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# Title 15

## Youth Code

TITLE 15  
YOUTH CODE

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TITLE 15

NOOKSACK YOUTH CODE

15.01 PURPOSE AND CONSTRUCTION

15.01.010 Purpose

The Nooksack Tribe recognizes that its youth are its most important resource. Therefore, this Code shall be interpreted and understood to accomplish the following tribal objectives:

- (1) To provide for the care, protection and development of the youth of the Nooksack Tribal Community;
- (2) To ensure that the youth of the Nooksack Tribal Community receive assistance and guidance in their own homes whenever possible and separating the youth from their parents only when necessary for youths' welfare;
- (3) To discourage delinquent acts and to protect the Tribal Community's interest by providing supervision, care and rehabilitation;
- (4) To provide a simple procedure for addressing and resolving conflict involving Indian youth that is reflective of tribal traditions as well as the prevailing community standards and which affords all affected persons a fair and impartial hearing consistent with individual rights; and,
- (5) To ensure that off-reservation courts will be able to return young people of the Tribe to the tribal community for care and guidance.

15.01.020 Construction

This code is exempted from the rule of strict construction. It shall be read and understood in a manner that gives full effect to the purposes stated in 15.01.010.

15.01.030 Application of Tribal Law or Custom

Whenever there is uncertainty or a question as to the interpretation of certain provisions of this Code, tribal law or custom shall be controlling, and where appropriate, may be based on the written or oral testimony of a qualified tribal elder, tribal historian or other tribal

representative.

15.01.040 Sovereign Immunity

The sovereign immunity of the Nooksack Indian Tribe shall in no manner be waived by this code. The employees, appointees, and volunteers of Nooksack Youth and Family Services and Nooksack social services (including, but not limited to, the Community Health Representative, alcohol program, perinatal program, Head Start, home based education, mental health, Tribal law enforcement, and Tribal Court personnel) are cloaked with the sovereign immunity of the Nooksack Indian Tribe and are not liable for the inability or failure to provide services to any person.

15.01.050 Severability

If any provision or application of this code is determined by review to be invalid, such determination does not render such provision inapplicable to other persons or other circumstances nor invalidate any other provisions of this code.

15.02 DEFINITIONS

\* SEE ATTACHED AMENDMENT (Resolution 18-125)

15.02.010 Definitions

For the purposes of this code unless otherwise expressly provided, the following definitions shall apply:

- (1) Abandon. When a parent leaves a youth without adequate communication, or fails to support a youth, or the parent has indicated an unwillingness to assume his/her parental responsibilities for a period exceeding one (1) year.
- (2) Adult. A person eighteen (18) years of age or older, or a person otherwise emancipated.
- (3) Court. The Nooksack Youth Court.
- (4) Custodian. A person or agency, other than a parent or guardian, who has temporary physical care, custody, and control of a youth.
- (5) Custody. All and exclusive parental rights including, but not limited to, the right to choose the youth's residence, education, religious training, association or visitation with others; and the right to consent to medical treatment, military service, and marriage.

(6) Domicile/Residence. The determination of domicile and residence shall be in accordance with tribal law and custom. In the absence of other factors clearly demonstrating an intent to establish a permanent home off Nooksack Tribal lands, a youth's domicile/residence shall be deemed within Nooksack Tribal lands. Substantial periods of time spent off Nooksack Tribal lands for purposes of education, employment, health, or other similar reasons do not affect domicile on the Tribal lands.

(7) Extended Family. This term shall be defined by the law or custom of the Indian youth's tribe, or in the absence of such law or custom, shall be a person who has reached the age of eighteen (18) years and who is the Indian child's grandparent, grand aunt or grand uncle, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first, second, or third cousin, step-parent or step-grandparent.

(8) Guardian. A person other than the youth's parent, who has been appointed by a court to undertake the legal responsibility of daily support and supervision of the youth.

(9) Guardian Ad Litem. Any person appointed by the Nooksack Youth Court, or any other court of competent jurisdiction, to represent the interests of a youth in legal proceedings.

(10) Indian Youth or Youth. Any unmarried person who is : (a) under the age of eighteen (18) years or (b) age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under applicable state law; and who is:

(a) An enrolled member of a federally recognized Indian Tribe; or,

(b) Eligible for enrollment membership in a federally recognized Indian Tribe; or,

(c) The child or grandchild of an enrolled member of a federally recognized Indian Tribe; or,

(d) Any child who is recognized by the Nooksack Tribal Council as a member of the Nooksack Indian Community; or,

(e) An Eskimo, Aleut, Alaskan native or Canadian Indian.

(11) Parent. Includes a biological or adoptive parent, but does not include persons whose parental rights have been terminated, nor does it include the unwed father whose paternity has not been acknowledged or established.

(12) Parties. A party to a proceeding under this Code shall include the petitioners, the youth, the youth's parents, the youth's guardian or custodian, and the Nooksack Youth and Family Services Office. The Washington State Child Protective Services (C.P.S.) may also be a party in the Tribal Court.

(13) Temporary Custody means that the custodian has limited rights with regard to the youth. The custodian shall have physical custody and the right to consent to emergency medical care only. A temporary custodian must seek the approval of the Court before exercising any other parental rights in regard to the youth.

(14) Tribal Land means:

(a) All lands within the exterior boundaries of the Nooksack Indian Reservation;

(b) All lands, outside the exterior boundaries of the Nooksack Indian Reservation, held in fee by the Tribe or held in trust by the United States government for the benefit of the Tribe or its individual members; and,

(c) All lands deemed "Indian Country" as defined in 18 U.S.C. § 1151.

(15) Truant. A youth is considered truant when he or she has been absent from school more than seven (7) days during a semester. All youth are required to attend school until they reach sixteen (16) years of age or have completed the 10th grade, whichever is sooner.

(16) Ward. Any youth over whom the Youth Court is asserting jurisdiction or respecting whom an action is pending in the Youth Court.

### 15.03 JURISDICTION

#### 15.03.010 Personal Jurisdiction

(1) The Youth Court shall have exclusive original jurisdiction over any proceeding which involves:

(a) Any Indian youth who resides or is domiciled on Nooksack Tribal land; or,

(b) Any youth who is a member or is eligible for membership in the Nooksack Tribe, regardless of the youth's residence or

domicile; or,

(c) Any youth who has been placed in temporary care on Tribal land or in any care facility licensed or approved by the Nooksack Indian tribe for placement of Indian youth, unless said youth has been placed by a Court or social service agency having a written agreement to do so with the Tribe.

(2) The Youth Court shall have jurisdiction over adults in aid of its powers under this Code to the fullest extent allowed by federal law and may make such orders as are necessary and in the best interests of the youth.

(3) The Youth Court shall have continuing jurisdiction over a youth who is determined to be subject to this Code and shall have the power to modify previous orders, or entertain petitions based on new evidence concerning the youth.

#### 15.03.020 Subject Matter Jurisdiction

The Nooksack Youth Court shall have jurisdiction over cases arising under this code, cases arising under other laws of the Nooksack Indian Tribe providing for disposition by the Youth Court, and any actions arising under the customs and traditions of the Nooksack Tribe affecting family and child welfare.

#### 15.03.030 Jurisdictional Questions

The Youth Court shall have the power to decide questions of jurisdiction which may be raised under this code. The Nooksack Tribe intends to vest the Youth Court with the fullest jurisdiction possible in order to protect the children and families of the Nooksack Tribal Community.

#### 15.03.040 Recognition of Other Courts' Orders

The Court may give recognition to state and other tribes' court orders as a matter of comity if the Court granting the order had jurisdiction over the case and the order does not violate the public policy of the Nooksack Indian Tribe.

#### 15.03.050 Transfer to Another Jurisdiction

In any proceeding before the Youth Court, the Court may transfer the proceeding to an appropriate state court or another tribal court where the state or the other Indian Tribe has a significant interest in the youth

and the transfer would be in the best interest of the youth.

Any transfer of jurisdiction from the Youth Court to another jurisdiction shall be in accordance with the following procedures:

(1) Any person may request the Court to transfer a proceeding by filing a petition with the Court. The petition shall include:

(a) The name, date of birth, address and tribal status of the youth who is the subject of the proceeding; and,

(b) A plain and concise statement of the reasons the transfer should be granted.

(2) The Court shall schedule a hearing on the transfer request to be held on the next scheduled court date provided that time is allowed for proper service of notice.

(3) Notice of the hearing on the transfer shall be given to all the parties at least five (5) business days before the hearing. The notice shall be given in the manner provided in Section 15.09.010 and shall include:

(a) The nature of the proceedings of the Court;

(b) The date, time and place of the hearing; and,

(c) A copy of the Petition for Transfer.

(4) The Youth Court shall be guided by the following considerations in deciding whether to transfer jurisdiction:

(a) The wishes of the parent, custodian, or guardian;

(b) The recommendation of the Youth and Family Services Office and of the Presenting Officer;

(c) The tribal affiliation of each party;

(d) The residence of each party;

(e) The type and duration of contacts the youth and the youth's family members have with each community involved; and,

(f) Whether the other state or tribe has responded to the

Family Court's notice of the proceedings.

(5) A parent's wishes regarding the transfer shall be considered but shall not be controlling as to the decision to transfer. The controlling factor shall be the youth's best interest.

(6) The Family Court may make such orders as are necessary to protect the youth and to retain jurisdiction over the youth, pending the outcome of any transfer proceeding.

