

**WYANDOTTE NATION**  
**TITLE 20**  
**ADOPTIONS**  
(APPROVED BY THE BOARD OF DIRECTORS 6-13-2023)

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**WYANDOTTE NATION TITLE 20 ADOPTION CODE**

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**WYANDOTTE NATION  
TITLE 20  
ADOPTIONS**

**INTRODUCTION**

**Section 1. Citation.**

This Title may be cited as the “Wyandotte Nation Adoption Act.”

**Section 2. Purpose of Adoptions.**

The purpose of an adoption is to establish a formal and legal family relationship between two (2) or more persons which after adoption, shall exist as if the parties were born into relationship by blood. Adoptions pursuant to this Title shall be so recognized by every agency and level of the Government except in eligibility for enrollment determinations which shall continue to be based upon biological parentage.

**Section 3. Definitions.**

Unless the context otherwise requires, as used in this Title, the term:

(a) “Adult” means an individual who has attained the age of eighteen (18) years or is an emancipated minor.

(b) “Brother” means:

(1) Any male sibling; or

(2) Any other male person, who by virtue of an adoption either of themselves or of a member of their family pursuant to laws of any Indian Tribe or state, would hold the relationship of a sibling with the person in question.

(c) “Child” means any person who has not attained the age of eighteen (18) years of age.

(d) “Contested Proceeding” means any proceeding in which an interested party enters an appearance to contest the petition.

(e) “Family Services Department” means the Wyandotte Nation Family Services Department or the Wyandotte Nation Indian Child Welfare Program.

(f) “Grandparent” means:

(1) A biological grandparent;

(2) The brothers and sisters of a biological grandparent, and their spouses; or



(3) Any other person, who by virtue of an adoption either of themselves or a member of their family pursuant to the laws of any Indian Tribe or state, would come within the terms of subparagraphs (1) and (2) of this subsection.

(g) “Guardian” means an individual other than a parent, appointed by a Court to be the guardian of the person of a minor.

(h) “Juvenile Court” or “Court” means the Juvenile Division of the Wyandotte Nation District Court or the Juvenile Court or Court of Indian Offenses Court established for other Indian Tribes or a state Juvenile Court as is appropriate from the context.

(i) “Parent” means an individual who is the biological or adoptive parent of a child or who is legally recognized as a mother or father of a child. The term “parent” does not include an individual whose parental relationship to a child has been terminated.

(j) “Permanent relinquishment” means the voluntary surrender of the rights of the parent or guardian with respect to a minor, including legal and physical custody of the minor to the Family Services Department or any person with the assent of the Court, by a minor’s parent or guardian, for purposes of the minor’s adoption.

(k) “Stepparent” means an individual who is the spouse or surviving spouse of a parent of a minor, but who is not a legal parent of the minor.

(l) “Sister” means:

(1) Any female sibling; or

(2) Any other female person, who by virtue of an adoption either of themselves or of a member of their family pursuant to laws of any Indian Tribe or state would hold the relationship of a sibling with the person in question.

(m) “Termination of parental rights” or “termination of the parent-child legal relationship” means the permanent elimination by Court order of all parental rights and duties.

(n) “Traditional Custodian” means those relatives of the child, other than the parent, who by force of the traditions, customs, and common law of the Tribe have the rights, duties, and responsibilities of assisting the parents in rearing the child and providing for the child’s support.

#### **Section 4. Jurisdiction Over Adoption of Minor Children.**

(a) The Juvenile Division of the District Court shall have exclusive jurisdiction regarding the adoption of any person who resides or is domiciled within the jurisdiction of the Court, is unmarried, less than eighteen (18) years of age unless special circumstances exist, and either:

(1) Is a member of an Indian Tribe

(2) Is eligible for membership in an Indian Tribe, and is the biological child of a member of an Indian Tribe;

(3) The case has been transferred to the Juvenile Division of the District Court from the courts of a state, a Court of Indian Offenses or a Tribal court which has assumed jurisdiction over said child; or

(4) In any instance where any other jurisdictional basis exists.

