to those parties included on the email.

7.6 COMPUTATION OF TIME

In computing any period of time prescribed under this Chapter, the day of the act or event from which the designated period of time is to begin shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or Tribal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a Tribal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and Tribal holidays shall be excluded in the computation of time.

7.7 ADDRESSES

All parties have a duty to inform the Court and the Snoqualmie Indian Child Welfare Program of any change of address during the pendency of proceedings under this Chapter. The last address provided by a party to the Court and the ICW shall be deemed the address for service by mailing.

SECTION 8.0 – PARTIES TO INDIAN CHILD WELFARE PROCEEDINGS

8.1 PARTIES IDENTIFIED

The following shall be parties to Indian Child Welfare Proceedings under this Chapter:

- (a) The Petitioner;
- (b) The Snoqualmie Tribal Child;
- (c) The child's parent(s);
- (d) The child's guardian(s) or custodian(s);
- (e) The presenting ICW Program employee or other designated representative of the Snoqualmie Indian Tribe; and
- (f) Any other person the Court deems necessary for proper adjudication.

If the Court finds at the hearing that additional parties are necessary for proper adjudication of the matter at hand, the Court may continue the hearing to allow those parties to be notified and to participate.

If the child's parent(s), guardian(s), or custodian(s) do not appear at the hearing, the Court may order a recess and issue orders to secure their attendance. If a party has not been served because, despite due diligence on the part of the petitioner or moving party, the party has not been located, or for other good cause, the Court may, in its discretion, proceed with the hearing.

8.1.1 ESTABLISHING PARENTAGE

The purpose of this Subsection is to determine parentage in an Indian Child Welfare Proceeding in the event any party believes parentage – meaning either the identity of the mother or identity of the father – is uncertain. To the extent practicable, a provision of this Subsection applicable to a father-child relationship applies to a mother-child relationship and a provision of this chapter applicable to a mother-child relationship applies to a father-child relationship. A parent-child relationship extends equally to every child and parent, regardless of the marital status of the parent.

- (a) **Presumption.** An individual is presumed to be a parent of the child if the Court makes one or more of the following findings regarding the individual:

- (1) Is or was married to the birth mother in apparent compliance with the law and the child was born during the marriage;
- (2) Is or was married to the birth mother in apparent compliance with the law and the child is born within three hundred (300) days after the marriage or domestic partnership is terminated by death, annulment, dissolution, legal separation, or declaration of invalidity;
- (3) Signed an Acknowledgement of Parentage under RCW 26.26A.200 through 26.26A.265, unless the acknowledgment has been rescinded or successfully challenged; or individuals who have established paternity through another state's parentage law;
- (4) Self-identifies as the parent of a child through a certified, notarized statement filed with the court, including their name, date and place of birth, social security number, enrollment number if available, and description of the person's relationship to the child and the other parent of the child;
- (5) Holds himself or herself out to be the parent of a child by voluntarily undertaking any of the following duties, including, but not limited to, residing with the child, providing substantial essential amenities for the child, such as a combination of shelter, food, clothing, and supervision for a sufficient period of time;
- (6) Has undergone a DNA test which shows that the individual is the parent of the child.

Any of the above findings are subject to a rebuttable presumption.

(b) **Authority to Order or Deny Genetic Testing.** In an Indian Child Welfare Proceeding, the Court shall order the child and any other individual to submit to genetic testing if a motion to order genetic testing is supported by the sworn statement of a party:

- (1) In an Indian Child Welfare Proceeding, the Court shall order the child and any other individual to submit to genetic testing if a request for testing is supported by the sworn statement of a party:
 - (i) Alleging a reasonable possibility that the individual is the child's genetic parent; or
 - (ii) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the individual is not a genetic parent.

- (2) In determining what type of genetic testing should be ordered, the Court shall be guided by RCW 26.26A.315-320. The Court shall not order in utero genetic testing.
- (4) The Court may order the cost of genetic testing to be made by ICW, the individual who made the request for genetic testing, as agreed by the parties, or as otherwise ordered by the Court.
- (5) The Court may deny a request to determine parentage if it determines that identification of the parent is not in the best interest of the child.

(c) **Order Adjudicating Parentage.** An order adjudicating parentage must clearly identify the child. On request of a party for good cause, the Court may order the name of the child changed or may order the parents listed on the birth record of the child to change the name of the child. If the order adjudicating parentage differs from the parentage listed on the birth record of the child, the Court shall issue an order directing the Court Clerk to forward a certified copy of the order adjudicating parentage to the Bureau of Vital Statistics for the purpose of obtaining a corrected birth certificate. The Bureau of Indian Affairs may have access to such information as is necessary to protect inheritance rights or the enrollment status of the child and the child's descendants.

8.2 INTERVENTION

8.2.1 WHO MAY FILE

Any relative, extended family member, or person who has established a significant familial relationship with the child may file a motion for intervention with the Court. A child's tribe or tribes may also intervene as a matter of right at any point in the proceedings.

8.2.2 DISMISSAL

A motion for intervention by any party other than a tribe may be dismissed on the motion of any party or on the Court's own motion if the motion to intervene does not state a prima facie case of establishment of a significant familial-type relationship with the child or fails to allege facts to support that the intervention is in the best interests of the child.

8.2.3 WHEN GRANTED

If the Court determines by clear and convincing evidence that a significant familial-type relationship exists and that intervention is in the best interests of the child, or determines by clear and convincing evidence that the child is affiliated with the requesting tribe, the Court shall grant the motion for intervention. The Court shall determine, in the best interests of the child, what rights similar to those of a party shall be extended to an intervenor, including but not limited to, the rights of discovery, counsel, notice of hearings, attendance at hearings, ability to present motions, examination of the record and witnesses, custody, and visitation.

8.2.4 WHEN DENIED

If the Court determines by clear and convincing evidence that a significant familial-type relationship does not exist, or that intervention would not be in the best interests of the child, or that the child is not affiliated with the requesting tribe, the Court shall deny the motion for intervention. If the Court denies intervention, but determines that an ongoing personal relationship exists and that visitation or contact rights are in the child's best interests and consistent with the ICW Program policies and procedure, the Court may grant visitation or contact rights to the person having the ongoing personal relationship.

SECTION 9.0 – CONFIDENTIALITY OF RECORDS AND PROCEEDINGS

The Snoqualmie Tribal Council finds that Indian Child Welfare Proceedings are of a sensitive nature and that it is in the best interests of the children and families that all matters surrounding Indian Child Welfare Proceedings be kept strictly confidential. Therefore, the following rules shall apply to ensure the confidentiality of Indian Child Welfare Proceedings and their records:

- (a) Hearings shall be closed to the public and open only to involved parties who have a right to be present or who the Court has otherwise determined to have a legitimate interest in being present during the proceedings. Those who are allowed to be present may not disclose any information learned from the court proceedings; otherwise, they may be found to be in contempt of court.
- (b) The Snoqualmie Tribal Court shall have the authority to elicit evidence necessary to its determination.
- (c) All Court records, files, documents, and other related information in an Indian Child Welfare Proceeding shall be confidential and shall not be open to inspection to anyone but the following individuals, except as may be ordered by the Snoqualmie Tribal Court in the child's best interest:
 - (1) The child and his/her legal representative.
 - (2) The child's parent(s), guardian(s), or their legal representatives.
 - (3) The Snoqualmie Tribe ICW Program caseworker assigned to the case.
 - (4) The legal representative of the Tribe who is presenting the case.
 - (5) Court personnel.
- (d) The following individuals may have access to information, records, and files in child Indian Child Welfare Proceedings on a "need to know" basis, as determined by the ICW Program caseworker, or by order of the Court:
 - (1) The Snoqualmie Tribal Police Services, if directly involved in the proceedings.