#### 15.04 THE YOUTH COURT

##### 15.04.010 Youth Court - Establishment

The Nooksack Youth Court is hereby established and is operative as a division of the Nooksack Tribal Court.

##### 15.04.020 Youth Court Judges - Appointment

The Nooksack Youth Court shall consist of those judges appointed by the Nooksack Tribal Council to serve as judges of the Nooksack Tribal Court.

##### 15.04.030 Youth Court Judges - Qualifications

The Youth Court judges' qualifications shall be the same as the qualifications for judges who sit on the Nooksack Tribal Court.

##### 15.04.040 Youth Court Judges - Powers and Duties

In carrying out duties and powers under this code, judges of the Youth Court shall have the same powers and duties as judges of the Nooksack Tribal Court and such additional powers and duties as set forth in this code.

##### 15.04.050 Cooperation with Agencies

The Youth Court is authorized to cooperate fully with any federal, state, tribal, public, or private agency to participate in any diversion, rehabilitation or training programs and to receive grants-in-aid to carry out the purpose of this code. The Youth Court may utilize such social services as may be furnished by any tribal, federal, state, or private agency.

## 15.05 PRESENTING OFFICER

### 15.05.010 Presenting Officer - Appointment

The Nooksack Tribal Council shall appoint one or more Presenting Officers to carry out the duties and responsibilities set forth in this code. In the absence of an appointment to the contrary, the Nooksack Tribal Court Prosecutor shall carry out the duties and responsibilities of the Presenting Officer.

### 15.05.020 Presenting Officer - Qualifications

The qualifications for each Presenting Officer are the same as the qualifications for the Nooksack Tribal Court Prosecutor.

### 15.05.030 Presenting Officer - Powers and Duties

The Presenting Officer shall:

- (1) File petitions with the Court as provided in this code;
- (2) Represent the Tribe in all proceedings under this code; and,
- (3) Perform such other duties as the Court or this code may require.

## 15.06 YOUTH AND FAMILY SERVICES OFFICE

### 15.06.010 Youth and Family Services Office - Establishment

The Nooksack Youth and Family Services Office, an administrative office has been established by the Tribal Council as a branch of Tribal Social Services. It is responsible for the provision of youth and family welfare related services.

### 15.06.020 Youth and Family Services Offices - Authority

The Nooksack Youth and Family Services Office shall have the authority to render services to youth and their families; to recommend transfer of proceedings from state courts to Tribal Youth Court; to initiate proceedings in the Tribal Youth Court; and to perform such other duties and exercise such other authority as provided for in this Code, PROVIDED, HOWEVER, the implementation of the duties and responsibilities of the Nooksack Youth and Family Services Office shall be required only to the extent available resources allow as determined by that office.

15.06.030 Duties and Responsibilities to Wards of the Youth Court

When a youth becomes a ward of the Nooksack Youth Court, the Youth and Family Services Office's duties include: providing direct services to the youth to the extent services are available and the youth is eligible, keeping the Court informed of the child's status through reports and participation in review hearings as requested by the Court, and interfacing with other agencies where necessary or appropriate for the benefit of the youth.

Youth and Family Services has limited financial resources and little enforcement capability. Therefore, it is neither responsible for the youth's financial support nor is it liable for the criminal and civil acts of the youth. It is not responsible for providing services if a youth's whereabouts are unknown or if the youth is unwilling to participate in the services offered.

15.07 YOUTH AND FAMILY ADVISORY COMMITTEE

15.07.010 Youth and Family Advisory Committee - Purpose

The Youth and Family Advisory Committee is hereby established to help resolve youth and family problems, in keeping with the customs of the Nooksack Indian Tribe. The Youth and Family Advisory Committee shall give recommendations to the Youth and Family Services Office on measures to be taken to protect tribal families including family support services, emergency placements, longer term placements, and adoptions.

15.07.020 Youth and Family Advisory Committee - Appointment

The Youth and Family Advisory Committee shall be appointed by the Tribal Council and shall consist of a Chairperson, a Secretary, and three Members-At-Large. The Committee shall be made up of Tribal members who have special expertise or knowledge regarding the issues surrounding youth and families.

15.07.030 Youth and Family Advisory Committee - Removal

The Tribal Council may remove a member from the Youth and Family Advisory Committee when it determines that removal is in the best interest of the Tribe. If a member of the Youth and Family Advisory Committee is absent from more than four meetings in one year, that person shall be removed from the Committee and the Tribal Council shall appoint a replacement.

15.07.040 Youth and Family Advisory Committee - Powers and Duties

The Committee shall have those powers and duties specified under this code and any other powers and duties delegated by the Tribal Council.

15.08 ADVISORY COMMITTEE MEETING

15.08.010 Advisory Committee Meeting - When Scheduled

An Advisory Committee meeting shall be held once a month on a regularly scheduled day. Advisory Committee meetings are closed to everyone other than the members of the Committee and the Youth and Family Services representative.

15.08.020 Advisory Committee Meeting - Purpose

The purpose of the Advisory Committee meeting is to provide a means for the Youth and Family Services Office to keep the Tribe informed regarding actions that are being taken in regard to Indian youth. The meeting is also an opportunity for the Youth and Family Services Office to receive advice from the Tribe regarding actions being taken.

15.08.030 Advisory Committee Meeting - Duties of Youth and Family Services Office

When an Advisory Committee Meeting is held, the Youth and Family Services Office shall:

- (1) Attend the meeting and inform the Committee of any and all actions it is currently taking in regard to Indian youth;
- (2) Provide the Committee with a preliminary report and Family Protection Plan for each youth for whom action is being taken; and,
- (3) Participate in the Advisory Committee meeting and solicit the advice of the Committee regarding the proposed plan of action.

15.08.040 Advisory Committee Meeting - Powers and Duties of Committee

The Advisory Committee may take the following actions at the Advisory Committee Meeting:

- (1) Assist the Youth and Family Services Office in the formulation of a Family Protection Plan; and,
- (2) Make recommendations to the Youth and Family Services Office regarding placement or other Court proceedings.

The Advisory Committee's powers are advisory only. The Youth and Family Services Office retains the ultimate authority to decide whether to pursue a Court action regarding a youth.

#### 15.08.050 Family Protection Plan

The purpose of the Family Protection Plan is to resolve the problems within the family that have caused a youth to be in need of care. The goal of the plan is to allow the family to remain together or to work towards reunification if the youth has been or will be removed.

The Family Protection Plan may include any measures necessary for the protection and well-being of the youth and the family, including but not limited to evaluation and treatment (including involuntary residential treatment) of substance abuse, mental illness, and emotional disturbance; parenting classes; mandatory school attendance; visitation orders; restraining orders; and other services or activities for the benefit of the youth and his or her family. The Plan may specify that the Youth and Family Services Office will initiate a Court action if the Plan is not complied with.

The Family Protection Plan shall include the protection of an unborn fetus or nursing baby whose mother is using alcohol or other drugs, to an extent that the fetus or baby may be endangered, and an unborn whose mother is not receiving adequate prenatal care.

### 15.09 COURT PROCEDURES

#### 15.09.010 Procedures for Service of Notice

- (1) No proceeding shall go forward in the Youth Court without written notice to all parties. Notice shall include:
  - (a) The nature of the proceedings and the name of the court;
  - (b) The date, time and place of the hearing; and,
  - (c) A copy of the petition if one has been filed.
- (2) The notice shall be served by the Court Clerk or other designee

of the Court as follows:

(a) By delivering a copy personally to the party or by leaving a copy at the party's residence with any member of the party's family who is residing therein and is eighteen (18) years of age or older.

(b) If, after every reasonable effort is made, the person attempting service is unable to serve the party in the above stated manner, the notice may be served by posting the notice conspicuously at the party's residence and sending an additional copy to the party by certified mail, return receipt requested, properly addressed, postage prepaid.

(c) If, after every reasonable effort is made, the party cannot be located, and the party's address is unknown, any other method reasonably designed to give notice to the party shall be sufficient.

(3) Proof of service may be made by affidavit stating that the person has fully complied with the requirements for service. If service is made in the manner described in subsection (b) or (c), the affidavit must describe the efforts that were made to personally serve the party.

#### 15.09.020 Notice to Other Tribes

If the Court or any party, in a proceeding involving the out-of-home placement of a youth, has reason to believe that the child is a member or eligible for membership in another Tribe, the Nooksack Court Clerk shall be directed to give written notice of the proceeding to the other Tribe. The notice shall ask that the Tribe respond in writing within fifteen (15) days of receiving the notice and to state whether it intends to act in the matter.

#### 15.09.030 Rights of the Parties

(1) All parties are entitled to the following rights in all proceedings under this Code:

(a) A statement by the Court to the youth and his or her parent, guardian or custodian that they have the right to have a legal representative advise and speak for them, but they may have to pay for such representation;

(b) If a party initially appears at a proceeding without a legal representative, the Court shall advise that party of their right to

request a continuance of the proceeding at which the party makes an initial appearance in order to seek legal representation;

(c) The Court shall inform a party of any known available services which provide legal representation at little or no cost to qualified applicants;

(d) The opportunity to subpoena witnesses;

(e) The opportunity to introduce examine and cross-examine witnesses subject to the Youth Court's discretion to take any youth's testimony in the Court's chambers;

(f) The opportunity to discover, offer and inspect evidence;

(g) The opportunity to present arguments and statements;

(h) A party need not be a witness against him/herself.

(2) There is no right to trial by jury during any proceeding under this Code.