### **Section 5. Jurisdiction Over Adoption of an Adult.**

The District Court may exercise jurisdiction over an adoption between two (2) adults who submit to the jurisdiction of the Court regardless of residence or domicile.

### **Section 6. Types of Adoptions.**

(a) There shall be three (3) types of adoptions recognized by the Wyandotte Nation, namely:

(1) Statutory adoptions pursuant to this Title.

(2) Statutory adoptions under the laws of some Tribe, State or Nation having jurisdiction over the parties and the subject matter; and

(3) Traditional adoptions, which may be for the purpose of establishing any traditionally allowed family relationship between any persons, and which shall be governed by the Tribal Common Law. Unless otherwise specifically provided by Tribal statute, traditional adoptions create a particular stated family relationship between persons for all purposes other than enrollment and the probate of decedents' estates.

### **Section 7. Foreign Decree.**

When the relationship of a parent and child has been created by a decree of adoption by any Court of competent jurisdiction of any other Tribe, state, or Nation, or its political subdivisions having the authority to enter such decrees, the rights and obligations of the parties as to matters within the jurisdiction of the Wyandotte Nation shall be determined by Section 209 of this Title.

### **Section 8. In Camera Review Evidencing Enrollment.**

Whenever a parent, whether biological or adoptive, has expressed a desire that the name of the parent or the original or adoptive name of the child and the child's relationship with themselves or others remain confidential, and a question arises as to the eligibility of the child for enrollment as a citizen and member of the Wyandotte Nation, the Court is authorized to receive from any source such information as may be necessary for a determination of the eligibility of such child for enrollment, to review such information in camera, and to enter its order declaring whether the child is eligible for enrollment and the child's blood quantum or the necessary non-identifying



enrollment eligibility criteria. If the Court determines that such child is eligible for enrollment, it shall enter its order declaring said fact and the Tribal Enrollment officer may accept such order as conclusive proof of the eligibility of the child for enrollment and may enroll the child accordingly. If the Court determines that such child is not eligible for enrollment, it shall enter its order accordingly, and the Tribal Enrollment officer may accept such order as proof of the ineligibility of said child and refuse to enroll the child unless other or further qualifications for enrollment are shown.

## **CHAPTER ONE GENERAL PROVISIONS**

### **Section 101. Persons Eligible to Adopt by Statutory Process.**

(a) The following persons are eligible to adopt a child pursuant to statutory law, subject to the placement preferences contained herein in this Title:

- (1) A husband and wife jointly;
- (2) Either the husband or wife if the other spouse is a parent of the child;
- (3) An unmarried person who is at least twenty-one (21) years old;
- (4) A married person who is legally separated from the other spouse and at least twenty-one (21) years old; or
- (5) Any other individual(s) designated as appropriate by the Court by virtue of common customs and traditions of the Wyandotte Nation.

### **Section 102. Consent to Adoption.**

(a) Adoption of a child may be decreed only if written consent to such adoption has been executed and filed in the Juvenile Division of the District Court by:

- (1) Both parents, if living, or the surviving parent, unless their parental rights have been terminated by judicial decree;
- (2) A parent less than sixteen (16) years of age may give his/her consent only with the written consent of one of his/her parents, guardian, or a guardian ad litem of the minor parent appointed by the Court; or
- (3) If both parents be deceased, or their parental rights have been terminated by judicial decree, then the traditional custodian having physical custody of said child for the preceding six (6) month period, or a person or the head of an agency having custody of the child by judicial decree with the specific authority, granted by the Court, to consent to the adoption of the child.

(b) Where any parent or legal custodian voluntarily consents to an adoption, or termination of parental rights, such consent shall not be valid unless executed before a judge of a court of competent jurisdiction and accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or legal custodian. The Court shall certify that the parent or legal custodian either fully understood the explanation in English, or that it was interpreted in a language that the parent or legal custodian understood.

(c) Any consent given prior to or within ten (10) days after the birth of a child shall not be valid.