- (2) The child's custodian(s) or their legal representative.
 - (3) The staff of other governmental agencies or other tribal departments whose cooperation is necessary for the protection of the child.
 - (4) A physician, psychologist, therapist, counselor, or other professional engaged for the purpose of providing an examination, care, or treatment of a child in an Indian Child Welfare Proceeding.
 - (5) A permanent foster care provider or long-term guardian, for use in a child-in-need of care proceeding involving the child.
 - (6) Court-approved Intervenors.
- (e) Indian Child Welfare files shall not be released to anyone except the staff of the Tribe's ICW Program and the Tribe's legal representative unless entered into evidence by the ICW Program Caseworker or the Tribe's representative in an Indian Child Welfare Proceeding, or by order of the Court.
 - (f) Snoqualmie Tribal Court files and records in Indian Child Welfare Proceedings shall be permanently sealed five (5) years after the case is closed. Permanently sealed files and records may be accessed only by order of the Court.
 - (g) Any person who receives or views documents or other information pursuant to this Section shall maintain the confidentiality of such information. Any person failing to abide by this restriction may be found in contempt of Court. Additionally, for any non-essential party, failure to maintain the confidentiality of such information may result in that party being denied further rights of intervention, record access, or the like.

SECTION 10.0 - APPOINTMENT OF COUNSEL

10.1 GUARDIAN AD LITEM

The Tribal Court may appoint, for the purposes of all Indian Child Welfare Proceedings, a Guardian ad Litem for a minor where the Court finds that the minor does not have natural or adoptive parents, legal guardians, or legal custodians willing and able to exercise effective guardianship and guidance during the Indian Child Welfare Proceeding and that a Guardian ad Litem would be in the best interests of the minor.

10.2 APPOINTMENT OF COUNSEL

In any Indian Child Welfare Proceeding in which the Court makes a finding of indigency, the parent, legal guardian, or legal custodian shall have the right to court-appointed counsel.

SECTION 11.0 –CHILD IN NEED OF CARE

11.1 PURPOSE

The Snoqualmie Indian Tribe has always protected its Tribal children and assisted Tribal families without a written code of laws. This Section provides written procedures to better coordinate the services the Tribe offers Tribal youth and families and to facilitate cooperation between the Tribe and other sovereign governments, persons, and entities to achieve the ultimate goal of providing for the health, safety, and well-being of Snoqualmie Tribal children.

Separation of a child from his or her parents should be considered only as a last resort, and when such separation is necessary for the health, safety, and well-being of the child.

11.2 CHILD IN NEED OF CARE DEFINED

In determining whether a Tribal child is a "child in need of care," the presumption shall be in favor of providing protection for the child. A "child in need of care" is a minor who meets one or more of the following criteria:

- (a) Has no parent, guardian, or custodian available or able to provide proper care;
- (b) Has been or is being neglected. For purposes of this Section “neglect” means the child, for reasons other than poverty, is not receiving the food, clothing, shelter, medical care, education, support, or supervision needed for his/her wellbeing or development. Any of the following shall provide reasonable cause to believe that a child may be neglected.

Examples of neglect include, but are not limited to:

- (1) Inadequate food, clothing, or shelter. Evidence that a child may not be receiving adequate food, clothing, or shelter includes, but is not limited to, the following:
 - (A) The child is suffering from disability, disease, or poor health due to inadequate nutrition;
 - (B) The child is failing to thrive as determined by a qualified medical professional;
 - (C) The child is habitually or frequently not dressed adequately for weather conditions;
 - (D) The child is frequently or habitually locked out of the child's home; or,
 - (E) The child's home is unsafe or unsanitary.

- (2) Inadequate medical or dental care. Evidence that a child may not be receiving adequate medical or dental care includes, but is not limited to, the following:
 - (A) The mother of an unborn child is not receiving adequate prenatal care;
 - (B) A seriously or chronically sick child is not being taken to an appropriate medical or dental professional or facility or is not being treated as advised, with the result that the child's condition worsens or fails to improve; or,
 - (C) The child has untreated parasitic infection.
- (3) Inadequate education. Evidence that a youth may not be receiving an adequate education includes, but is not limited to, the following:
 - (A) The child habitually or frequently fails to attend school without adequate reason; or
 - (B) The child is “home schooled” but is showing no progress in learning development.
- (4) Inadequate support or supervision. Evidence that a child may not be receiving adequate support or supervision includes, but is not limited to, the following:
 - (A) The child's parent, guardian, or custodian willfully neglects or refuses to provide for the child's support or maintenance when financially able to do so;
 - (B) The child's parent, guardian, or custodian habitually misuses benefits intended for the child, such as selling or squandering food stamps or commodities;
 - (C) The parent, guardian, or custodian of a child leaves the child alone or unsupervised for an inappropriate amount of time;
 - (D) The child is left with an inappropriate caregiver;
 - (E) The child is allowed access to alcohol or other drugs other than those drugs legitimately prescribed for the child or over-the-counter medications properly used to treat a legitimate ailment of the child; or,
 - (F) The child is repeatedly out after curfew, is a habitual runaway, or otherwise demonstrates a lack of parental control.
- (c) Has been physically abused. “Physical abuse” means the child has suffered or is likely to suffer physical injury inflicted by other than accidental means which causes or creates a substantial risk of death, disfigurement, or impairment of bodily functions or has suffered

acts which are cruel or inhumane regardless of observable injury. Any of the following shall provide reasonable cause to believe a youth may be physically abused, but this does not constitute an exhaustive list of examples:

- (1) The child has been locked, secreted, or held in a constricted, dark, frightening, or otherwise inappropriate place, or in a place where the child is not likely to be found, or in any place for an excessive period of time;
 - (2) Evidence of physical injury to the child's body, not clearly caused by pure accident;
 - (3) The child has been subjected to extreme discipline demonstrating a disregard for the child's physical pain and suffering;
 - (4) The child has been subjected to conduct that results in injury or creates a substantial risk to the child's physical safety, health, or development;
 - (5) The child's parent, guardian, or custodian has deliberately withheld adequate nutrition or hydration from the child or has forced the child to ingest harmful or noxious substances including, but not limited to, inappropriate food, drink, or drugs; or,
 - (6) The mother of an unborn or nursing child is using alcohol or other drugs, including cigarettes, to an extent that the fetus or baby is likely to be endangered.
- (d) Has been emotionally abused. "Emotional abuse" means the conduct that causes serious emotional harm to the child. Any of the following shall provide reasonable cause to believe that a youth may be emotionally abused. This does not constitute an exhaustive list of examples:
- (1) Assault, terrorization, or intimidation. Evidence that a child may have been assaulted, terrorized, or intimidated includes, but is not limited to, the following:
 - (A) Attempted violence or threats of physical harm or threats designed to create a climate of fear such as destroying the youth's possessions, or attacking beloved people or pets;
 - (B) Subjection of the child to a clear pattern of obvious rejection or non-acceptance on the part of the child's parent, guardian, or custodian;
 - (C) Instances of extreme discipline or a clear pattern of excessive ridiculing of a child demonstrating a disregard for a child's mental suffering; or

- (D) Isolation of the child, including, but not limited to, cutting the child off from normal social experiences, preventing the child from forming appropriate friendships, or locking the child in or out of the child's home.
- (2) Corruption. Evidence that a child may have been corrupted includes, but is not limited to, the following:
 - (A) The child's parent, guardian, or custodian has knowingly encouraged, caused, or contributed to the commission of a criminal act by the child or has allowed another adult to do so; or
 - (B) The child's parent, guardian, or custodian has taught or knowingly allowed another to teach the youth socially deviant behavior by rewarding aggression, delinquency, or sexually precocious behavior or by punishing appropriate, positive, socially adaptive behavior.
- (e) Has been or is being sexually abused. "Sexual abuse" means that the child has been the victim of a sexual offense, as defined in the Snoqualmie Tribal Criminal Code, STC 7.1.

11.3 PRELIMINARY INVESTIGATION

Whenever the ICW Program receives a report that there may be a Snoqualmie Tribal child in need of care, the ICW Program shall conduct a preliminary investigation of the allegations. The ICW Program shall cooperate and coordinate with the relevant state child protective services agency as necessary and appropriate.

The ICW Program shall prepare and retain written investigation reports concerning all allegations it receives regarding Snoqualmie Tribal children who may be in need of care.