#### 15.09.040 Guardian Ad Litem

The Youth Court may appoint a representative or a guardian ad litem to represent the interests of the youth at any hearing held pursuant to this code.

#### 15.09.050 Conduct of Court Hearings

(1) All Court hearings conducted under this code shall be closed to everyone other than the parties except for good cause shown to the Youth Court. The Youth Court shall have the authority to elicit evidence necessary to make its determination.

(2) All hearings conducted pursuant to this Code shall be conducted expeditiously and fairly. All persons entitled to notice shall have reasonable opportunity to participate in all proceedings affecting the youth.

#### 15.09.060 Evidence

The Court may hear any evidence which is relevant to the case and which is reasonably reliable.

15.09.070 Continuances

Except as otherwise expressly provided in this code, the Youth Court may continue any proceeding:

- (1) Upon motion of a party if the Court finds that there exists good cause for the continuance, including time to perfect service or to produce material evidence or witnesses currently unavailable although due diligence has been exercised to procure them, if it is reasonable to believe that the evidence or witnesses will soon become available; or
- (2) Upon its own motion, if the Court considers it to be in the best interest of the youth.

15.09.080 Records

(1) All conference, hearing, and law enforcement records and files shall be confidential and shall not be open to inspection to any but the following, except as may be ordered by the Youth Court in the youth's best interest:

- (a) the youth and their legal representative;
- (b) the youth's parent(s), guardian or custodian and their legal representative;
- (c) the Nooksack Youth and Family Services caseworker assigned to the case;
- (d) the legal representative of the Tribe who is presenting the case; and,
- (e) the guardian ad litem for the youth.

(2) Law enforcement records and files concerning a youth shall be kept separate from the records and files of adults.

(3) Notwithstanding subsection (1), the Nooksack Youth and Family Service Office is authorized to provide a copy of any Youth Court Order establishing custody, guardianship, or parental rights over a youth to the youth's school or any other agency when the office determines that to do so is in the best interest of the child.

15.09.090 Intervention

Upon showing of good cause and if the best interests of the youth so indicate, the Youth Court may allow or invite persons other than those entitled to notice to intervene and participate in any or all phases of the proceedings subject to the rules of confidentiality pursuant to this Code.

15.09.100 Placement Preferences

(1) If a child is placed out-of-home, the following placement preferences shall be observed, in order:

- (a) With a member of the child's extended family;
- (b) With a member of, or a person eligible for, enrollment in the child's tribe;
- (c) With a member of another Indian tribe;
- (d) With any person who has knowledge of and a desire to foster the youth's tribal status and special needs;
- (e) If this order of placement preference cannot be met, then placement may be made with any person deemed suitable by the entity doing the placement. However, efforts should be made to find a more appropriate placement as soon as possible.

(2) Placement of a youth with anyone who does not reside within the jurisdiction of the Nooksack Indian Tribe shall be contingent on the person's written agreement to accept the jurisdiction of the Family Court, to not permanently remove the child beyond a sixty (60) mile radius of the Nooksack Tribal Center without permission from the Court or supervising agency, to not allow the youth to cross an international boundary, and to cooperate fully with the Youth and Family Services Office and law enforcement.

15.09.110 Appeals

Any party to a proceeding under this code may appeal a final dispositional order by filing a written notice of appeal with the Court within fourteen (14) days of the final dispositional order. All appeals shall be conducted in the same manner as other civil appeals.

15.09.120 Contempt - Defined

The following acts or omissions by any person constitute contempt of court:

- (1) Disorderly, contemptuous, or insolent behavior toward the judge while holding court, tending to impair his or her authority, interrupting the due course of a hearing or other judicial proceeding, or being intoxicated in court;
- (2) Disobedience to any lawful judgment, decree, order, subpoena, or other process of the Court;
- (3) A breach of the peace, boisterous conduct or violent disturbance tending to interrupt the due course of a hearing or other judicial proceeding;
- (4) Any other unlawful interference with the process or proceedings of the Court;
- (5) Any fraudulent or willful interference with the attendance or testimony of a juror, witness or party to an action under this code.

15.09.130 Contempt - Summary Punishment

When contempt is committed in the presence of the Court, it may be punished at that time. An order shall be prepared stating: the contemptuous acts which occurred, that the person is guilty of contempt of court, and the punishment.

15.09.140 Contempt - Procedure in Other Cases

In cases other than summary proceedings, the facts constituting contempt must be presented to the Court by motion. The Court may then order the person to appear to show cause why he or she should not be held in contempt of court and be punished accordingly.

15.09.150 Contempt - Penalties

Any person found guilty of contempt of court shall be sentenced to:

- (1) A fine, not to exceed \$5000;
- (2) Jail time, not to exceed one (1) year; and,
- (3) Restitution, to reimburse any party, including the Tribe for loss

or injury caused by the contemptuous act or omission.

15.09.160 Contempt - Imprisonment Until Act is Performed

When the contempt consists of the omission or refusal to perform an act which is yet in the power of the person to perform, he or she may be imprisoned until he or she has performed it. In such a case, the act must be specified in the warrant of commitment.

15.09.170 Bench Warrant

A Family Court judge or judicial officer may issue a warrant for a person's arrest for contempt upon failure to appear at any ordered conference or hearing either in person or by legal representative.

15.10 REPORTING ABUSE AND NEGLECT

15.10.010 Duty to Report Abuse and Neglect

The care of children is both a family and a tribal responsibility. Any person who has reason to suspect that a child has been abused or neglected shall immediately report the abuse or neglect to law enforcement or to the Youth and Family Services Office. A report must also be made to the State Child Protective Services. Reporting under this section is mandatory for all medical and mental health professionals; court personnel; foster parents; law enforcement; members of the clergy; and tribal employees (including persons working on contract for the tribe) who perform services to the community in the areas of education, health and human services.

15.10.020 Immunity of Reporter

All persons who report child abuse or neglect, in good faith, are immune from civil liability and criminal prosecution.

15.10.030 Sanctions for Not Reporting

Any person who is required to report abuse or neglect under Section 15.10.010 and who knowingly fails to report abuse or neglect is subject to a civil fine not to exceed \$5,000.

15.10.040 Contents of Report

A report of abuse or neglect may be made orally but must be followed by a written report within forty-eight (48) hours including:

- (1) The name, age, address, and tribal status of the child, if known;
- (2) A plain statement of the facts on which the report is based, including the date, time, and location of the events; and,
- (3) The name of the reporter.

#### 15.10.050 Confidentiality of Report

Child abuse or neglect reports are confidential. This confidentiality shall not be interpreted to hamper cooperation between agencies which is necessary to properly investigate child abuse and neglect. Where there is a conflict between confidentiality and the need for communication between agencies and departments, protection of the child shall be the overriding consideration.

### 15.11 YOUTH IN NEED OF CARE

#### 15.11.010 Youth in Need of Care - Defined

A "youth in need of care" is one who:

- (1) Has been neglected. This term includes:
  - (a) A youth who is not receiving the food, clothing, shelter, medical care, education, or supervision needed for his or her well-being or development;
  - (b) An infant who is failing to thrive;
  - (c) A youth who is not dressed adequately for weather conditions;
  - (d) A youth who is truant;
  - (e) A youth left with a baby-sitter who is intoxicated, irresponsible, or too young;
  - (f) A youth who lacks parental control because of the habits or fault of the parent(s), guardian, or custodian;
  - (g) A youth who is doing the work of a parent in running a household because the parent refuses or fails to act as a parent or forces the youth;
  - (h) A youth exposed to a dangerous situation as a result of

parental negligence;

(i) A youth whose parent(s) misuse benefits intended for the youth, such as selling or squandering food stamps or commodities;

(j) An unborn or nursing child whose mother is using alcohol or other drugs, to an extent that the fetus or baby may be endangered;

(k) An unborn child whose mother is not receiving adequate prenatal care;

(l) A youth who is allowed access to alcohol or other drugs;

(m) A youth who is allowed to be out after curfew;

(n) A youth with untreated head lice.

(2) Has been physically abused. This term includes:

(a) Any bruising, welting, abrasion, lesions, burns, broken bones, or other damage to the body, not clearly caused by pure accident;

(b) A youth who has been given inappropriate food, drink or drugs or a youth who is suffering from malnutrition;

(c) Inappropriate forms of punishment including, but not limited to, hitting a child with an object, hair pulling, slapping or hitting the child's head, severe shaking, yanking limbs, twisting or pulling the child's ears.

(3) Has been emotionally maltreated.