(d) A consent to adoption may not be withdrawn except by permission of the Court given before the entry of the final decree of adoption. If consent is allowed to be withdrawn at any time prior to the entry of a final decree of adoption, or termination as the case may be, the child shall be returned to the legal custodian.

### **Section 103. Consent Must Be in Writing and Executed Before a Judge.**

(a) A consent to adoption of a minor child shall be in writing, recorded by the Court, and executed before a judge of competent jurisdiction. The consent must contain:

- (1) The date, place, and time of the execution of the consent;
- (2) The name and date of birth of the person executing the consent;
- (3) The current mailing address, telephone number, and social security number of the person executing the consent; and
- (4) Instructions that the consent is irrevocable, except upon specific grounds as specified herein in this Title, and the manner in which the motion to set aside the consent must be filed.

(b) The person giving consent must affirmatively acknowledge the following statements:

- (1) That the person executing the document is voluntarily and unequivocally consenting to the adoption of the minor child;
- (2) An understanding that after the permanent relinquishment is executed, the action is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized in this Title.
- (3) That the person executing the permanent relinquishment is represented by counsel or has waived any right to counsel;



(4) That the execution of the permanent relinquishment does not terminate any duty of the person executing the permanent relinquishment to support the minor until the adoption is completed;

(5) That the person executing the permanent relinquishment has not received or been promised any money or anything of value for the permanent relinquishment, except for payments authorized by law; and

(6) That the person believes the adoption of the minor child is in the best interest of the minor child.

#### **Section 104. Voluntary Relinquishment.**

(a) Any parent, legal custodian, traditional custodian, or other guardian of a child may relinquish, subject to the terms of Section 102 of this Title, any rights they may have to the care, custody, and control of a child. A relinquishment shall be made by filing a petition in the Juvenile Division of the District Court with notice to the Family Services Department or Child Welfare Department, Tribal Prosecutor, traditional custodians, and the parent(s), not a petitioner. The traditional custodians may intervene in said action. The petition may relinquish generally, in which case the Court shall assume jurisdiction over the child, or specifically to a particular person for adoption. A relinquishment shall be valid only upon approval and decree of the Court. Relinquishment may be made only to the Family Services Department or Child Welfare Department, with the written consent of the Court.

(b) Any parent desiring to relinquish his/her parental rights may first obtain counseling from a tribal or state social services program.

(c) When the parent desires to relinquish their parental rights, he/she may file a consent for relinquishment with the Juvenile Court on forms provided by the Court. Affidavit(s) verifying that the parent(s) fully understood the implications of the relinquishment and confirming that no undue pressure has been placed on the parent(s) shall be attached to the voluntary consent for relinquishment.

(d) Upon receipt of a voluntary consent for relinquishment, the Court shall set the matter for hearing.

(e) The Court shall not issue an order of relinquishment unless it is satisfied that:

(1) The relinquishing parent(s) and the child, if twelve (12) years of age or older, comprehend the finality of their consent;

(2) The consequences of the relinquishment are fully understood by all parties;

(3) Notice has been properly given to all interested parties;

(4) It is in the best interest of the child for an order of relinquishment to be entered.



(f) If the Court is satisfied that all procedural requirements of this section have been met and that relinquishment would serve the interest of all parties concerned, particularly the child, it shall enter an order of relinquishment.

(g) If the Court is not satisfied that said requirements have been met or that the relinquishment is in the child's best interests, it may continue the matter and request a report from the Family Services Department addressing the best interests of the child.

(h) If the Court believes that a relinquishment is not in the best interests of the parties, particularly the child, it shall enter an order dismissing the action.

(i) If the Court finds that it would be in the best interests of the child to appoint a guardian ad litem, such appointment shall be made.

(j) The Court may interview the child in chambers, if the child is of sufficient age and maturity, to ascertain the child's wishes as to the relinquishment proceedings. The child's attorney or guardian ad litem shall be present for the interview.