11.4 SERVICES FOR SNOQUALMIE TRIBAL FAMILIES PRIOR TO COURT ACTION

When practicable, the ICW Program shall make reasonable efforts to provide Snoqualmie Tribal families all available social services that are necessary to prevent the breakup of the Snoqualmie Tribal family prior to the filing of a Child in Need of Care Petition.

11.5 CHILD IN NEED OF CARE PETITION

11.5.1 PETITION CONTENTS

Any person may file with the clerk of the court a petition showing that there is a Snoqualmie Tribal child in need of care. The ICW Program shall file a Child in Need of Care Petition with the Tribal Court if, after conducting a preliminary investigation, the ICW Program determines that the Snoqualmie Tribal child is indeed a child in need of care. There shall be no fee for filing a Child in Need of Care Petition.

The Petition shall include the following information:

- (a) The name, date of birth, permanent address, and Tribal status of the youth and his/her parent(s), custodian(s), or guardian(s);
- (b) The facts establishing the Court's jurisdiction;
- (c) The location of the child and the time taken into custody, if applicable. The location of the child does not need to be disclosed if it would endanger the child;
- (d) A copy of the preliminary investigation report prepared by the ICW Program, when the Petition is filed by the ICW Program; and
- (e) A declaration by a representative of the ICW Program, or the Petitioner when the Petition is filed by a party other than the ICW Program, setting forth specific factual information and reasons evidencing reasonable grounds that the child may be a child in need of care as defined under this Chapter.

11.5.2 SERVICE OF THE PETITION

The Petition and a Notice of Hearing shall be served on each parent, legal guardian, and legal custodian of the child alleged to be in need of care, as required by Section 7.0 of this Chapter. Failure to effect service on the parents, legal guardians, or legal custodians does not invalidate the Petition if reasonable efforts were made to locate and contact the parents, legal guardians, or legal custodians.

11.6 SHELTER CARE

11.6.1 MOTION AND ORDER

Upon the filing of a (i) Child in Need of Care Petition supported by a declaration by the ICW Program in support of the Petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody, and (ii) and a Motion for Emergency Temporary Custody Order, the Court may enter an order directing the ICW Program to take a child into emergency temporary custody if the Court finds reasonable grounds to believe that the child is a child in need of care as defined in this Chapter and that the health, safety, and welfare of the child will be seriously endangered if not taken into custody immediately. Thereafter, the ICW Program shall immediately take the child into shelter care.

11.6.2 NOTIFICATION

- (a) Whenever a child is taken into custody pursuant to Section 11.6.1 of this Chapter, the ICW Program shall immediately take all reasonable efforts to notify the parents, legal guardians, or legal custodians that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights to participate in a shelter care hearing under Section 11.6.3.

- (b) Such reasonable efforts shall take place within 24 hours of the child being taken into custody. The notice of custody and rights may be given by any means reasonably certain of notifying the parents, legal guardians, or legal custodian including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, the ICW Program shall make reasonable efforts to also provide written notification.
- (c) If the parents cannot be located and given notice of custody and rights within 24 hours of the child being taken into custody, the ICW Program shall continue to make reasonable efforts to locate and notify them. If the ICW Program cannot determine their whereabouts, the notice shall be delivered or sent to the last known address of the parent, legal guardian, or legal custodian.
- (d) The ICW Program shall provide testimony at the shelter care hearing or provide a declaration stating whether the required notice was provided and how the notice was provided. If the ICW Program was not able to notify the parents, legal guardians, or legal custodians were not notified, the ICW Program shall provide testimony or provide a declaration regarding what efforts the ICW Program made to locate and notify the parents. If the Court finds that the ICW Program made reasonable efforts to locate and notify the parents, legal guardians, or legal custodians, failure to effectively notify them shall not result in a delay of the shelter care hearing.

11.6.3 SHELTER CARE HEARING

- (a) **Purpose.** When a child is taken into custody, the Court shall hold a shelter care hearing within seventy-two (72) hours, excluding Saturdays, Sundays, and holidays, unless the Court enters an order authorizing continued shelter care. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the Child in Need of Care Petition is pending.
- (b) **Rights of Parents, Legal Guardians, or Legal Custodians.** At the commencement of the shelter care hearing, the Court shall notify the parent, legal guardian, or legal custodian of the following: (i) the parent, legal guardian, or legal custodian has the right to a shelter care hearing and the right to testify at the shelter care hearing, (ii) the nature of the shelter care hearing, and (iii) the right to be represented by counsel as described in this Chapter.
- (c) **Considerations.** At the shelter care hearing, the Court shall examine the need for shelter care and inquire into the status of the case. All parties have the right to present testimony to the Court regarding the need or lack of need for shelter care. The Court shall release the child to the child's parent, legal guardian, or legal custodian unless the Court finds there is reasonable grounds to believe that the child is a child in need of care as defined in this Chapter and that an alternative placement is in the best interests of the child during the adjudication of the Child in Need of Care Petition. The paramount consideration for the Court shall be the health, welfare, and safety of the child.

At a minimum, the court shall inquire into the following: (i) whether the child can be safely returned home while the adjudication of the Child in Need of Care Petition is pending; (ii) what services were provided to the family to prevent or eliminate the need for removal of the child from the child's home; (iii) whether the placement proposed by the ICW Program meets the placement preferences described in Section 20.0 of this Chapter;; (iv) whether to appoint a guardian ad litem or attorney; (v) whether restraining orders, or orders expelling an allegedly abusive household member from the home of a non-abusive parent, guardian, or legal custodian, will allow the child to safely remain in the home; (vi) whether any orders for examinations, evaluations, or immediate services are needed; and (vii) the terms and conditions for parental, sibling, and family visitation.

11.7 ORDER AND AUTHORIZATION OF HEALTH CARE AND EDUCATION RECORDS

If the Court places the child in the custody of the ICW Program or entity or individual other than the parents, legal guardians, or legal custodians at the shelter care hearing or at any future hearing, immediately following the hearing where the child is placed in the custody of the ICW Program or other entity or individual other than the parents, legal guardians, or legal custodians, the Court shall enter an order and authorization regarding health care and education records for the child. The order shall:

- (a) Provide the ICW Program with the right to inspect and copy all health, medical, mental health, and education records of the child;
- (b) Authorize and direct any agency, hospital, doctor, nurse, dentist, orthodontist or other health care provider, therapist, drug or alcohol treatment provider, psychologist, or mental health clinic, or health or medical records custodian or document management company, or school to permit the ICW Program to inspect and to obtain copies of any records relating to the child involved in the case, without the further consent of the parent or guardian of the child; and
- (c) Grant the ICW Program or its designee the authority and responsibility, where applicable, to notify the child's school that the child is in out-of-home placement; enroll the child in school; request the school transfer records; request and authorization evaluation of special needs; attend parent-teacher conferences; excuse absences; grant permission for extracurricular activities; authorize medications that need to be administered during school hours and sign for medical needs that arise during school hours; complete or update school emergency records; and otherwise serve as the educational liaison where appropriate.

11.8 STIPULATED OR AGREED ORDER

- (a) Entry of any stipulated or agreed order of child in need of care or order of disposition is subject to the review and approval of the court. The court shall review the filings before entering a stipulated or agreed order to ensure the order is consistent with the allegations

of the child in need of care petition and the problems that necessitated the child in need of care proceeding.

- (b) Prior to entry of any stipulated or agreed order of child in need of care, the Court must establish on the record that the parent, legal guardian, or legal custodian (i) understands the terms of the order(s) he or she has signed, including his or her responsibility to participate in remedial services as provided in any disposition order; (ii) entry of the order starts a process that could result the child's long-term placement in out-of-home care; (iii) entry of a stipulated or agreed order of child in need of care is an admission that the child is a child in need of care; and (iv) knowingly and willingly stipulated, agreed to, and signed the order.
- (c) If a parent, legal guardian, or legal custodian fails to appear before the Court after stipulating or agreeing to an order of child in need of care or order of disposition, the Court may enter the order upon a finding that the parent, legal guardian, or legal custodian had actual notice of the right to appear before the Court and chose not to do so. The court may require other parties, including the attorney for the parent, legal guardian, or legal custodian, to appear and advise the Court.