Emotional maltreatment causes impaired psychological growth and development of the youth. Both community values and professional expertise should be looked at when deciding whether emotional maltreatment has taken place. Some indicators of emotional maltreatment are:

(a) The youth's social relationships are seriously impaired: very low self-esteem, a consistent pattern of emotional difficulties such as listlessness, apathy, depression and self-deprecating remarks;

- (b) Serious inability of the youth to respond appropriately to the normal behavior of adults (e.g., the youth cowers or ingratiates himself to adults);
  - (c) Rejection: refusal to accept the youth;
  - (d) Ignoring: the parent deprives the youth of essential responsiveness which stifles emotional growth and development of the youth;
  - (e) Ridicule / Terrorizing: Verbal assaults creating a climate of fear, bullying the youth, name-calling, destroying the youth's possessions, or attacking beloved people or pets;
  - (f) Isolating: Cutting a youth off from normal social experiences, preventing a youth from forming friendships, or a youth who is locked in or locked out of the home or who leaves home because of partying in the home;
  - (g) Corrupting: teaching a youth socially deviant behavior such as rewarding aggression, delinquency, or sexually precocious behavior;
  - (h) Penalizing a youth for positive, normal behavior;
  - (i) Discouraging the attachment between care-giver and infant; failure to thrive and physical abuse may follow.
- (4) Has been sexually abused. This term includes:
- (a) Contacts or interactions between a youth and an adult when the youth is being used for the sexual stimulation of the perpetrator or another person;
  - (b) Sexual abuse may also be committed by a person under eighteen (18) years of age when that person is either significantly older than the victim or when the perpetrator is in a position of power or control over another youth;
  - (c) The exposure of the perpetrator's genitals in the presence of a youth, or any other sexual act, if such exposure or sexual act is for the purpose of sexual arousal or gratification, aggression, degradation, or other similar purpose;
  - (d) Obscene calls, jokes, peeping, or sexual propositions;

- (e) Child pornography or sexual positioning for photos;
  - (f) Forcing a youth to watch sexual acts or sexual violence;
  - (g) Unwanted hugs, kisses, pinching;
  - (h) French kissing, handling genitals, masturbation, mouth to genital contact;
  - (i) Oral, anal, or vaginal rape;
  - (j) Sexual maiming or sexual bondage.
- (5) Has been committing delinquent acts as a result of pressures, guidance or approval of his parents, guardian or other custodian.
- (6) Has run away from home.
- (7) Is in serious conflict with his parent, guardian or other custodian to the point where assistance outside the immediate family is needed or requested by the parent, guardian, or other custodian.

15.11.020 Temporary Placement by the Parent

This code recognizes that a parent may need to place a child with another caregiver for a brief or long period of time. This is not in itself ground for a youth in need of care action, provided the substitute caregiver is adequately caring for the child. However, a parent who has placed a child with another person because he or she is unable to adequately care for a child is still expected by the community to work toward becoming a good parent.

15.11.030 Presumption that Youth is in Need of Care

When there is a question of whether a youth is in need of care, the presumption shall be in favor of providing protection for the youth.

15.11.040 Receipt of Report by Law Enforcement

Upon receipt of a report that a youth is in need of care, law enforcement shall take the following steps:

- (1) Law enforcement shall immediately investigate the report. If law enforcement has probable cause to believe that a youth is in need of care based on his or her investigation, the Youth and Family Services Office shall be notified. Law enforcement shall also notify the

Washington State Child Protective Services (C.P.S.) of any abuse or neglect and of any licensed facility involved. Based on the investigation, a detailed written report shall be completed by law enforcement. A copy shall be delivered to the Youth and Family Services Office within three (3) working days of the date the complaint was received.

(2) If law enforcement reasonably believes the youth is in danger of immediate physical or emotional harm and that removal is necessary for the youth's safety or well-being, the officer may take the youth into custody; provided, that if there is sufficient time and a judge or judicial officer is available, law enforcement shall first request an Emergency Custody Order.

(3) If law enforcement takes a youth into custody without first obtaining an Emergency Custody Order, he or she shall:

(a) Release the youth to the youth's parent(s), guardian or custodian or a responsible member of the youth's extended family and issue verbal counsel or warning as may be appropriate; or,

(b) Immediately notify the Youth and Family Services Office and request direction as to whether the youth should be placed out-of-home and if so where; or,

(c) If no representative of the Youth and Family Services Office can be reached, the officer may contact C.P.S. for the purpose of emergency placement, but shall continue attempts to notify the Youth and Family Services Office.

(d) If the youth is not released, immediate and continuing efforts shall be made by both law enforcement and the Youth and Family Services Office to notify the youth's parent(s), guardian or custodian as to the circumstances surrounding the youth's custody.

15.11.050 Receipt of Report by Youth and Family Services Office

Upon receipt of a report that a child is being abused, neglected, or is otherwise in need of care, the Youth and Family Services office shall:

(1) Notify law enforcement and Child Protective Services of any report of abuse or neglect and of any licensed facility involved;

(2) Make a preliminary investigation to determine whether there is

reason to believe that a youth is in need of care. The Youth and Family Services Office may request C.P.S. and law enforcement to assist in conducting the investigation;

(3) If the Youth and Family Services Office reasonably believes that a youth is in danger of immediate physical or emotional harm and requires out-of-home placement, he or she shall:

(a) Request an Emergency Custody Order, if there is time and a judge or judicial officer is available; or,

(b) Immediately place the youth in an out-of-home placement. The Youth and Family Services Office may request the assistance of C.P.S. and law enforcement in making such placement.

(c) If the youth's parent, guardian or custodian has not been notified, the Youth and Family Services Office shall inform him or her at the earliest possible time and return the youth to him or her if such action is appropriate.

(4) If a youth is taken into custody and it is unlikely that he or she will be released to his or her parent(s), guardian or custodian within two (2) working days, the Youth and Family Services Office shall inform the Presenting Officer who shall immediately file a request for a Preliminary Hearing.

(5) If the Youth and Family Services Office determines that a youth is not in an emergency situation but is in need of care, the office shall:

(a) Work with the youth and the family and attempt to reach an informal resolution of the problem; or,

(b) File a petition for a Fact Finding Hearing; or,

(c) Notify the Presenting Officer who shall immediately file a petition for a Fact Finding Hearing.

## 15.12 EMERGENCY CUSTODY ORDERS

### 15.12.010 Emergency Custody Orders - Grounds

The Youth Court may enter a warrant directing a law enforcement officer or other appointee of the Court to take a youth into custody if the Court finds that there is probable cause to believe the youth is in danger of immediate physical or emotional harm or that the youth has

no parent, guardian, or custodian available and/or able to presently provide proper care.

15.12.020 Emergency Custody Orders - Content

The Emergency Custody Order shall specifically name the youth to be taken into custody, be signed by the judge or judicial officer, state the date and time issued, and name the person or persons authorized to take the youth into custody. An Emergency Custody Order may be transmitted by the judge or judicial officer by telephone, computer, or fax.

15.12.030 Emergency Custody Order - Service and Duration

An Emergency Custody Order must be executed within 72 hours of issuance. A youth taken into custody under an Emergency Custody Order shall be held until the conclusion of the Preliminary Hearing or as otherwise ordered by the Court. However, no emergency custody shall continue for more than five (5) working days after the time at which the youth is taken into emergency custody unless a request for a Preliminary Hearing has been filed.

15.13 PRELIMINARY HEARING REGARDING YOUTHS PLACED OUT OF HOME

15.13.010 Preliminary Hearing - Purpose

A Preliminary Hearing shall be held whenever a youth is taken into custody and it is unlikely that he or she will be released to his or her parent(s), guardian, or custodian within two working days. The Court must make the following determinations at that hearing:

- (1) The tribal status of the youth;
- (2) Whether there is probable cause to believe the youth is in need of care;
- (3) The best interest of the youth and the Tribe with regard to any action to be taken; and,
- (4) Whether continued out-of-home placement is necessary pending further proceedings.

15.13.020 Request for Preliminary Hearing - Contents

A request for a Preliminary Hearing shall include:

- (1) The name, date of birth, address, domicile, and tribal status of the youth;
- (2) The name, address, and tribal status of the youth's parent(s);
- (3) The name and address of the youth's guardian or custodian;
- (4) A plain and concise statement of the facts which support the allegation that the youth is in need of care; and,
- (5) If the youth is in out of home placement, the location of the placement and the time taken into custody. (The location of the placement may be omitted if inclusion would put the youth or the youth's caregiver in danger.)

15.13.030 Setting the Preliminary Hearing

A Preliminary Hearing shall be conducted within seven (7) days of filing a request for a Preliminary Hearing, unless a judge or judicial officer is unavailable, in which case the hearing shall take place at the next scheduled court date.

15.13.040 Preliminary Hearing - Summons

- (1) Summons to appear at the Preliminary Hearing shall be given at least twenty-four (24) hours before the hearing. The summons shall include:
  - (a) The nature of the proceedings of the Court;
  - (b) The date, time and place of the hearing;
  - (c) A copy of the Request for the Preliminary Hearing.
- (2) The following persons shall be served with summons:
  - (a) The youth;
  - (b) The youth's parents;
  - (c) The youth's guardian or custodian;

- (d) The Presenting Officer;
- (e) The Youth and Family Services Office.

(3) The summons shall be served in the manner provided in Section 15.09.010 of this code.

15.13.050 Presence of Parent(s), Guardian and Custodian

If the youth's parent(s), guardian, and/or custodian are not present at the Preliminary Hearing, the Court shall determine what efforts have been made to notify and to obtain their presence. If it appears that further efforts are likely to produce the parent(s), guardian, and/or custodian, the hearing shall be recessed for a reasonable period of time and the Court shall direct continued efforts to obtain their presence. If the parent(s), guardian, and/or custodian is not produced after a reasonable recess, the Preliminary Hearing shall proceed without delay.

15.13.060 Court's Finding - Release of Youth

If the Court finds that there is not probable cause to believe the youth is in need of care, the youth shall be released to the custody of his or her parent(s), guardian, or custodian.

15.13.070 Court's Finding - Youth in Need of Care

If the Court finds that there is probable cause to believe that the youth is in need of care, it may make an interim dispositional order as follows:

- (1) That the youth be released to his parent(s), guardian, or other custodian pending further proceedings;
- (2) That out-of-home placement be continued, if the Court finds that there is probable cause to believe that:
  - (a) No parent, guardian, custodian, or other person is able, or available to provide adequate supervision of and care for the youth; or,
  - (b) The youth will run away or otherwise be unavailable for further proceedings; or,
  - (c) The youth will be in danger of physical or emotional harm if the youth is returned to his or her parent(s), guardian or other custodian; or,

(d) The youth will cause serious damage to persons or property; or,

(e) The youth requires medical care, treatment, or evaluation or other services that he could not otherwise receive if he were to remain in the custody of his parent(s), guardian, or other custodian; or,

(f) The youth has been abandoned.

