

WYANDOTTE NATION
TITLE 26
GRANDPARENTAL RIGHTS CODE
(APPROVED BY THE BOARD OF DIRECTORS 10-10-2023)

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INTRODUCTION

Section 101. Citation.

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

Section 102. Purpose.

The purpose of this Title is to establish and maintain a family relationship between grandparents and their grandchildren and to ensure continuity of relationships of a familial nature.

Section 103. Jurisdiction.

The Court is vested with jurisdiction to issue orders granting grandparental visitation rights and enforce such visitation rights related to Wyandotte children, upon the filing of a verified petition for such visitation rights or enforcement thereof, and serving summons requiring an answer within twenty (20) days upon the person having custody of said child.

Section 104. Best Interest of the Child Standard.

Pursuant to the provisions of this section, any grandparent of an unmarried minor child shall have reasonable rights of visitation to the child if the Court deems it to be in the best interests of the child. The right of visitation to any grandparent of an unmarried minor child shall be granted only so far as that right is authorized and provided by order of the Court. Visitation may be subject to supervision as directed by the Court.

Section 105. Grandparent Defined.

For purposes of this Title, “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 and customs of any Indian Tribe or state, would come within the terms of subparagraphs (1) or (2) of this subsection.

Section 106. Child Born Out of Wedlock.

If a child is born out of wedlock, the parents of the father of such child shall not have the right of visitation authorized by this section unless such father has been legally determined to be

the father of the child or the grandparents have had an existing or on-going grandparental relationship with the child born out of wedlock.

Section 107. Remarriage of Surviving Parent.

If one natural parent is deceased and the surviving natural parent remarries, any subsequent adoption proceedings shall not terminate any court-granted grandparental rights belonging to the parents of the deceased natural parent unless said termination of visitation rights is ordered by the Court after opportunity to be heard, and the Court determines it to be in the best interest of the child.

Section 108. Parental Rights Previously Terminated.

(a) If the parental rights of the father of a child have been terminated, the parents of the father of such child shall not have a right of visitation authorized by this section unless:

(1) The father of such child has been judicially determined to be the father of the child;

(2) The Court determines that a previous grandparental relationship existed between the grandparents and the child; and

(3) The Court determines such visitation rights to be in the best interest of the child.

(b) If the parental rights of the mother of a child have been terminated, the parents of the mother of such child shall not have a right of visitation authorized by this section to such child unless:

(1) The Court determines that a previous grandparental relationship existed between the grandparents and the child; and

(2) The Court determines such visitation rights to be in the best interest of the child.

(c) The Court shall not grant to the grandparents of an unmarried minor child, visitation rights to that child:

(1) Subsequent to the adoption of the child, provided, however, any subsequent adoption proceedings shall not terminate any prior Court granted grandparent visitation rights unless said termination of visitation rights is ordered by the Court after opportunity to be heard and the Court determines it to be in the best interest of the child, or

(2) If the child has been placed for adoption prior to attaining six (6) months of age.

Section 109. Costs of Visitation.

Any visitation costs or other costs arising from any visitation ordered pursuant to this section shall be paid by the grandparent(s) requesting such visitation.

Section 110. Full Faith and Credit.

Orders of state courts and other tribal courts involving grandparental visitation rights to children over whom the Court could assume jurisdiction shall be recognized and given full faith and credit if:

(a) The issuing court had jurisdiction over the parties and the subject matter jurisdiction;

(b) The procedures specified in the Indian Child Welfare Act, if applicable, were properly followed; and

(c) Due process and other rights provided by the Indian Civil Rights Act were accorded all interested parties.