11.9 FACT-FINDING HEARING AND ORDER

- (a) The Court shall hold a fact-finding hearing within sixty (60) days of the filing of the Child in Need of Care Petition, unless the time for hearing is extended by the Court for good cause. Unless the Court dismisses the petition, the Court shall make written findings of fact, stating the reasons for the decision that the child is or is not a child in need of care.
- (b) At the fact-finding hearing, the Court may consider all evidence it deems relevant to the issue of whether the child is a child in need of care under this Chapter. The person or entity filing the Child in Need of Care Petition must demonstrate by a preponderance of the evidence that the child is a child in need of care as defined under this Chapter. In order to make that showing, the Petitioner is allowed to present any relevant evidence, unless deemed improper or immaterial by the Court.
- (c) If the ICW Program is not the Petitioner and is required by the Court to supervise the placement of the child or to provide services to any party, the ICW Program must also agree to sign the order. Entry of any stipulated or agreed order under this Subsection is subject to approval by the Court.

11.10 ORDER OF DISPOSITION FOR A CHILD IN NEED OF CARE

If, after a fact-finding hearing, it has been proven by a preponderance of the evidence that the child is a child in need of care as defined in this Chapter, the Court shall immediately hold a disposition hearing, unless there is good cause for continuing the matter for up to fourteen (14) days.

- (a) The Court shall enter an Order of Disposition that orders one of the following dispositions of the case:
- (i) Order a disposition other than removal of the child from his or her home, and provide a services plan designed to alleviate the immediate danger to the child, lower the risk that the child will be a child in need of care in the future, and enable the child to thrive.
 - (ii) Order the child to be removed from their home and into the custody, control, and care of the ICW Program for supervision of the child's placement. The ICW Program has the authority to place the child, subject to the review and approval of the Court. The ICW Program shall apply the Tribe's placement preferences set forth in Section 20.0 of this Chapter when placing a child in need of care. The Court shall consider whether it is in the child's best interests to have visitations with the child's parents, legal guardians, or legal custodians and siblings. The order of disposition shall also include a services plan designed to reunify the Indian family.
- (b) Regardless of the nature of the disposition, the Order of Disposition shall identify one of the following outcomes as a primary permanency plan and another of the following outcomes as the concurrent permanency plan: reunification of the family; long-term guardianship; adoption; continued dependency for children between the ages of sixteen (16) and eighteen (18); and independent living for children who are likely to turn eighteen while the case is pending. The primary permanency plan shall be reunification of the Indian family, except where aggravated circumstances to the contrary exist by clear, cogent, and convincing evidence.

11.11 CASE CONFERENCE AND PLAN

11.11.1 PURPOSE

Within thirty (30) days of the entry of the disposition hearing, the ICW Program shall convene a case conference and develop a written case plan based on the contents of the Order of Disposition and to protect the health, safety, and welfare of the child.

11.11.2 CONTENTS OF THE PLAN

If reunification is the primary or concurrent permanency plan, the case plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, a time limit for each service plan and parental requirement, a visitation schedule, and what efforts the ICW Program shall take to achieve the permanency plan. The case plan shall be specific, measurable, attainable, relevant, timely, and understandable by all parties. It shall include and connect goals that are directly linked to the identified threats and risks to the child's health, safety, and welfare. It shall include interventions and services that focus and build upon family strengths and are responsive to individual, family, and Tribal needs. The case plan may change over time based upon the circumstances of the particular case.

11.11.3 PARTICIPANTS IN THE CASE CONFERENCE

ICW shall invite the following individuals to the case conference: the parents, legal guardians, or legal custodians and their counsel; counsel for the ICW Program; guardian ad litem; the child(ren) based on interest, age, and maturity; and any family members or support persons who all other parties present at the meeting agree may attend.

11.11.4 FINALIZING THE PLAN

A copy of the case plan shall be provided to the parents, legal guardians, or legal custodians and filed with the Court. Any individual who disagrees with the contents of the filed case plan may motion the Court for a hearing on the matter.

11.12 ICW PROGRAM RESPONSIBILITIES

11.12.1 PLACEMENT

Priority placement for a child in need of care shall be in accordance with the Tribe's placement preferences set forth in Section 20.0 of this Chapter. The person must be willing and available to care for the child and be able to meet any special needs of the child and the Court must find that such placement is in the best interests of the child. The person must be willing to facilitate the child's visitation with siblings and other relatives as deemed appropriate by the ICW Program and as ordered by the Court.

11.12.2 SERVICES FOR CHILD

Whenever a child is taken into custody pursuant to Section 11.6 of this Chapter, the ICW Program may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care.

11.12.3 SERVICES FOR PARENTS

Where reunification of the family is the primary or concurrent permanency plan, the ICW Program shall make active efforts during the pendency of the case to reunify the family, unless otherwise required by the Court or unless the parent, legal guardian, or legal custodian has waived participation in services.

11.13 COURT REVIEW OF ORDER OF DISPOSITION

In the order of disposition of a Child in Need of Care Petition, the Court shall order the ICW Program to update the Court concerning the child's status and the parents' progress with the case plan every four (4) months. However, the Court has the discretion to require more or less time between updates, depending on the circumstances and based upon the recommendation of the ICW Program.

11.14 PERMANENCY PLANNING

11.14.1 PERMANENCY PLANNING MEETING

Prior to the permanency planning hearing, if the ICW Program determines that the parents may not be prepared to resume full-time custody and parenting responsibilities within a time-frame that meets the best interests of the child, the ICW Program shall hold a permanency planning meeting and invite the following individuals: the parents, legal guardians, or legal custodians and their counsel; counsel for the ICW Program; guardian ad litem; the child(ren) based on interest, age, and maturity; and any family members or support persons who all other parties present at the meeting agree may attend. The ICW Program shall consider the wishes of a child old enough to appreciate and express his or her long-term interest in placement in a particular home.

11.14.2 PERMANENCY PLANNING HEARING

The purpose of the permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child, inquire into the progress of the case, and reach decisions regarding the permanent placement of the child. A permanency planning hearing shall be held twelve (12) months after entry of the order of disposition, and every twelve (12) months thereafter, unless the Court finds a good cause exception to hold the permanency planning hearing earlier or later. At the hearing, the Court shall determine whether the primary permanency plan has been achieved. If it has not, and there is not good cause to delay the permanency planning hearing, the Court shall order the ICW Program to take necessary steps to achieve the concurrent permanency plan contained in the order of disposition or as otherwise ordered by the Court.

11.15 RELINQUISHMENT OF PARENTAL RIGHTS

Parents or custodians may voluntarily elect at any time to relinquish their parental rights in a Child in Need of Care Proceeding. By relinquishing their parental right, parents free the child for one of the permanent placements set forth in this Chapter. When a parent relinquishes his or her rights, all ICW services and oversight of the parent shall cease. When a parent relinquishes his or her rights, the Tribe shall, in all cases, retain certain rights to the child.