#### **Section 105. Affidavit of Relinquishment Requirements.**

(a) A permanent relinquishment shall be in the form of an affidavit in writing and must state the following:

(1) That the person executing the voluntary relinquishment is voluntarily and unequivocally consenting to his/her relinquishment of parental rights;

(2) An understanding that upon the entry of a decree or order accepting the voluntary relinquishment, the action is final and, except for fraud or duress, may not be revoked or set aside for any reason except as otherwise authorized in this Title.

(3) That the person executing the permanent relinquishment is represented by counsel or has knowingly waived any right to counsel;

(4) That the execution of the permanent relinquishment does not terminate any duty of the person executing the permanent relinquishment to support the minor child, unless and until an adoption is completed;

(5) That the person executing the permanent relinquishment has not received or been promised any money or anything of value for the permanent relinquishment, except for payments authorized by law; and

(6) That the person believes the relinquishment of parental rights is in the minor child's best interest.

(b) The affidavit of voluntary relinquishment must be sworn and executed in the presence of the Court or a Notary Public.

**Section 106. Withdrawal of Consent or Revocation of Voluntary Relinquishment.**

(a) After the Court issues an order or decree accepting the consent to adoption or voluntary relinquishment of parental rights, the consent or relinquishment may only be withdrawn or revoked if:

(1) It is proven by clear and convincing evidence that there was fraud to induce the consent or voluntary relinquishment and same is proven before a decree of adoption is issued, or within three (3) months of the discovery that the consent was obtained by fraud or duress; or

(2) It is proven by a preponderance of the evidence that no petition to adopt was filed within nine (9) months of the consent or relinquishment.

(b) The burden for proving that the consent or relinquishment was obtained by fraud or duress or that no petition to adopt was filed within nine (9) months is on the person(s) who consented to the adoption or relinquished their parental rights.

**Section 107. Motion to Set Aside or Vacate Consent or Relinquishment.**

(a) The parent(s) who seeks to withdraw a consent or relinquishment may file a motion to set aside the consent or relinquishment or a motion to vacate the Court's order or decree accepting the consent or relinquishment.

(b) Notice of the motion to set aside or motion to vacate the Court's order or decree shall be provided to:

- (1) The person who filed for adoption of the minor;
- (2) The Family Services Department; and
- (3) The child's attorney and/or guardian ad litem; and
- (4) Any person whose favor the consent was given.

**Section 108. Disposition of Child Following Voluntary Relinquishment of Parental Rights.**

(a) No arrangement for placement of any child who is voluntarily relinquished shall be made by any person or agency other than the Family Services Department or a licensed placement agency approved by the Wyandotte Nation Family Services Department.

(1) In cases involving an unborn child whose parent(s) are planning to relinquish parental rights at the time of the child's birth, every effort shall be made by the Family Services Department to study and approve the prospective adoptive placement prior to the child's birth so that interim foster care can be avoided.



(2) Care shall be taken to place any older child, who is voluntarily relinquished, in the home which affords the most likely probability of being a permanent adoptive home.

(b) The Family Services Department may place a child in pre-adoptive placement pending a court hearing on the relinquishment and proposed adoption, providing that the home meets the minimum standards required by the Family Services Department for pre-adoptive placement.

(c) The relinquishment forms and a petition requesting approval of the pre-adoptive placement shall be filed in the Juvenile Court within forty-eight (48) hours of the child's placement. The petition shall set forth the following:

(1) The basis of the Court's jurisdiction;

(2) The full name, sex, date of birth, residence, and tribal affiliation of the child and the relinquishing parent(s); and

(3) A full description of the relinquishment procedures and the placement plan for the child.

(d) The Court, upon review of the petition, shall make findings that the child is a ward of the Wyandotte Nation under the care, control and supervision of the Family Services Department until such time as a final order of adoption is issued or, in those cases involving non-adoptive placement, until further order of the Court.