(3) That any person who poses a threat to the youth's well-being be restrained from contacting the youth. Such an order may be entered to protect a youth in his or her home or while in an out of home placement;

(4) That the parties shall keep the Court informed as to any changes in their whereabouts and mailing addresses.

(5) The Court may make other orders necessary for the protection and well-being of the youth and the family, including but not limited to evaluation and treatment (including involuntary residential treatment) of substance abuse, mental illness, and emotional disturbance; parenting classes; mandatory school attendance; visitation orders; and other services or activities for the benefit of the youth and his or her family. The Court may make a particular placement conditional on compliance with any of its orders.

Any interim dispositional order of the Court shall remain in effect until a Dispositional Hearing has been held.

15.13.080 Fact Finding Hearing - Scheduling at Preliminary Hearing

(1) If the Court finds that a youth is in need of care the Court shall set a date and time for a Fact Finding Hearing regarding the youth and shall advise the parties of the date, time and place of that hearing, and shall order their attendance at the hearing.

(2) The Court may also schedule a Dispositional Hearing to be held at the same time as the Fact Finding Hearing if it determines that to do so would be in the best interest of the youth.

(3) If the parent(s), guardian or custodian of the youth is not present at the Preliminary Hearing, notice of the Fact-Finding Hearing may be served in accordance with Section 15.09.010.

## 15.14 FACT FINDING HEARING

### 15.14.010 Purpose

The Court shall conduct a Fact Finding Hearing for the purpose of determining whether a youth is in need of care.

### 15.14.020 Request for Fact Finding Hearing

A request for a Fact Finding Hearing may be initiated by the Court at the Preliminary Hearing or by a petition filed by the Presenting Officer, the Youth and Family Services Office, or Child Protective Services. If the Youth and Family Services Office fails to act or achieve a resolution regarding a report of a youth in need of care within a reasonable amount of time in light of the youth's circumstances, a person with an interest in the youth may request a Fact Finding Hearing on his or her own initiative.

### 15.14.030 Petition for Fact Finding Hearing - Contents

A petition for Fact Finding Hearing shall include:

- (1) The name, date of birth, address, domicile, and tribal status of the youth;
- (2) The name, address, and tribal status of the youth's parent(s);
- (3) The name and address of the youth's guardian or custodian;
- (4) A detailed statement of facts and reasons which support the allegation that the youth is in need of care. However, if a Request for Preliminary Hearing was filed previously, the petition may incorporate by reference the contents of the Request;
- (5) If the youth is in out-of-home placement, the location of the placement and the time taken into custody. (The location of the placement may be omitted if inclusion would put the youth or the youth's caregiver in danger.)

### 15.14.040 Setting the Fact Finding Hearing

Upon receipt of the Petition for Fact Finding, the Court shall set a date for a Fact Finding Hearing which shall not be more than thirty (30) days after the Court receives the request.

15.14.050 Fact Finding Hearing - Summons

(1) Summons to appear at the Fact Finding Hearing shall be given at least five (5) days before the hearing. The summons shall include:

- (a) The nature of the proceedings of the Court;
- (b) The date, time and place of the hearing;
- (c) A copy of the Petition for Fact Finding Hearing.

(2) The following persons shall be served with the summons:

- (a) The youth;
- (b) The youth's parents;
- (c) The youth's guardian or custodian;
- (d) The Presenting Officer;
- (e) The Youth and Family Services Office.

(3) The summons shall be served in the manner provided in Section 15.09.010 of this code.

15.14.060 Court's Findings - Release of Youth

If the Court finds at the Fact Finding Hearing that there is not probable cause to believe the youth is in need of care, the youth shall be released to the custody of his or her parent(s), guardian, or custodian.

15.14.070 Court's Findings - Youth in Need of Care

(1) If the Court finds at the Fact Finding Hearing that there is probable cause to believe that the youth is in need of care, it shall schedule a Dispositional Hearing.

(2) If the Dispositional Hearing has previously been scheduled to take place at the same time as the Fact Finding Hearing, the Court shall proceed to disposition unless it determines that it would not be in the best interest of the youth.

(3) The Court may make such interim orders as it deems necessary for the best interest of the youth.

## 15.15 DISPOSITIONAL HEARING

### 15.15.010 Predispositional Report

The Youth and Family Services Office shall prepare a written report describing all reasonable and appropriate alternatives. The report shall contain a proposed Family Protection Plan as described in Section 15.08.050. The report shall explain the necessity for the proposed plan and its benefits to the youth and the youth's parent(s), guardian or custodian. If placement with someone other than the youth's parent(s), guardian or custodian is recommended, the report shall contain specific reasons for not recommending placement of the youth with the youth's parent(s), guardian or custodian. The report shall also describe the efforts made to avoid an out of home placement.

### 15.15.020 Predispositional Report - Service

The Youth and Family Services Office shall mail or personally deliver the predispositional report to the Court and all parties to the proceeding at least five (5) days before the dispositional hearing.

### 15.15.030 Additional Reports

Any party to an action pursuant to this code may file a predispositional report which shall include his or her recommendations for consideration by the Court.

### 15.15.040 Dispositional Hearing

(1) A Dispositional Hearing shall be held to decide how to best meet the needs of the youth and assist his or her family. This hearing may take place at the end of the Fact Finding Hearing or may take place separately. The Court shall determine the scheduling and shall direct the Court Clerk to notify all parties.

(2) The Court shall hear testimony and consider all proposed Family Protection Plans filed. All parties shall be given an opportunity to contest the facts and conclusions presented in each proposed Plan.

(3) In determining an appropriate disposition, the Youth Court shall consider all of the following applicable factors:

- (a) Special physical or emotional needs of the youth;
- (b) Social, cultural or religious traditions of the youth, his or her family, or the Nooksack Tribe;

- (c) Availability of resources within the youth's extended family;
- (d) The youth's preference, if the youth is over twelve (12) years of age;
- (e) The recommendation of the Nooksack Youth and Family Services Office or any other person with an interest in the youth;
- (f) Recommendations of professionals experienced in services to youth;
- (g) Other factors calculated to meet the needs of the individual youth and the purposes of this Code.

15.15.050 Court Ordered Family Protection Plan (Disposition)

- (1) If a youth has been determined to be in need of care, the Court shall order a Family Protection Plan for his or her protection and well-being. The Plan shall either allow the child to remain with his or her parent(s), guardian, or custodian, subject to any such limitations and conditions the Court may order or the Court may order an out-of-home placement subject to the placement preferences listed in Section 15.09.100. Before placing the youth out of the home, the Court must determine that reasonable efforts have been made to avoid the out of home placement. An out of home placement may also be subject to any limitations and conditions the Court may prescribe.
- (2) The Court may make any orders necessary for the protection and well-being of the youth and the family. Such orders may include but are not limited to: evaluation and treatment (including involuntary residential treatment) of substance abuse, mental illness, and emotional disturbance; parenting classes; mandatory school attendance; mediation; visitation orders; restraining orders; and other services or activities for the benefit of the youth and his or her family. The Court may make a particular placement conditional on compliance with any of the above orders.
- (3) The Court may also order restitution in any reasonable amount for acts of the youth resulting in damage or injury to any individual of the Nooksack Tribe and/or order the youth to perform community service appropriate to the needs or abilities of the youth.

15.15.060 Review Hearings

(1) The Court shall conduct a hearing to review its Family Protection Plan at least once every six months, or earlier upon motion of any party or upon the Court's own motion. If the youth has been placed out of the home, the hearing shall be within six months of the date of initial placement. The first review hearing shall be scheduled by the Court at the Dispositional Hearing. Every review hearing thereafter shall be scheduled at the previous hearing.

(2) At the hearing the Court shall review whether the parties are complying with the Plan and shall consider whether modification of the order is necessary to protect the youth and strengthen the youth's family. If the youth has been placed out of the home the Court shall determine whether reasonable efforts have been made to return the youth to the custody of his or her parent(s) or guardian.

15.16 PEACEMAKER CONFERENCE

15.16.010 Request for Peacemaker Conference

After a Request for Fact Finding has been filed, the Nooksack Youth and Family Services Office or any party to the proceeding may file with the Court Clerk a request for a Peacemaker Conference. The Court may also provisionally transfer a case to a Peacemaker Conference on its own motion.

15.16.020 Setting the Peacemaker Conference

The Court Clerk shall schedule the peacemaker conference to be held no later than twenty (20) days after the Request for Peacemaker Conference has been filed.

15.16.030 Peacemaker Conference - Required Notice

(1) Notice of the Peacemaker Conference shall be given at least five (5) days before the hearing. The notice shall include:

- (a) The reason for the Peacemaker Conference;
- (b) The date, time, and place of the conference; and,
- (c) A copy of the Petition for Fact Finding.

(2) The following persons shall be served with the required notice:

- (a) The youth;
- (b) The youth's parents;
- (c) The youth's guardian or custodian;
- (d) The Presenting Officer;
- (e) The Youth and Family Services Office.

(3) Notice shall be served in the manner provided in Section 15.09.010 of this code.