- (a) When a parent voluntarily expresses his or her intention not to parent the child long-term, ICW shall meet with the parent to discuss their options for permanent placement of the child, which may include relinquishment of parental rights. ICW shall inform the parent of each permanency option and the consequences of each option for the child and for the parents' rights.
- (b) A parent wishing to relinquish his or her rights shall file a Petition to Relinquish Parental Rights in Tribal Court, including an unequivocal statement of:
 - (1) The parent's name and date of birth;
 - (2) The individual is of sound mind and capacity;

- (3) That the individual is the parent of the child in the present case and does not contest parentage;
 - (4) That the parent submits to the jurisdiction of the Snoqualmie Tribal Court;
 - (5) That the parent is unable or does not intend to care for the child;
 - (6) That the individual understands that relinquishing his or her rights terminates the legal relationship between the parent and child;
 - (7) That the ICW Program has discussed the individual's options regarding alternative permanent plans for the child that do not terminate the parent's legal relationship with the child;
 - (8) The parent understands that rehabilitation and reunification services will terminate upon entry of an order granting the Petition;
 - (9) The parent understands that the Tribe will retain certain rights to the child after he or she relinquishes parental rights;
 - (10) Whether the parent wishes to have contact with the child in the future.
- (c) The Court shall hear a Petition to Relinquish Parental Rights within 21 days or less of the filing of the petition.
- (1) Required findings and bases for granting a Petition for Relinquishment of Parental Rights.
 - (A) The Court has read the content of the Petition to Relinquish Parental Rights to the parent in a language he or she is proficient;
 - (B) The parent is of sound mind and capacity to relinquish his or her parental rights;
 - (C) That the individual is the parent of the child in the present case and does not contest parentage;
 - (D) That the parent submits to the jurisdiction of the Snoqualmie Tribal Court;
 - (E) That the parent is unable or does not intend to care for the child;
 - (F) That the individual understands that relinquishing his or her rights terminates the legal relationship between the parent and child;

- (G) That the ICW Program has discussed the individual's options regarding alternative permanent plans for the child that do not terminate the parent's legal relationship with the child;
 - (H) The parent understands that rehabilitation and reunification services will terminate upon entry of an order granting the Petition;
 - (I) The parent understands that the Tribe will retain certain rights to the child after he or she relinquishes parental rights; and
 - (J) The parent understands that he or she may or may not have contact with the child in the future, and, if future contact is permitted, the parent understands the terms of contact.
- (d) The Court may enter an order granting the Petition to Relinquish Parental Rights, including an order that the parent is no longer a party to the case; all services to the parent by ICW must discontinue; and setting forth the terms of any future contact between the parent and child.

SECTION 12.0 – [RESERVED]

SECTION 13.0 - LONG-TERM GUARDIANSHIP

13.1 PURPOSE

It has long been the custom of the Snoqualmie Indian Tribe that a child in need of care may be cared for by persons other than a parent, hopefully with other family members, without permanently excluding the parent from the child's life. It is intended that this Section be applied with flexibility for a variety of family situations and problems, depending on the circumstances.

13.2 PETITION - WHO MAY FILE

Any person at least eighteen (18) years old may file a Petition with the Court requesting that he or she be appointed as the long-term guardian of a Snoqualmie Tribal Child. A petition filed by a married person shall also be signed by the married person's spouse, unless his or her whereabouts are unknown, as well as by any other adult who lives in the same residence as the person filing the Petition.

13.3 PETITION - CONTENTS

A Petition for Long-Term Guardianship 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, residence, and Tribal status, if known, of the child's birth parent(s) and of the Petitioner(s);
- (c) If the child is residing with someone other than a parent, the location and length of time at that location and whether the current placement is in accordance with any court order; and
- (d) A statement by the Petitioner(s) of the facts and reasons supporting his/her request to be appointed as a long-term guardian, including the facts supporting that the child is a child in need of care and the Petitioner's position as to whether parental visitation would be appropriate under the circumstances.

The Indian Child Welfare Program shall be named as a party and served with the Petition and any other documents filed in the matter.

13.4 SCHEDULING THE HEARING

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than forty-five (45) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

13.5 INDIAN CHILD WELFARE PROGRAM REPORT

Upon the filing of a Petition for Long-Term Guardianship, the Indian Child Welfare Program shall provide the Court, or arrange for the Court to be provided, with a complete home study report concerning the proposed long-term guardianship. A home study report shall include, but not be limited to:

- (a) Criminal background checks on proposed guardians, and all adults that reside in the home of the proposed guardian;
- (b) A recommendation as to the proposed guardian's financial ability to support the youth;
- (c) A recommendation as to whether the parent(s) should be allowed to visit the child, and under what circumstances;
- (d) A statement as to an appropriate foster care placement for the child, if an appropriate guardian is not available;
- (e) Any other information deemed necessary by the ICW Program.

13.6 ADDITIONAL REPORTS

Any party may file and serve any additional report, setting forth his/her recommendations regarding the proposed guardianship or foster care placement.

13.7 HEARING ON THE PETITION FOR LONG-TERM GUARDIANSHIP

All hearings concerning Petitions for Guardianship shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether long-term guardianship is in the best interests of the Snoqualmie Tribal Child and the Tribal community. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to contest the factual contents and conclusion of any report filed with the Court.

13.8 GROUNDS FOR GRANTING A PETITION; BURDEN OF PROOF

If the Court finds that:

- (a) the child is a child in need of care;
- (b) the child's parent(s) are otherwise unable or unwilling to care for the child;
- (c) the child has been abandoned;
- (d) the child's parent(s) voluntarily agree, in writing, and without duress and in the presence of a Tribal Court judge, to the long-term guardianship or foster care placement; or,
- (e) the child's parents are deceased,

The Petitioner shall have the burden of proving by a preponderance of the evidence that the proposed guardianship is in the best interests of the child.

If grounds exist to support a long-term guardianship, the Court shall order the long-term guardianship of the Snoqualmie Tribal Child. Entry of a long-term guardianship terminates all services to the parents provided by ICW. The Tribal Court has continuing jurisdiction over guardianships. The Court will hold a review hearing six (6) months after the decree of guardianship is entered by the court, and will hold annual review hearings after that until the child turns eighteen (18) years old.

13.9 POWERS OF A LONG-TERM GUARDIAN

Unless otherwise ordered by the Court, a long-term guardian has all the rights and responsibilities of a parent for the child, except that the enrollment of a child who is eligible for enrollment in the Snoqualmie Tribe or in another Tribe shall require Court approval.

- (b) The Court shall have the discretion to modify the long-term guardianship where doing so is in the best interests of the child.
- (c) A child shall not be removed from the custody of his/her guardian except under circumstances that would warrant removal if the guardian were the child's parent.

13.10 APPOINTMENT/REMOVAL OF GUARDIAN FOR A CHILD'S PROPERTY

The Court may appoint a person or financial institution to be the guardian of a child's property. This may be a person or entity different than the guardian who provides direct care to the child, depending upon the circumstances.

The Court has the power to remove a guardian for a child's property and appoint a replacement guardian whenever in the child's best interests.

When a child whose property is in guardianship reaches the age of eighteen (18), the individual may petition the Court to terminate the guardianship and enter such orders as may be necessary to place him/her in control of his/her property and earnings.

13.11 EXISTING TRUST(S)

If the child's property is subject to a trust (for example, where a parent has died leaving property to a child in a trust established under the will), the guardian is bound by the trust provisions. The Court has the power to review any trust in connection with the appointment of a guardian and to impose any protections necessary to enforce the trust, to ensure that the guardian fully and regularly accounts for trust funds, and to see that the trust funds are properly managed.

13.12 CHANGE OF ADDRESS

Any long-term guardian appointed pursuant to this Section shall immediately notify the Court and the ICW Program, in writing, of any change of address.

13.13 TERMINATION OF GUARDIANSHIP

- (a) A long-term guardianship shall only terminate: (i) upon the death, marriage, emancipation, adoption, or eighteenth (18) birthday of the child unless continued upon order of the Court or (ii) if the child has been removed from the custody of the guardian pursuant to a Petition for Child in Need of Care and the Court enters a permanent plan for the child other than reunification with the guardians.
- (b) Upon Petition of a birth parent(s) of a child in long-term guardianship, the child may be returned to the parent(s), after notice and hearing, upon a showing by clear and convincing evidence that the parent(s) is willing and able to resume permanent care of the child, and that return of the child to the parent(s) is in the best interests of the child. This showing shall include clear and convincing evidence that the circumstances that originally justified the placement of the child with a long-term guardian no longer exist. If a parent(s) petitions the Court to terminate the long-term guardianship, the ICW Program shall file an Indian Child Welfare Report to aid the Court in its assessment of the parent(s)' Petition.

SECTION 14.0 - TERMINATION OF PARENTAL RIGHTS

14.1 PURPOSE

The Snoqualmie Indian Tribe has not traditionally recognized the termination of a parent's rights to their birth children. It is currently the custom of the Tribe to pursue involuntary termination of a parent's rights to the parent's child only as a last resort, and only when it is clear that long-term guardianship is insufficient to meet the needs of the child, and an adoption is feasible and in the best interests of the child.