#### **Section 109. When Consent of Parents Is Unnecessary.**

(a) Adoption of a child may be decreed without parental consent if one of the following conditions apply:

(1) The parent has had his/her parental or custodial rights terminated by a decree or order issued by a court of competent jurisdiction prior to the filing of the adoption petition. A certified copy of the termination order shall be attached to the petition.

(2) The parent(s) are deceased.

(3) The parent or traditional custodian having custody, if the parents be deceased, has been adjudicated incompetent by reason of mental disease, defect, or injury, or by abuse of alcohol or drugs, and it appears by a preponderance of the evidence that such person will be unable to provide the necessary care and control of said child for a significant period of time prior to the child reaching the age of majority.

(4) The parent has willfully failed, refused, or neglected to provide and contribute to the support of the child for a period of twelve (12) months prior to the filing of the petition for adoption and their rights are terminated as a result thereof.

(5) The parent has been finally adjudicated guilty of a felony and sentenced to death or to a term of imprisonment which is likely to prevent release of the parent for a period such that the parent will be unable to provide the necessary care and control of the minor child for a significant period of time prior to the child reaching the age of majority and their rights are terminated as a result thereof.

(b) Adoption of a child born out of wedlock may be decreed without the consent of the father or putative father when the mother who has custody of the child executes a relinquishment for the purpose of adoption, and the person or agency to whom such relinquishment was made secures the termination of parental rights of the father or putative father based on the grounds of failure to establish parental rights to a child born out of wedlock, unless such rights have been previously terminated or relinquished. Adoption of a child born out of wedlock may also be decreed without parental consent if a consenting parent, legal guardian or person having legal custody of the child to be adopted secures termination of parental rights by filing a separate application for termination of parental rights in the adoption proceeding, based on the grounds of failure to establish parental rights to a child born out of wedlock.

(c) An application for termination of parental rights shall be set for hearing at a date and time certain and must be at least twenty-four (24) hours prior to the hearing on the adoption. The application for termination must include the following:

- (1) The name of the child to be adopted;
- (2) The grounds for termination of parental and rights;
- (3) The time, date and place of the hearing;

(4) Notice that the adoption may be ordered if the parent, guardian, or custodian does not appear at the hearing and show cause why their consent is necessary.

The application and notice shall be served on the parent whose termination of rights is sought.

#### **Section 110. Consent of Child.**

Whenever a child be of sufficient maturity and understanding, the Court may, and in every case of a child over twelve (12) years of age, the Court shall, require the consent of the child, expressed in such form as the Court shall direct, prior to the entry of a decree of adoption. Whenever possible, the Court should interview the child in private, with the child's attorney or guardian ad litem present, concerning the adoption prior to the approving the child's consent.

#### **Section 111. Adoptive Placement Designation.**

The parents of the minor child may designate a specific applicant with whom they wish to place their child for adoption. The Family Services Department shall begin a written assessment of the designated placement upon the request of the parties. After reviewing such assessment, the



Court may grant guardianship of the child to the designated applicant(s) pending hearings on relinquishment and adoption.

## **CHAPTER TWO ADOPTION PROCEEDINGS**

### **Section 201. Confidential Nature of Proceedings and Record.**

(a) Unless the Court shall otherwise order, all hearings held in proceedings under this Title shall be confidential and shall be held in closed court without admission of any person other than interested parties and witnesses.

(b) All papers, records or files pertaining to proceedings under this Title kept by the Court or by the Family Services Department, shall be confidential and withheld from inspection except upon order of the Court for good cause shown.

(1) Upon application and for good cause being shown, the Court, by written order reciting its findings, may permit the necessary information to be released, or may restrict the purposes for which it shall be used.

(c) Any person in charge of adoption records or having access to adoption records or information who discloses any information, including but not limited to, all records and reports relevant to the case and any records and reports of examination of the minor child's parent or other custodian pertaining to an adoption proceeding, contrary to the provisions of this Chapter, may be charged criminally with a misdemeanor or be held civilly liable.