15.16.040 Peacemaker Conference - Procedure

The following procedures apply to Peacemaker Conferences:

- (1) The hearing shall be informal and conducted according to the process established by the Youth and Family Services Office.
- (2) No substantive information obtained at the conference may be admitted into evidence at a court hearing or any other court proceeding unless such information can be substantiated by outside evidence. However, the terms of an agreed upon Family Protection Plan are admissible as evidence at a subsequent proceeding involving the youth.
- (3) If an agreement is reached at a Peacemaker Conference, it shall be set forth in writing including any conditions or requirements to be performed. The youth, the youth's parent(s), the youth's guardian or custodian, and the Tribe's presenting officer or a representative of the Nooksack Youth and Family Services Office on behalf of the Tribe shall sign the agreement.
- (4) The agreement shall be for a fixed period of time and shall not continue beyond the youth's eighteenth (18) birthday.
- (5) If no agreement is reached during the Peacemaker Conference or the parties fail to appear at the scheduled conference a Fact Finding Hearing shall be scheduled as soon as practical.

15.16.050 Monitoring - Failure to Comply With Agreement

- (1) The Youth and Family Service Office shall monitor any agreement reached at a Peacemaker Conference throughout its term. If the Youth and Family Services Office finds that there has been a failure

to comply with the terms of an agreement, it may recommend that the Presenting Officer proceed with a Fact Finding Hearing.

(2) At the Fact Finding Hearing, the youth or his or her parent, custodian or guardian may challenge before the Court the allegation of noncompliance with the agreed disposition. If the Court finds that the parties have complied, it shall dismiss the petition and reinstate the agreed disposition.

15.16.060 Nooksack Tribe's Failure to Comply With Agreement

The failure of the Nooksack Tribe to comply with any term, condition or duty placed on the Tribe contained in an agreement shall be grounds to have the case reviewed by the Youth Court. A youth or the youth's parent, guardian or custodian may petition the Court to review the case.

15.16.070 Formalization of Agreement

(1) When the parties to a Peacemaker Conference reach an agreement they wish to have confirmed and recorded as a formal order of the Court, they shall present a draft order to the Court for its consideration. The Court may enter an order only when the following conditions have been met and are set forth in the order:

(a) The Court has jurisdiction over the parties and the subject matter of the agreement;

(b) All necessary parties have actual knowledge of the proposed order and have agreed to it;

(c) The order contains the complete agreement of the parties and contains enough information regarding the full agreement so a dispute as to the order is not likely to arise in the future; and,

(d) The order is otherwise proper and enforceable.

(2) Any agreement in which a parent, guardian or custodian voluntarily consents to place his or her youth in foster care or in which a parent agrees to terminate his or her parental rights must be signed before a judge or judicial officer of the Youth Court. The judge or judicial officer shall first question the parent guardian or custodian to determine that he or she understands the terms of the agreement and consequences of the consent.

(3) An order of the Court upon a Peacemaker Conference agreement may be enforced as any other order of the Court.

## 15.17 CUSTODY DECLARATIONS

### 15.17.010 Purpose

The purpose of this section is to provide a procedure for a parent to obtain a court order declaring that he or she has custody of his or her child. It affirms the existing rights of the parent to custody and protects those rights against other parental claims which have not been established. A declaration under this chapter does not terminate rights a putative father may have.

### 15.17.020 Petition for Custody - How to File

Any parent of a youth may seek an order granting custody of the youth by filing a petition with the Youth Court. If the parent is seeking a declaration of custody for more than one youth, a separate petition should be filed for each youth.

The Court Clerk shall deliver a copy of the petition to the Youth and Family Services Office no later than three (3) days after the date on which the petition was filed.

### 15.17.030 Petition for Custody - Contents

The petition shall be a true and correct statement signed and sworn by the petitioner and shall include:

- (1) The name, date of birth, address, domicile, and tribal status of the child;
- (2) The name, date of birth, address, and tribal status of the parent seeking the custody declaration;
- (3) The name, date of birth, address, and tribal status of the child's other natural parent, if such information is known;
- (4) A statement as to whether any paternity proceedings or other custody proceedings have taken place in regard to the child;
- (5) A statement as to why it is in the best interest of the youth for the petitioner to be granted full and exclusive custody; and,
- (6) Any additional information the parent believes would assist the

Court in its decision.

A true and correct copy of the youth's birth certificate shall be attached to the petition.

15.17.040 Intervention by Nooksack Youth and Family Services

Nooksack Youth and Family Services are not required to be a party or witness in a case but may provide the Court with information and recommendations if requested by the Court or the youth's parent.

15.17.050 Setting the Custody Hearing

The Court Clerk shall schedule a hearing before the Nooksack Youth Court to take place no later than sixty (60) days from the date the petition is filed. A notice of hearing shall be mailed or delivered to the petitioner, and if requested, to the Youth and Family Services Office. If the whereabouts of the other natural parent are known, notice of the hearing shall be provided to that parent as specified in Section 15.09.010.

15.17.060 Declaration of Custody - Order

The Court shall enter a written order declaring that the petitioner has custody of the youth if it determines that it is in the best interest of the youth that the petitioner be granted sole custody.

15.17.070 Declaration of Custody - Duration

A declaration of custody shall remain in effect until:

- (1) The youth reaches eighteen (18) years of age;
- (2) The youth marries or becomes otherwise emancipated prior to age eighteen; or,
- (3) The Nooksack Youth Court orders a modification of the declaration of custody order.

15.18 GUARDIANSHIPS

15.18.010 Purpose

The purpose of this chapter is to provide a mechanism for the appointment of a guardian for a youth to ensure that the youth has an adult legally responsible for the youth, and that the adult has the

necessary legal rights to ensure the youth receives proper care. An appointment of a guardian does not terminate parental rights and therefore, a guardian may not consent to an adoption of the youth.

15.18.020 Petition for Guardianship - How to File

- (1) Any person with an interest in a youth may file a petition with the Youth Court requesting that he or she be appointed as guardian.
- (2) A petition filed by a married person shall also be signed by the married person's spouse, unless it is shown that the whereabouts of the married person's spouse are unknown.
- (3) The Court Clerk shall deliver a copy of the petition to the Youth and Family Services Office no later than three (3) days after the date on which the petition was filed with the Youth Court.

15.18.030 Petition for Guardianship - Contents

The petition for appointment of a guardian shall include:

- (1) The name, date of birth, address, and tribal status of the youth;
- (2) The name, date of birth, address, and tribal status of each of the petitioners;
- (3) The name, date of birth, address, and tribal status of the youth's parents;
- (4) The name and address of the youth's current guardian or custodian;
- (5) A description of any previous adjudication concerning the care and custody of the youth;
- (6) A concise statement of the facts and reasons supporting the request that the petitioner(s) be appointed as a guardian; and,
- (7) A statement as to why the proposed guardianship is in the best interest of the youth.

15.18.040 Setting the Guardianship Hearing

Upon receipt of the petition for guardianship, the Youth Court shall set a date for a guardianship hearing which shall not be more than sixty (60) days after the Youth Court receives the petition.

15.18.050 Guardianship Hearing - Summons

(1) Summons to appear at the guardianship hearing shall be given at least twenty (20) days before the hearing. The summons shall include:

- (a) The nature of the proceedings of the court;
- (b) The date, time, and place of hearing; and,
- (c) A copy of the petition which has been filed.

(2) The following persons shall be served with the required notice:

- (a) The youth;
- (b) The youth's parents;
- (c) The youth's current guardian or custodian;
- (d) The petitioners;
- (e) The Nooksack Youth and Family Services Office.

(3) The notice shall be served in the manner provided in Section 16.09.010 of this code.

15.18.060 Guardianship Report - Preparation

Upon receipt of the petition for Guardianship the Youth and Family Services Office shall prepare a written guardianship report. In preparing the report, the Youth and Family Services Office shall conduct a complete home study and shall consult with the youth's parent(s), the youth's current guardian or custodian, the petitioner(s), and all health, education and social services personnel who have had prior professional contact with the youth. The guardianship report shall contain the following information:

- (1) An evaluation of the proposed guardian and their home;
- (2) An evaluation of the present circumstances of the youth, the youth's parent(s), and the youth's guardian or custodian;
- (3) An evaluation of the facts supporting the petition;

(4) The professional opinion of all personnel who have been consulted;

(5) A recommendation as to whether the proposed guardianship would be in the best interest of the youth.

15.18.070 Guardianship Report - Service

The Youth and Family Services Office shall mail or deliver the guardianship report to the Court and to all parties to the proceeding at least five (5) days prior to the hearing.

15.18.080 Guardianship Hearing - Procedure

(1) The prospective guardian(s), the youth's parent(s), the youth's current guardian or custodian, and the youth shall appear personally at the hearing.

(2) The Youth Court shall examine and take testimony of the prospective guardian(s), the youth, the Youth and Family Services Office, the youth's parent(s), the youth's current guardian or custodian, and any other person the Youth Court has found to have a substantial interest in the youth.

(3) The Youth Court shall consider all other evidence it deems is relevant to the best interests of the youth.

(4) In determining whether the proposed guardianship would be in the best interest of the youth, the Court shall consider the placement preferences established in Section 15.09.100.

15.18.090 Guardianship Order

(1) The Youth Court shall enter an order appointing guardian pursuant to the petition if it finds that the guardianship would be in the best interests of the youth.

(2) The order appointing guardian shall place the youth in the sole care, custody, and control of the appointed guardian.