14.2 PETITION FOR TERMINATION OF PARENTAL RIGHTS - WHO MAY FILE

14.2.1 VOLUNTARY PETITION FOR TERMINATION OF PARENTAL RIGHTS

Any parent of a Snoqualmie Tribal Child may consent to terminate their parental rights in order to allow for the adoption of the child. The consent must be in writing, without duress, and made in the presence of a Snoqualmie Tribal Court judge. Consent of a parent to voluntarily terminate his/her rights to a child is not valid unless:

- (a) The parent is at least sixteen (16) years old;
- (b) The parent has received counseling from an appropriate professional who has explained the consequences of terminating his/her 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 termination and adoption, such as long-term guardianship;
- (c) The parent orally explains his/her understanding of the meaning of the termination of his/her parental rights to the Court, and the Court makes a specific finding that the terms and consequences of the consent were fully explained to and were fully understood by the parent; and,
- (d) The consent is given no sooner than thirty (30) days after the birth of the child. The child may be placed with another caregiver during this thirty (30) day period, if necessary and in the best interests of the child.

Any consent to terminate one's parental rights may be withdrawn prior to the entry of a final decree of adoption and, if no other grounds exist for keeping the child away from the parent, the child shall be returned to the parent.

14.2.2 INVOLUNTARY PETITION FOR TERMINATION OF PARENTAL RIGHTS

Only the ICW Program, or a state child protective agency if the Petition is originally filed in state court, may file a petition for involuntary termination of parental rights to a Snoqualmie Tribal child in Tribal Court.

14.3 PETITION FOR TERMINATION OF PARENTAL RIGHTS - CONTENTS

A Petition for Termination of Parental rights (both voluntary and involuntary) 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, residence, and Tribal status, if known, of the child's parent(s), guardian(s), or custodian(s);
- (c) If the child is residing with someone other than a parent, the location and length of time at that location, including any court order(s) previously entered regarding the care and custody of the child, if known and available; and
- (d) A statement by the Petitioner of the facts and reasons supporting the request.

A copy of the proposed Petition for Adoption (or other permanent placement request) shall be filed in conjunction with the Petition for Termination of Parental Rights.

14.4 SCHEDULING THE TERMINATION HEARING

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than forty-five (45) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

14.5 INDIAN CHILD WELFARE REPORT

Upon the filing of a Petition for Termination of Parental Rights, the ICW Program shall provide the Court, or arrange for the Court to be provided, a pre-termination Indian Child Welfare Report. The person preparing the report shall conduct a complete home assessment and shall consult with the child's parent(s), guardian(s), or custodian(s); all health, education, and social service personnel known to have had prior professional contact with the child; and with the Petitioner, if someone other than the ICW Program, to determine whether termination of parental rights would be in the best interests of the child. The report shall be in writing and shall contain the professional opinions of all persons consulted. The Court may waive the requirement of a pre-termination report in cases where a parent is consenting to the termination of his/her parental rights, provided that all requirements for a proper consent under this Chapter have been met. The ICW Program shall file and serve the pre-termination Indian Child Welfare Report in accordance with the requirements of this Chapter.

14.6 ADDITIONAL REPORTS

Any party may file and serve any additional report setting forth his/her recommendations regarding the Petition and the Court may order the preparation of any additional reports it deems necessary to render a decision on the Petition.

14.7 HEARING ON THE PETITION FOR TERMINATION OF PARENTAL RIGHTS

All hearings concerning Petitions for Termination of Parental Rights shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether termination of parental rights is in the best interests of the Snoqualmie Tribal Child and the Tribal community. In addition to the notice requirements that apply to Court filings pursuant to this Chapter, special efforts shall be made by the ICW Program to locate the parent(s) whose rights are subject to termination. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to contest the factual contents and conclusions of any report filed with the Court.

14.8 GROUNDS FOR TERMINATION OF PARENTAL RIGHTS; BURDEN OF PROOF

The Court may order termination of parental rights only upon a showing that termination is being sought as a last resort, that an appropriate adoptive home is available, and that a Petition for Adoption has been filed in conjunction with the Petition for Termination of Parental Rights. In cases of Petitions for Voluntary Termination of Parental Rights, the Court must first approve the parent's consent as required in this Chapter. In cases of Petitions for Involuntary Termination of Parental Rights, the Court must find that each of the following factors are supported by clear and convincing evidence:

- (a) The child has been abandoned or is a "child in need of care" as defined in this Chapter;
- (b) Termination of parental rights and adoption are in the best interests of the child and the Snoqualmie Indian Tribe;
- (c) The Tribe has offered or helped to provide necessary services and resources to assist the parent in caring appropriately for the child; and,
- (d) It is unreasonable to expect that the parent will ever be able to care appropriately for the child, under the circumstances.

14.9 DISPOSITION

If parental rights are terminated by the Court, the Court shall set a hearing to consider the Petition for Adoption no later than thirty (30) days after the Court's final order terminating parental rights. If the Court finds that parental rights should not be terminated, but that the child is a "child in need of care," the Court may set a hearing to consider a permanent placement alternative, such as long-term guardianship.

SECTION 15.0 - ADOPTION

15.1 PURPOSE

It is the goal of the Snoqualmie Indian Tribe that every Snoqualmie Tribal Child be in a permanent home that provides an atmosphere of love, caring, and cultural values so that the child

is able to thrive in every way possible. On occasion, a biological parent is not able to provide this kind of environment and thus adoption is a necessary step to ensure the healthy growth of Snoqualmie Tribal Children.

15.2 PETITION FOR ADOPTION – WHO MAY FILE

Any person at least eighteen (18) years old may file a Petition for Adoption with the Court. If the Petitioner is married, his or her spouse must also be at least eighteen (18) years old and must sign the Petition, unless the spouse's whereabouts are unknown or unless waived by the Court. The Petition shall also be signed by any other adult who lives in the same residence as the person filing the Petition.

15.2.1 PETITION FOR ADOPTION – CONTENTS

A Petition for Adoption 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 Petitioner(s);
- (c) The name, birth date, residence, and Tribal status, if known, of the child's birth parent(s);
- (d) The relationship, if any, of the Petitioner(s) to the child;
- (e) The names and addresses, if known, of all other persons whose consent is required for the adoption and proof of such consent;
- (f) A description of all previous court proceedings involving the care and custody of the child to be adopted, and the results of these proceedings, including copies of all court orders, if available;
- (g) The reasons the child is available for adoption and why the Petitioner(s) desires to adopt the child; and
- (h) A request to change the child's name if the Petitioner(s) wish to make such a request.

A copy of any Relinquishment of Parental Rights or Petition for Termination of Parental Rights shall be filed in conjunction with the Petition for Adoption.

The Indian Child Welfare Program shall be named as a party and served with the Petition and any other documents filed in the matter.

15.3 CHILD AVAILABILITY FOR ADOPTION

A Snoqualmie Tribal Child may be adopted only if the child's parents are deceased or if the parental rights of the child's parents have been otherwise terminated or relinquished by any court of competent jurisdiction.

15.3.1 CUSTOMARY ADOPTIONS

Customary adoptions may be established where neither parent or one parent agrees to relinquish his or her rights and where the ICW Program determines that an adoption would serve the best interests of the child. A customary adoption may be a preferred placement in certain cases.

In a customary adoption, the prospective adoptive parents agree that the Tribe retains certain rights and that a parent who did not relinquish their rights also retains certain rights as stated in the terms of the adoption. The terms of a customary adoption shall conform to ICW Policy and shall be carried out in the best interests of the child.

To establish a customary adoption, the adoptive parents shall file a petition for a customary adoption. The ICW Program shall meet with the parents, caregivers, prospective adoptive parents, and child if appropriate, to discuss the permanency plan. The parents may agree to a customary adoption before the Court or by execution of an adoption decree certified by a notary public.

A customary adoption terminates all services to the parents and the jurisdiction of the Court.