### **Section 202. Appointment of a Guardian Ad Litem.**

The Court shall appoint a guardian ad litem in a contested proceeding and may appoint a guardian ad litem in an uncontested proceeding. Any person participating in a judicial proceeding as a guardian ad litem shall be presumed prima facie to be acting in good faith and in so doing shall be immune from any civil liability that otherwise might be incurred or imposed.

### **Section 203. Petition.**

(a) A petition for adoption shall specifically state:

(1) The full names, ages and places of residence of the petitioner(s), and if married, the place and date of their marriage;

(2) The petitioners' relationship with the child, if any, and their tribal affiliation by blood and membership, if any:

(3) When and from whom the petitioners acquired or intend to acquire physical custody of the child;

(4) The names of the child's biological parents and their tribal affiliation by blood and membership, including tribal roll or membership numbers, if known;

(5) The date and place of birth of the child, including the jurisdiction issuing the birth certificate for said child, the child's sex, and tribal affiliation by blood and membership, including tribal roll and membership number, if known.

(6) The name used for the child in the proceeding, and if a change in name is desired, the new name;

(7) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child;

(8) A full description and statement of the value of all property owned by or possessed by the child;

(9) The facts, if any, which excuse the consent of the parents or either of them to the adoption; and

(10) The facts which bring the child within the jurisdiction of the Court.

(b) The Petition shall be filed in duplicate and verified by the petitioners.

(c) Any required consents to the adoption must be filed with the Court prior to entry of a decree of adoption.

#### **Section 204. Investigation and Contents of Adoptive Assessment.**

(a) Upon filing a petition for adoption, the Court shall order the Family Services Department, with the technical assistance of the state and other government branches of welfare, to make an investigation of the petitioners, by a person qualified by training, experience, or certification and designated by the Court. Further, it is to be ordered that a report of such investigation shall be filed with the Court by the designated investigator within the time fixed by the Court, and in no event more than sixty (60) days from the issuance of the order for investigation, unless time is extended by the Court. Such investigation shall include the history of the child; appropriate inquiry to determine whether the proposed home is a suitable one for the child; and any other circumstances and conditions which may have a bearing on the adoption or custody and of which the Court should have knowledge.

(b) A written assessment, completed by the Family Services Department shall accompany all petitions for adoption, including stepparent adoptions. Such assessments shall include, but not be limited to, the following:

(1) The reasons for the availability of the child for adoption, including background information related to the biological parents;



(2) The length of time the child has been in the care of the petitioner(s) and the adjustment of the child to that living arrangement;

(3) An evaluation of the physical, mental and emotion health of the petitioner(s), all other members of the household, and the child who is the subject of the petition;

(4) An evaluation of the proposed physical setting in which the child will be placed with attention to safety issues;

(5) A discussion of how the proposed placement resembles or is compatible with the child's culture, identity, and tribal affiliation;

(6) A discussion of the petitioners' plans and ability to promote the child's healthy growth and development; and

(7) A recommendation for placement which specifically addresses the best interest of the child.

#### **Section 205. Home Study.**

(a) Home studies shall be conducted with at least two (2) visits in the home and shall include an evaluation of the desire and commitment to adopt; reasons why prospective parents want to adopt; and an evaluation of parenting and discipline style. The home study shall include a summary and social worker's recommendation, and must also include, but is not limited to:

(1) Personal and family background, including upbringing, siblings, key events, and what was learned from them;

(2) Significant people in the lives of the applicants;

(3) Marriage and family relationships;

(4) Motivation to adopt;

(5) Expectations for the child;

(6) Parenting and integration of the child into the family;

(7) Family environment;

(8) Physical health history of the applicants;

(9) Education, employment and finances, including insurance coverage and child care plans, if needed; and

(10) References and criminal background clearances.

(b) The Court may order agencies utilized in this matter to make separate investigations on separate parts of the inquiry, as may be appropriate.

(c) Where the adoptive parent is the spouse of a parent, or in the event that a report as outlined above deemed adequate for the purposes of the Court, has been made within six (6) months next preceding the filing of the petition for adoption, the Court in its discretion, may waive the making of an investigation and filing of a report.