(3) The order appointing guardian shall empower and charge the appointed guardian with the duty to make major decisions affecting the youth including:

(a) To consent to marriage of the youth, enlistment in the armed services and medical, surgical, dental and mental health

treatment of the youth;

(b) To represent the youth in legal actions and to make other decisions of substantial legal significance concerning the youth;

(c) To protect and preserve the youth's property, to invest it prudently, and to account for it faithfully, and at the termination of the guardianship, to deliver the assets of the youth or the person lawfully entitled thereto;

(d) To fulfill all parental duties for the welfare of the youth; and,

(e) To fulfill all other duties which the Youth Court finds necessary to the circumstances of the youth.

(4) The order shall inform the guardian that guardianship does not terminate parental rights and that the guardian may not consent to adoption or enroll the youth in a Tribe other than the Nooksack Tribe.

(5) If the Youth Court finds that the guardianship petition is not in the best interest of the youth, the petition should be dismissed, provided, the Youth Court may enter an order to protect the best interests of the youth.

## 15.19 TERMINATION OF PARENTIAL RIGHTS

### 15.19.010 Purpose

Parental rights to a child may be terminated by the Youth Court according to the procedures in this Chapter.

### 15.19.020 Termination of Parental Rights - How to File

Proceedings to terminate parental rights shall be instituted by a petition filed by the Youth and Family Services Office on behalf of the Tribe, or by the parent(s) of the child. If the petition is filed by the youth's parent(s) a copy of the petition must be delivered to the Youth and Family Services Office no later than three (3) days after the petition has been filed.

### 15.19.030 Termination of Parental Rights - Petition Contents

The petition for termination of parental rights shall state the following:

(1) The name, date of birth, address, and tribal status of the youth;

(2) The name, date of birth, address, and tribal status, if known, of the youth's parent(s);

(3) The name and relationship to the youth of the person with whom the youth is residing and the length of time at that location;

(4) A brief description of the facts supporting a finding that termination of parental rights is in the best interests of the youth.

A true and correct copy of the youth's birth certificate shall be attached to the petition.

#### 15.19.040 Setting the Termination Hearing

Upon receipt of a petition for termination of parental rights, the Youth Court shall set a date for a termination hearing which shall not be more than sixty (60) days after the Youth Court receives the petition.

#### 15.19.050 Termination Hearing - Summons

(1) Summons to appear at the termination hearing shall be given at least twenty (20) days before the hearing. The notice shall include:

(a) The nature of the proceedings of the court;

(b) The date, time, and place of hearing; and,

(c) A copy of the petition which has been filed.

(2) The following persons shall be served with the required notice:

(a) The youth;

(b) The youth's parents;

(c) The youth's guardian, or custodian;

(d) The Nooksack Youth and Family Services Office;

(e) Any person the Youth Court believes necessary for the proper adjudication of the hearing.

(3) The notice shall be served in the manner provided in Section 16.09.010 of this code.

15.19.060 Pre-Termination Report

After a petition for termination of parental rights has been filed, the Youth and Family Services Office shall prepare a written pre-termination report. In preparing the report, the Youth and Family Services Office shall conduct a complete home study and shall consult with the youth's parent(s), the youth's guardian or custodian, and all health, education and social services personnel who have had prior professional contact with the youth. The report shall contain the following information:

- (1) An evaluation of the present circumstances of the youth, the youth's parent(s), and the youth's guardian or custodian;
- (2) An evaluation of the allegations stated as the basis of the petition;
- (3) The professional opinion of all personnel who have been consulted;
- (4) A statement as to why termination of parental rights would be in the best interest of the youth.

15.19.070 Pre-Termination Report - Service

The Youth and Family Services Office shall mail or deliver the pre-termination report to the Court and to all parties to the proceeding at least five (5) days prior to the hearing.

15.19.080 Termination Hearing - Procedure

- (1) The youth's parent(s), and the youth's guardian or custodian, if any, shall appear personally at the hearing.
- (2) The Youth Court shall examine and take testimony of the Youth and Family Services Office, the youth's parents, the youth's guardian or custodian, and any person the Youth Court has found to have a substantial interest in the youth.
- (3) The Youth Court shall consider all other evidence it deems is relevant to the best interests of the youth.

15.19.090 Termination of Parental Rights - Determining Factors

The Youth Court may terminate a parent's parental rights when it has determined beyond a reasonable doubt that any of the following

conditions exist:

- (1) Abandonment of the youth;
- (2) Willful and repeated physical injuries which cause or create a substantial risk of death, disfigurement or impairment of bodily functions;
- (3) Willful and repeated psychological or emotional abuse which cause or create a substantial risk of severe psychological or emotional damage to the youth;
- (4) Willful and repeated acts of sexual abuse; or,
- (5) Voluntary termination of parental rights.

15.19.100 Voluntary Termination of Parental Rights

(1) The parents of a youth may voluntarily terminate their parental rights by signing a consent to termination of parental rights in the presence and with the approval of the Youth Court. However, voluntary termination is not valid unless:

(a) The parents have received counseling from an appropriate professional who has explained the consequences of terminating his or her rights, have explored all available services to help the parent care for the child and has explored alternatives such as guardianship; and,

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

(2) The parents may withdraw their consent anytime before entry of a final adoption decree.

(3) Consent given before or within ten (10) days after the birth of a youth is not valid.

15.19.110 Disposition

(1) If the Youth Court finds that none of the factors listed in Section 15.19.090 have been proven beyond a reasonable doubt, then the Youth Court shall dismiss the petition.

(2) If the Youth Court finds that any of the factors listed in Section 15.19.090 have been proven beyond a reasonable doubt, then the Youth Court shall terminate the parental right to the youth and shall either:

(a) Place the youth in an out-of-home placement in accordance with the placement preferences established in Section 15.09.100; or,

(b) Allow the youth to be placed for adoption as provided for under chapter 15.20 of this code.

## 15.20 ADOPTION

### 15.20.010 Youth Available for Adoption

A child may be adopted only if he or she has no parents by reason of death or as a result of proceedings terminating parental rights under chapter 15.19 of this code.

### 15.20.020 Adoption - How to File

(1) Any person over twenty-one (21) years of age may seek to adopt a youth who is available for adoption by filing a petition with the Youth Court.

(2) A petition filed by a married person shall also be signed by the married person's spouse, unless it is shown that the whereabouts of the married person's spouse are unknown.

(3) The petitioner must also deliver a copy of the petition to the Youth and Family Services Office no later than three (3) days after the date on which the petition was filed with the Youth Court.

### 15.20.030 Petition for Adoption - Contents

A petition for adoption shall include the following:

(1) The name, date of birth, address, and tribal status of the youth to be adopted;

(2) The name, date of birth, address, and tribal status of each of the petitioners;

(3) The relationship, if any, of the petitioner(s) to the youth;

- (4) The names and ages of all other children living in the petitioner's household;
- (5) The name, date of birth, address, and tribal status of the youth's biological parents;
- (6) The name of the person with whom the youth is currently residing and the length of time at that location;
- (7) A description of all previous court proceedings involving the care and custody of the youth and the results of these proceedings along with copies of all court orders including any order terminating a parent's rights to the child;
- (8) A brief statement of the facts explaining the reason the youth is available for adoption and why the proposed adoption is in the best interest of the youth.

A true and correct copy of the youth's birth certificate shall be attached to the petition.

#### 15.20.040 Setting the Adoption Hearing

Upon receipt of the petition for adoption, the Youth Court shall set a date for an adoption hearing which shall not be more than sixty (60) days after the Youth Court receives the petition.

#### 15.20.050 Adoption Hearing - Summons

- (1) Summons to appear at the adoption hearing shall be given at least twenty (20) days before the hearing. The notice shall include:
  - (a) The nature of the proceedings of the court;
  - (b) The date, time, and place of hearing; and,
  - (c) A copy of the petition which has been filed.
- (2) The following persons shall be served with the required notice:
  - (a) The youth;
  - (b) The youth's guardian or custodian, if any;
  - (c) The petitioner(s);

(d) The Nooksack Youth and Family Services Office.

(3) The notice shall be served in the manner provided in Section 15.09.010 of this code.

15.20.060 Adoption Report - Preparation

Upon receipt of the petition for adoption the Youth and Family Services Office shall prepare a written adoption report. In preparing the report, the Youth and Family Services Office shall conduct a complete home study and shall consult with the youth's custodian or guardian, the petitioner(s) and all health, education and social services personnel who have had prior professional contact with the youth. The adoption report shall contain the following information:

- (1) The physical and mental condition of the youth, the petitioner(s) and any other persons living in the petitioner's home;
- (2) The circumstances of the voluntary or involuntary termination of the parent's rights to the child or of the parent's death;
- (3) The home environment, family life, access to health services, and resources of the petitioner(s);
- (4) The child's and petitioner's cultural heritage and tribal status;
- (5) The marital status of the petitioner(s);
- (6) The names and ages of the petitioner's children and of any other persons residing with the petitioner(s);
- (7) A check of the criminal records, if any, of the petitioner(s) and anyone else residing in the home shall be requested from state and tribal law enforcement authorities and, if appropriate, from the BIA;
- (8) Any evidence of alcohol and drug abuse in petitioner's household;
- (9) Information from health, education, and social service personnel who have had prior professional contacts with the child and petitioner(s);
- (10) The professional opinion of all persons consulted;
- (11) Any other facts and circumstances relating to whether or not the adoption should be granted;

(12) A recommendation as to whether the proposed adoption would be in the best interest of the youth.