15.3.2 CULTURAL ADOPTIONS

Cultural adoptions may be established where both parents agree to voluntarily relinquish their parental rights and where the ICW Program determines that an adoption would serve the best interests of the child. A cultural adoption may be a preferred placement in certain cases.

In a cultural adoption, the prospective adoptive parents agree that tribe retains certain rights. The terms of a customary adoption shall conform to ICW Policy and shall be carried out in the best interests of the child.

To establish a cultural adoption, the adoptive parents shall file a petition for a cultural adoption. The ICW Program shall meet with the parents, caregivers, prospective adoptive parents, and child if appropriate, to discuss the permanency plan. The parents must relinquish their rights before the Court, at which time an adoption decree may be entered.

A cultural adoption terminates all services to the parents and the jurisdiction of the Court.

15.4 SCHEDULING THE HEARING

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than forty-five (45) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter. The Tribal Council

Secretary shall be served notice of all adoption proceedings and be afforded an opportunity to appear before the Snoqualmie Tribal Court during the proceedings.

15.5 INDIAN CHILD WELFARE PROGRAM REPORT

Upon the filing of a Petition for Adoption, the ICW Program shall provide the Court, or arrange for the Court to be provided, with a complete pre-adoption home study report, including, but not limited to, the following:

- (a) The physical and mental condition of the child, Petitioner(s), and all persons living within the Petitioner(s)' home;
- (b) The circumstances of the voluntary or involuntary termination of the parents' rights to the child, or proof of the parents' death;
- (c) The home environment, family life, access to health services and resources of the Petitioner(s);
- (d) The child's and Petitioner(s)' cultural heritage and Tribal status;
- (e) The marital status of the Petitioner(s);
- (f) The names and ages of the Petitioner(s)' children and of any other persons residing with the Petitioner(s), if any;
- (g) Information from health, education, and social service personnel who have had prior professional contact with the child and the Petitioner(s);
- (h) The results of a criminal background check of the Petitioner(s);
- (i) Any evidence of substance abuse in Petitioner(s)' household; and
- (j) Any other facts and circumstances relating to whether or not the Petition for Adoption should be granted.

The ICW Program shall file and serve the pre-adoption report in accordance with the requirements of this Chapter.

15.6 ADDITIONAL REPORTS

Any party may file and serve any additional report setting forth his/her recommendations regarding the Petition and the Court may order the preparation of any additional reports deemed necessary to render a decision on the Petition.

15.7 HEARING ON THE PETITION FOR ADOPTION

All hearings concerning Petitions for Adoption shall be private and closed. Only those persons the Court finds to have a legitimate interest in the proceedings may attend. The Court shall hear testimony to determine whether adoption is in the best interests of the Snoqualmie Tribal Child and the Tribal community. The Court shall consider the Petition and all reports submitted for review. All parties shall be given a full and fair opportunity to testify and to contest the factual contents and conclusion of any report filed with the Court.

15.8 GROUNDS FOR ENTERING DECREE OF ADOPTION

The Court may grant a Petition for Adoption and enter a Decree of Adoption if it finds clear and convincing evidence in support of the following factors:

- (a) The child is available for adoption as defined in Subsection 15.3 of this Chapter;
- (b) The adoption is in the best interests of the child and the Snoqualmie Indian Tribe;
- (c) The Petitioner(s) can provide appropriate and adequate parental care for the child; and,
- (d) The Petitioner(s) is willing and able to foster the child's cultural ties to the Snoqualmie Indian Tribe.

15.9 DENYING PETITION FOR ADOPTION; PROCEDURE

If the Court denies a Petition for Adoption, the Court shall specifically state the reasons for the denial and shall designate who shall have custody of the child in accordance with the requirements of this Chapter.

15.10 DECREE OF ADOPTION

15.10.1 CONTENTS

Upon granting a Petition for Adoption, the Court shall make findings of fact and conclusions of law, and shall enter a separate Decree of Adoption. The Decree shall include:

- (a) A finding that the child is available for adoption;
- (b) An order that the child is the child, legal heir, and lawful issue of the Petitioner(s);
- (c) A finding as to the marital status of the Petitioner(s);
- (d) An order changing the name of the child, if such an order has been requested by the Petitioner(s);

- (e) An order directing the Court Clerk to forward a certified copy of the Decree to the appropriate Bureau of Vital Statistics for the purpose of obtaining a corrected birth certificate; and
- (f) An order that the records of the proceeding are to remain sealed unless otherwise ordered by the Court.

15.10.2 EFFECT

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 Decree, that do not expressly exclude an adopted person by their terms. The Decree does not override any Tribal enrollment laws or requirements, nor does it affect the child's enrollment status as a member of any Tribe.

15.11 VISITATION

Adoptive parents shall be encouraged to help the child maintain positive relationships with the biological family. However, adoptive parents shall have the exclusive right and power to decide the terms, if any, of visitation by any person, whether or not a member of the biological family, with the child.

15.12 ADOPTION RECORDS

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

- (a) The Bureau of Indian Affairs may have access to such information as is necessary to protect inheritance rights or the enrollment status of an adopted child (and his/her descendants);
- (b) A copy of the Decree of Adoption, but not the Findings of Fact and Conclusions of Law, may be provided to a Bureau of Vital Statistics as provided in Subsection 15.10.1 of this Chapter; and
- (c) An adopted child may petition the Court, upon reaching eighteen (18) years of age, for release of specifically requested information, limited to: the biological parents' names, address, Tribal status and social security, the names and relationship to the child of relatives, for the purpose of medical need or medical history information, to assist in making a relative placement of a child of the adoptive child, or for the purpose of enrolling the child or the child's descendants in an Indian Tribe. Upon receipt of a Petition submitted by the adopted child to gain information about his or her biological parents, the Court shall review all information and order the release of such information

as the Court may determine to be reasonably necessary to fulfill the lawful purposes set forth in this Chapter.

SECTION 16.0 - EMANCIPATION

16.1 PURPOSE

Any Snoqualmie Tribal Child who is at least sixteen (16) years of age, who is living separate and apart from his/her parent(s), guardian(s), or custodian(s), capable of self-support and of managing his/her own financial affairs, may petition the Court to have the status of an emancipated person for limited or general purposes.

16.2 PETITION FOR EMANCIPATION

A child who is at least sixteen (16) years of age may file this Petition in his/her own name.

The Petition for Emancipation shall state:

- (a) The name, age, and address of the child;
- (b) The name and address of each living parent;
- (c) The name and address of the child's guardian(s) or custodian(s), if any;
- (d) The reasons why emancipation would be in the best interests of the child; and,
- (e) The purposes for which emancipation is sought.

16.3 PARENTAL CONSENT; ICW PROGRAM WRITTEN RECOMMENDATION

The child must obtain either the consent of each living parent, guardian, or custodian having control over the person or the property of the child, or an affidavit from the ICW Program or other appropriate service provider recommending emancipation and setting out the factual basis for the recommendation. The child is also able to submit any additional reports or information he/she sees fit in support of the Petition.

16.4 SCHEDULING THE HEARING

Upon the filing of a Petition with the Court, the Court shall set a hearing date, which shall not be more than thirty (30) days after the filing of the Petition, unless continued for good cause. Service of the Notice of Hearing shall be in accordance with this Chapter.

16.5 GROUNDS FOR PETITION

The Court may grant the Petition for Emancipation if it finds that emancipation would be in the best interests of the child and if all other prerequisites for emancipation set forth in this Chapter

have been met. Emancipation may be granted for general purposes, or for limited purposes as specified in the Court order.

16.6 RIGHTS OF EMANCIPATED CHILD

Except for specific constitutional and statutory age requirements, including but not limited to voting and use of cigarettes and alcoholic beverages, a child whose disabilities are removed for general purposes has the power and capacity of an adult, including but not limited to the right to control himself/ herself and his/her property, the right to be domiciled where he/she desires, the right to receive and control all earnings, the right to sue and be sued, and the capacity to contract.

SECTION 17.0 – CREATION OF SNOQUALMIE TRIBE ICW PROGRAM

17.1 ICW PROGRAM

The Snoqualmie Tribe hereby creates an Indian Child Welfare Program that shall be within the Tribe's Community Services Department. The ICW Program will be supervised and managed by an ICW Program Manager, who shall report directly to the Community Services Director.