(d) Upon the filing of the report, the investigator shall serve written notice upon the petitioners that the report has been filed with the Court, provided, that the report shall remain confidential and the contents of the report shall not be divulged to the petitioners except upon the consent of the Court. The Court may release the report to the Family Services Department, the responding social service department and the Tribal Prosecutor under seal of confidentiality.

#### **Section 206. Compensation.**

(a) No person shall offer, give, charge, or receive any money or other consideration or thing of value in connection with the relinquishment and adoption, except attorney fees and such other charges and fees as may be approved by the Court.

(b) No person, other than an adoption exchange whose membership includes county departments and child placement agencies, a licensed placement agency, or a county department shall offer, give, charge, or receive any money or other consideration or thing of value in connection with locating or identifying for purposes of adoption, any child, natural parent, expectant natural parent, or prospective adoptive parent; except that physicians and attorneys may charge reasonable fees for professional services customarily performed by such persons.

(c) Any person who violates the provisions of this section shall be subject to punishment of a civil penalty of a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Further, any violation of this subsection shall result in the adoption being denied and dismissed.

#### **Section 207. Interlocutory Decree.**

Upon the examination of the report required in Section 204 of this Chapter, and after hearing, the Court may issue an interlocutory decree of adoption giving the care and custody of the child to the petitioners or any suitable person or persons, pending further order of the Court; provided that if the child is a blood relative of one of the petitioners within the first or second degree, or is the stepchild of a petitioner, or has been living in the home of a petitioner for more than one (1) year preceding the date of the filing of the petition of adoption, the Court may waive the entry of an interlocutory decree of adoption, and immediately enter a final decree of adoption. Where an interlocutory decree of adoption is entered, the Family Services Department may observe the child in his home and report to the Court within six (6) months on any circumstances or conditions which may have a bearing on the adoption or custody.

#### **Section 208. Final Decree.**



(a) Upon the application by the petitioner after six (6) months from the date of the interlocutory decree, or upon the Court's own motion at any time, the Court may set a time and place for additional hearing. Notice of the time and place of the hearing shall be served on the Family Services Department. The Family Services Department shall file with the Court a written report of its findings and recommendations and certify that the required investigation has been made since the granting of the interlocutory decree. After such hearing, the Court may enter a final decree of adoption, if satisfied that the adoption is in the best interest of the minor child, or may make such other order as the Court deems fit and appropriate.

(b) If the Court finds that the adoption will not be in the child's best interest or finds that the procedural requirements have not been met, it may dismiss the petition or continue the matter and make those orders it deems necessary for the care, control and supervision of the child.

(c) If the Court finds that the requirements of this Title have been met and that adoption is in the child's best interest, it may issue an interlocutory order of adoption pending a final adoption hearing.

(d) No sooner than six (6) months from the date of the initial hearing, the Court may enter a final decree of adoption upon the recommendation of the Family Services Department. The final decree of adoption shall include the grounds and legal basis for the Court's decision. Copies of the order shall be furnished to all parties.

#### **Section 209. Effect of Final Decree.**

(a) After the final decree of adoption is entered, the relationship between parent and child as well as the rights, duties, obligations and other legal consequences of the natural relationship of the child and parent shall thereafter exist between the child and the adoptive parents. The status of the child as citizen of the Wyandotte Nation shall not be affected by any adoption order, and such child shall not forfeit his or her rights to inherit from his natural parents by descent or distribution or otherwise.

(b) After the final decree of adoption is entered, the natural parents of the adoptive child, except a natural parent who is also an adoptive parent or the spouse of an adoptive parent, shall be relieved of all parental responsibilities for such child and have no rights over such child or to his property by descent or distribution or otherwise.

#### **Section 210. Hearing and Records Confidential.**

(a) All hearings held in proceedings under this Subchapter shall be confidential and shall be held in closed court without admittance of any person other than the interested parties, including traditional custodians, representatives of the Family Services Department, the Tribal Prosecutor, other counsel and the guardian ad litem, except upon consent of the Court when same is deemed necessary and/or appropriate.