15.20.070 Adoption Report - Service

The Youth and Family Services Office shall mail or deliver the adoption report to the Court and to all parties to the proceeding at least five (5) days prior to the hearing.

15.20.080 Adoption Hearing - Procedure

(1) The adoptive parent(s) and the youth shall appear personally at the hearing.

(2) The Youth Court shall examine and take testimony of the adoptive parents, the youth, the Youth and Family Services Office, and any person the Youth Court has found to have a substantial interest in the youth.

(3) The Youth Court shall consider all other evidence it deems is relevant to the best interests of the youth.

(4) In determining whether the proposed adoption would be in the best interest of the youth, the Court shall consider the placement preferences established in Section 15.09.100.

15.20.090 Disposition

(1) The Youth Court shall enter an Order of Adoption pursuant to the petition if it finds that:

(a) The youth is available for adoption;

(b) The petitioner(s) can provide appropriate and adequate parental care for the youth;

(c) The adoption would be in the best interest of the youth.

(2) If the Youth Court finds that the adoption petition will not be in the best interests of the youth, the petition shall be denied and suitable care shall be arranged for the youth. The Court may request the tribal agencies, federal agencies or other agencies authorized to provide such services assist in the placement and the care of the youth.

15.20.100 Effect of Adoption

(1) Any adoption pursuant to this code shall give the new adoptive parents all the rights, duties and liabilities of a natural parent with respect to the adoptive youth and the adopted youth shall be subject to the care and control of the adoptive parents to the same extent that a natural youth would be with full natural rights of inheritance according to law.

(2) Minor children adopted by order of the court shall assume the surname of the person by whom they are adopted, unless the court orders otherwise.

(3) Adoption shall have no effect on a youth's membership in the Tribe or eligibility therefore.

15.20.110 Copy of Decree to Agencies

If a decree of adoption is entered, as soon as the time for appeal has expired, or if the adoption is affirmed on appeal, the Court Clerk shall transmit to the Washington State registrar of vital statistics a certified copy of the adoption decree along with any other forms required by the registrar.

15.21 EMANCIPATION

15.21.010 Purpose

The purpose of this chapter is to provide a process for young people to petition the Youth Court for the removal of the disabilities of minority.

15.21.020 Who May Petition

(1) Any youth who is at least seventeen (17) years of age may petition the Youth Court for an order of emancipation provided the following requirements are met:

(a) The youth is a member of the Nooksack Indian Tribe; or the youth resides or is domiciled within the jurisdiction of the Nooksack Indian Tribe;

(b) The youth is living separate and apart from his or her parents, guardian or custodian; or the youth has special needs; or there exist special circumstances necessitating emancipation; and,

(c) The youth is capable of arranging for his or her own support and the management of his or her own financial affairs.

(2) The Court Clerk shall deliver a copy of the petition to the Youth and Family Services Office no later than three (3) days after the petition has been filed.

15.21.030 Petition for Emancipation - Contents

The petition for emancipation shall include:

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

15.21.040 Consent

The youth must obtain the consent of each living parent, guardian, or custodian of the youth who has control of the youth's person or property. If the person who is to consent to the petition is unavailable or his or her whereabouts is unknown, or if a parent, guardian, or custodian unreasonably withholds consent, the Youth Court, acting in the best interests of the youth, may waive this requirement of consent as to that parent, guardian, or custodian.

15.21.050 Setting the Emancipation Hearing

Upon receipt of the petition for emancipation, the Youth Court shall set a date for an emancipation hearing which shall not be more than sixty (60) days after the Youth Court receives the petition.

15.21.060 Emancipation Hearing - Required Notice

(1) Notice of the emancipation hearing shall be given at least five (5) days before the hearing. The notice shall include:

- (a) The nature of the proceedings of the court;

- (b) The date, time and place of hearing; and,
  - (c) A copy of the petition which has been filed.
- (2) The following persons shall be served with the required notice:
- (a) The youth;
  - (b) The youth's parent(s);
  - (c) The youth's guardian or custodian, if any; and,
  - (d) The Nooksack Youth and Family Services Office.
- (3) The notice shall be served in the manner provided in Section 16.09.010 of this code.

15.21.070 Recommendation of Nooksack Youth and Family Services

The Youth and Family Services Office may file a recommendation with the Court on any petition for emancipation. A copy of the recommendation shall be provided to the youth and his or her parent, guardian, or custodian.

15.21.080 Notice of Prior or Pending Court Actions

The Youth and Family Services Office shall notify the Court if it is aware of any court orders or legal actions, in any jurisdiction, involving the youth and which may be relevant to the emancipation proceedings (such as juvenile criminal proceedings, sentencing orders, parole; dependency proceedings; etc.). No emancipation shall be ordered if it would circumvent a valid criminal sentence ordered by any court of competent jurisdiction.

15.21.090 Unavailability of the Parties for Hearing

The Youth Court may order emancipation even if all parties are not present at the hearing provided that notice was provided or attempted in accordance with this code. If the youth is unable to attend the hearing due to exceptional circumstances, the petition may be presented by a spokesperson for the youth or by the Youth and Family Services Office. In such cases, the youth shall file an affidavit with the Court stating his or her understanding of the terms and consequences of the emancipation. If the Court finds that exceptional circumstances do not exist, a continuance shall be granted until the youth can be

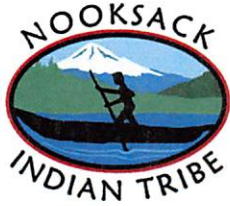
present at the hearing.

15.21.100 Applicable Standard

The Youth Court may remove the disabilities of minority as requested in the petition if the Court finds that it will be in the best interests of the youth. Emancipation may be for general or limited purposes, and the Order of Emancipation shall specifically state the extent of the emancipation. A copy of the order shall be provided to the youth, his/her parents, guardian and custodian, and to Nooksack Youth and Family Services.

15.21.110 Rights of an Emancipated Youth

Except for specific constitutional and statutory age requirements such as voting and use of alcoholic beverages, a youth whose disabilities are removed for general purposes has the power and capacity of an adult, including, but not limited to, the rights to control himself or herself, to be domiciled where he or she wishes, to receive and control his or her earnings, to sue and be sued, and to enter into contracts.



# NOOKSACK TRIBAL COUNCIL

4979 Mt. Baker Hwy, Suite G.  
PO Box 157  
Deming, WA 98244

## RESOLUTION #18- 125 October 2, 2018

**TITLE:** AMENDMENT TO TITLE 15 YOUTH CODE (N.T.C. Title 15, § 15.02.010(10))

**WHEREAS**, the Nooksack Indian Tribe is a party to the Treaty of Point Elliot dated January 22, 1855, 12 Stat. 927, and is a sovereign, federally-recognized Indian Tribe; and

**WHEREAS**, the Nooksack Tribal Council is the governing body of the Nooksack Indian Tribe in accordance with Article III, Section 1 of its Constitution and Bylaws approved by the Deputy Assistant Secretary of Indian Affairs on September 24, 1973, as amended; and

**WHEREAS**, the health, safety, welfare, education, economic security, employment and preservation of cultural and natural resources are primary goals and objectives of the Nooksack Indian Tribe; and

**WHEREAS**, the Tribe adopted Title 15, Youth Code, which included a definition of “Indian Youth or Youth”, which limited the Court’s jurisdiction to Youth in Need of Care cases until the child’s 18<sup>th</sup> birthday; and

**WHEREAS**, the Tribal Council is aware that state-provided expanded foster care services are eligible to Youth in Need of Care up to the age of 21; and

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council amends Title 15, § 15.02.010(10) as follows:

“(10) Indian Youth or Youth. Any unmarried person who is: (a) under the age of eighteen years or (b) age eighteen to twenty-one years who is eligible to receive and who elects to receive the extended foster care services authorized under applicable state law; and who is:

- (a) An enrolled member of a federally recognized Indian Tribe; or,
- (b) Eligible for enrollment membership in a federally recognized Indian Tribe; or,
- (c) The child or grandchild of an enrolled member of a federally recognized Indian Tribe; or,
- (d) Any child who is recognized by the Nooksack Tribal Council as a member of the Nooksack Indian Community; or,
- (e) An Eskimo, Aleut Alaskan native or Canadian Indian.”

**BE IT FURTHER RESOLVED**, the the Office of Tribal Attorney shall update the currnet Title 15 to include the new definition; and

**BE IT FURTHER RESOLVED**, that the Chairman (or other councilperson in his/her absence) is hereby authorized and directed to execute this resolution and any documents connected here within, and the Secretary (or other councilperson in his/her absence) are authorized and directed to execute the following certification.

**CERTIFICATION**

I, the undersigned do hereby certify that the Nooksack Tribal Council is composed of eight (8) members, of which 7 were present, constituting a quorum of a duly called meeting thereof held on this 2 day of Oct, 2018 and that the above Resolution #18-125 approving the AMENDMENT TO TITLE 15 YOUTH CODE (N.T.C. Title 15, § 15.02.010(10), was duly enacted by the Council Members vote of: 6 FOR, 0 OPPOSED, and 0 ABSTENTIONS, and since its approval this resolution has not been altered, rescinded, or amended in any way.

Dated this 2 day of October, 2018.

Ross Cline SR  
\_\_\_\_\_  
Ross Cline, Sr., Chairman  
Nooksack Tribal Council

**ATTEST:**

Frank Leyva  
\_\_\_\_\_  
Frank Leyva, Secretary  
Nooksack Tribal Council