17.2 ICW PROGRAM MANAGER RESPONSIBILITIES

The ICW Program Manager is responsible for managing the day-to-day operations of the ICW Program. The duties of the ICW Program Manager include:

- (a) Hiring and supervising all ICW Program staff, including the coordination or provision of training or professional development opportunities;
- (b) Maintain compliance with all applicable tribal and federal law;
- (c) Develop a budget for the operation of the Tribe's Indian Child Welfare program and the services provided by the program, in consultation with and subject to the approval of the Community Services Director and the General Manager;
- (d) Ensure the ICW Program fulfills all responsibilities set forth in this Chapter and the ICW Policy Manual and in accordance with best practices in the field of Indian Child Welfare; and
- (e) Complete any other tasks as may be assigned by the Community Services Director or General Manager.

17.3 ICW PROGRAM RESPONSIBILITIES

The Snoqualmie Tribe ICW Program social workers shall:

- (a) Take custody of a Snoqualmie Tribal Child if the ICW caseworker reasonably believes the child is in immediate and serious danger and removal is necessary for the child's safety or well-being. If such a situation arises, the ICW caseworker shall be accompanied by a Snoqualmie Tribal police officer or a police officer with the authority to act in the particular jurisdiction;
- (b) Take the lead role in finding appropriate placements of children;
- (c) Provide assistance to families to prevent out-of-home placement and to reunite Tribal families;
- (d) Prepare reports and appear in Court as required under this Chapter and by order of any court of competent jurisdiction;
- (e) Coordinate and communicate with all Tribal and non-Tribal agencies and departments involved in the protection of children;
- (f) Investigate matters of child welfare and, upon request, assist the Snoqualmie Tribal Police Services in investigations involving children;
- (g) File petitions for children in need of care, for guardianship or foster care placement, or for termination of parental rights, on behalf of the Snoqualmie Indian Tribe;
- (h) Within thirty-six (36) hours, or as soon as possible, notify the parent(s), guardian(s), or custodian(s) of the placement of a Snoqualmie Tribal child if they are unaware that the child has been placed out of the home. The location of the placement shall not be released if, in the determination of the ICW Program, the release of that information would endanger the child. The parent(s), guardian(s), or custodian(s) shall also be notified of their right to visitation, or be present with the child unless the Indian Child Welfare Program believes such visitation or presence would be contrary to the child's best interests. If that is the case, the ICW Program shall notify the parent(s), guardian(s), or custodian(s) of their right to petition the Court for visitation rights;
- (i) Appear in State and other Tribal courts on matters involving Snoqualmie Tribal families as required.

17.3.1 EMERGENCY PLACEMENT OF SNOQUALMIE TRIBAL CHILDREN

If the ICW Program receives a report that there may be a Snoqualmie Tribal child in need of care, and after an initial investigation determines that the child must be removed from the home immediately, the ICW Program shall have the authority to remove the child and put the child into an emergency placement. The ICW Program shall use its best efforts to place the child with a relative, unless impractical under the circumstances. After the emergency placement, the ICW Program has no more than forty-eight (48) hours to file an appropriate Petition with the Tribal Court concerning the long-term welfare of the child. If the ICW Program does not file a Petition

with the Tribal Court within forty-eight (48) hours, it shall be presumed that conditions in the home do not warrant emergency removal of the child and the child shall be returned to the home.

SECTION 18.0 – ROLE OF SNOQUALMIE TRIBAL POLICE SERVICES

The Snoqualmie Tribal Police Services ("STPS") has the following obligations in order to protect the best interests of Snoqualmie Tribal Children in accordance with this Chapter:

- (a) An STPS officer shall accompany ICW Program staff on all home visits on Snoqualmie Tribal lands, if requested by the ICW Program.
- (b) The STPS shall have the authority to do welfare checks on Snoqualmie Tribal children, if asked to do so by the ICW Program. Welfare checks may be made with or without an ICW Program worker present and shall include an assessment of whether the child is in a safe situation and whether there is a responsible adult in the home that is capable of caring for the child. After each welfare check, the STPS officer who conducts the check shall submit a written report about the check to the ICW Program. If, during a welfare check, the STPS officer determines that the child may be a child in need of care and should be removed and placed into protective custody immediately due to an emergency situation, the STPS has the authority to remove the child and place the child with the ICW Program, who will take all necessary steps to protect the best interests of the child in compliance with the provisions of this Chapter.

SECTION 19.0 – CHILD PROTECTIVE SERVICES FOR SNOQUALMIE TRIBAL CHILDREN AND FAMILIES

All Snoqualmie Tribal children and families residing on Snoqualmie Tribal lands are entitled to receive CPS services provided by the state of Washington to the same extent as provided to all other children and families within the state of Washington.

19.1 INTER-AGENCY COORDINATION AND CONSULTATION

The ICW Program and DSHS shall consult and cooperate in the development and delivery of CPS services to Snoqualmie Tribal children and families. The ICW Program is directed to enter into a specific written agreement and/or contract regarding the development and delivery of CPS services to Snoqualmie Tribal children and families.

19.2 ROLE OF DSHS

When investigating, undertaking, and carrying out any child abuse or neglect investigation under RCW 26.44 concerning Snoqualmie Tribal families who reside off Snoqualmie Tribal lands, CPS shall take the lead role and conduct the inquiry in accordance with Washington State law.

19.3 ROLE OF ICW PROGRAM

The ICW Program shall work with Washington CPS on any investigations and other matters involving Snoqualmie Tribal children. The role of the ICW Program shall be set forth in the ICW Agreements between the Tribe and the relevant Washington Department of Health and Social Services regions required in Section 19.1 of this Chapter.

SECTION 20 - TRIBAL PLACEMENT PREFERENCES FOR OUT-OF-HOME PLACEMENT

If a Snoqualmie Tribal Child is placed out-of-home either temporarily or permanently, the following placement preferences shall be observed, in the following order:

- (a) A member of the child's immediate family; parent, sibling, grandparent, aunt, uncle, cousin, whether or not the home is licensed;
- (b) A member of the child's extended family, whether or not the home is licensed;
- (c) A non-related extended family member, people who have a special relationship with the child(ren), but who are not related to the child by blood;
- (d) A member of the Snoqualmie Tribe not related to the child;
- (e) A non-Snoqualmie Indian family known to the child(ren);
- (f) An Indian family, not known to the child(ren);
- (g) A licensed Indian foster home; or,
- (h) In emergency situations, a licensed foster non-Indian home or other safe place approved by the ICW Program.

Placement of a child with anyone who is not a member of the Snoqualmie Indian Tribe shall be contingent upon the person's written agreement to accept the jurisdiction of the Snoqualmie Tribal Court and to cooperate fully with the Snoqualmie Tribal Police Services and the Tribe's ICW Program. Further, placement with any individual is contingent upon the placement meeting the requirements of the ICW Program.

SECTION 21.0 - SOVEREIGN IMMUNITY

Nothing in this Chapter shall be deemed as a waiver of the sovereign immunity of the Snoqualmie Indian Tribe.

ENACTED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 19TH DAY OF MARCH 2009 IN SESSION DULY MET, WITH 7 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 67-2009.

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 8TH DAY OF OCTOBER 2009 IN SESSION DULY MET, WITH 6 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 119-2009.

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 5TH DAY OF FEBRUARY 2015 IN SESSION DULY MET, WITH 8 FOR, 0 AGAINST, AND 0 ABSTAINING. RESOLUTION NO. 21-2015

AMENDED BY THE SNOQUALMIE TRIBAL COUNCIL ON THE 21ST DAY OF OCTOBER, 2021 IN SESSION DULY MET, WITH 5 FOR, 0 AGAINST, AND 1 ABSTAINING. RESOLUTION NO. 232-2021.

CODIFIED BY THE DEPUTY SECRETARY OF TRIBAL AFFAIRS ON THE 21ST DAY OF OCTOBER, 2021.



Christopher Castleberry, Deputy Secretary