(b) All papers, records, and files pertaining to the adoption shall be kept as a permanent record of the Court and withheld from inspection. No person shall have access to such records except:

(1) Upon order of the Court for good cause shown;

(2) Upon the adopted person reaching the age of eighteen (18), the adopted person may review the records unless the natural parents have by affidavit requested anonymity, in which case, their names and identifying characteristics, not including tribal membership and degree of blood, shall be redacted prior to allowing the adopted person access to the records;

(3) The traditional custodian and natural grandparents shall have access to the records unless the natural parents have by affidavit requested anonymity in which case their names and identifying characteristics shall be redacted prior to allowing access to the records as in the preceding paragraph. If the adopting parent request anonymity by affidavit, the traditional custodians and natural grandparents may have access to the records only by order of the Court and for good cause shown, and then only if the Court deems such request to be in the best interest of the child.

(4) For the purpose of obtaining the enrollment of the child with another Indian Tribe, the Court may upon request of an enrollment officer of that Tribe, certify pertinent facts to enable that officer to determine the eligibility of the child for membership in that Tribe subject to the written guarantee, with an undertaking if deemed necessary by the Court, that such facts will remain confidential and divulged only to those persons who must know the facts to obtain the enrollment of the child. In the alternative, the Court may certify a copy of the case to a Judge of the Court of the other Tribe for an in camera review only, or allow such Judge to review the record in the District Court, in camera, for the purpose of said Judge certifying to his/her Tribe that the child is eligible for membership in that Tribe.

#### **Section 211. Certificates of Adoption.**

For each adoption or annulment of adoption, the Court shall assist in preparing, within thirty (30) days after the decree becomes final, a certificate of such decree on a form furnished by the registrar of vital statistics of the state or other jurisdiction having issued the birth certificate of said child, and shall attach thereto certified copies of the petition and decree of adoption, and any other information required by law or by the state registrar. Such form and certified copies, along with any other pertinent information requested by the jurisdiction having issued the birth certificate shall be forwarded forthwith to the registrar of vital statistics of the appropriate jurisdiction.

#### **Section 212. Adoption of Adults.**

(a) An adult person may be adopted by any other adult person with the consent of the person to be adopted, or his guardian, if the Court shall approve, and with the consent of the spouse of the adopting parent, if any, filed in writing with the Court. The consent of the adopted adult's parents shall not be necessary unless said adult has been adjudicated incompetent, nor shall an investigation be made. Such adoption shall follow the procedure otherwise set forth herein. Such



adoption shall create the relationship of parent and child between the parties, but shall not destroy the parent-child relationship with the biological parents, unless specifically requested by the adopted adult in writing in open Court. Unless so requested, the legal effect of such decree, for all purposes, including inheritance, but not including tribal enrollment eligibility, shall be that the adopted person is the child of both sets of parents equally.

(b) Proceedings and records relating to the adoption of an adult shall be open to the public as are records of other civil cases.

### **Section 213. Reversing a Final Decree of Adoption.**

No final decree of adoption shall be challenged by reason of fraud or jurisdictional substantial procedural error after the expiration of one (1) year following the entry of the final decree unless the affected parent did not learn of the basis for challenging the decree until after one (1) year. In such circumstances, the parent will be entitled to a period of three (3) months from the date of discovery of the facts underlying the reasons for reversal to file a petition requesting annulment of the adoption.

### **Section 214. Appeals.**

An appeal from a decision in an adoption proceeding may be taken in the same manner as appeals in civil cases.

### **Section 215. Tribe's Right to Intervene.**

It is the right of the Wyandotte Nation to intervene in both voluntary and involuntary proceedings regarding its children and must be given notice of all adoptions in all instances where parental rights are terminated by any means. A request for anonymity from a relinquishing parent must be followed by an announcement, whether written or oral, that the Wyandotte Nation must be notified and may intervene at any point in the proceedings.