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In the Matter of  
  
\_\_\_\_\_ DOB: \_\_\_\_\_  
  
A Minor Child

**TRIBAL CUSTOMARY ADOPTION  
ORDER OF [TRIBE]**

This matter came before the TRIBE on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. No formal appearances were made and the Tribal Council has either reviewed or been briefed on all the documents of record received by the TRIBE in the XXXXX County Superior Court Case No. \_\_\_\_\_, In the Matter of \_\_\_\_\_, A Minor Child, DOB: \_\_\_\_\_.

The Tribal Council has also been well briefed by the Tribe's ICWA representative(s) and the TRIBE's legal counsel regarding this case and is also knowledgeable of the minor's siblings' status and their case while it was pending before the XXXXX County Superior Court.

This matter comes before the TRIBE for the purpose of considering the long term placement plan of the minor and after said deliberation the TRIBE orders a tribal customary adoption of the minor, \_\_\_\_\_.

1 History:

2 \_\_\_\_\_, DOB: \_\_\_\_\_, is the biological  
3 child of his/her mother, JANE DOE, who is a member of the TRIBE.

4 \_\_\_\_\_ is also the biological child of the father, JOHN DOE. Mr. DOE is  
5 not a tribal member. The TRIBE is the minor's Indian tribe. The Tribe formally intervened in the  
6 XXXXX County Superior Court case in \_\_\_\_\_. According to  
7 XXXXX County Superior Court documents, Ms. DOE has not appeared in the Superior Court  
8 matter since \_\_\_\_\_, and Mr. DOE has not appeared since  
9 \_\_\_\_\_.

10 \_\_\_\_\_ was removed from his/her mother's custody and care on or  
11 about \_\_\_\_\_. The mother was allegedly under the influence and  
12 unconscious at the time of the removal. She was later transported to the  
13 \_\_\_\_\_. The XXXXX County Department of Human Services was  
14 informed that the mother tested positive for methamphetamine.

15 The father has complied with services as ordered but has not regularly visited his child.  
16 Of concern to the TRIBE is each parent's failure to attend court hearings, comply with their  
17 service plans and remain clean and sober and maintain or form a connection with the child.

18 The TRIBE understands these parents have struggled in the past and continue to struggle  
19 to this day. These parents have two other children, who are members of the TRIBE, and are in a  
20 guardianship because the parents can not provide for the children. \_\_\_\_\_

21 is placed with his siblings and being cared for by their guardians, \_\_\_\_\_.

22 The TRIBE is familiar with the \_\_\_\_\_ and knows they are non-Indian and  
23 their home does not comply with the placement preferences of the Indian Child Welfare Act (25  
24 U.S.C. §1915), state law (Welf. & Inst. Code §361.31) or the Tribe's preferences. However, the  
25 Tribe has agreed to this placement in an effort to keep \_\_\_\_\_ with his/her  
26 siblings, \_\_\_\_\_, and keep the children together. On

27 \_\_\_\_\_, the TRIBE filed Tribal Resolution No. \_\_\_\_ in the XXXXX County  
28 Superior Court action which outlined the TRIBE's custom regarding termination of parental

1 rights and its commitment to a permanent placement for \_\_\_\_\_.

2 Findings:

3 Based upon the XXXXX County Superior Court record, information from the TRIBE's  
4 ICWA representative(s) and tribal legal counsel, and tribal customs and tradition, the TRIBE  
5 makes the following findings:

6 1. As an exercise of its inherent sovereignty the TRIBE, by and through its  
7 governing body, the TRIBE, has the authority and jurisdiction to formally order a placement plan  
8 of tribal customary adoption of the minor, \_\_\_\_\_, DOB \_\_\_\_\_.  
9 (Site the constitution here or some other source of authority).

10 2. The TRIBE finds that the Tribe possesses the inherent sovereign right to make  
11 decisions regarding the best interests of its children including who should provide care, custody  
12 and control of its children.

13 3. The TRIBE finds that the protection of the child's safety, well-being and welfare  
14 and his/her sense of belonging; preservation of the child's identity as a tribal member and  
15 member of an extended family; preservation of the culture, religion, language, values, and  
16 relationships with the Tribe embodies and promotes the traditional values of the TRIBE  
17 regarding the protection and care of the Tribe's children. The TRIBE believes that it is the  
18 responsibility of the TRIBE, the tribal communities and extended families to protect, care for and  
19 nurture our children.

20 4. The TRIBE finds that children deserve a sense of permanency and belonging  
21 throughout their lives and at the same time they deserve to have knowledge about their unique  
22 cultural heritage including their tribal customs, history, language, religion, values and political  
23 systems.

24 5. The TRIBE finds that based upon tribal custom and tradition, the TRIBE does not  
25 believe or adhere to termination of parental rights and finds that the state law construct of  
26 Termination of Parental rights is inconsistent with tribal customs and traditions. The TRIBE  
27 does support the process of joining individuals and relatives into family relationships and  
28 expanding family resources. The TRIBE recognizes that the relationship between the minor and

1 the GUARDIANS will be one of Tribal Customary Adoptive family. The TRIBE also recognizes  
2 the minor's right to a continued relationship with his birth parents and extended families.

3 6. The TRIBE finds that \_\_\_\_\_ will benefit from a relationship with  
4 his/her biological parents and encourages said relationship. The TRIBE also recognizes that  
5 \_\_\_\_\_ will benefit from a relationship with his/her extended family. The  
6 biological parents may have visitation with \_\_\_\_\_ provided the following  
7 conditions are met: the parents offer proof of sobriety from a recognized health facility and all  
8 visits take place in the presence of the GUARDIANS either in their home or at a mutually agreed  
9 upon location. At any time should the GUARDIANS have a reasonable belief that either parent  
10 is under the influence of drugs or alcohol a visit may be cancelled or terminated. Visitation  
11 between \_\_\_\_\_ and his/her extended family may take place upon consultation  
12 with the GUARDIANS and the TRIBE and at the discretion of each.

13 7. The TRIBE finds that \_\_\_\_\_ shall attend any and all holiday  
14 functions hosted by the TRIBE and the Tribe's Pow Wow. The TRIBE or its designee shall assist  
15 the GUARDIANS with the development of regalia, language, cultural and ceremonial  
16 development of \_\_\_\_\_.

17 8. The TRIBE is confident the GUARDIANS have and will always provide  
18 with all the love, caring, dedication and support they would provide to a biological child and it is  
19 the TRIBE's intention that \_\_\_\_\_ be raised until the age of majority and  
20 beyond by the \_\_\_\_\_ family. The TRIBE has and will continue to  
21 provide support, guidance and assistance to \_\_\_\_\_ and the  
22 \_\_\_\_\_ family including offering tribal services and programs to the family. The  
23 services and programs which may be available to the \_\_\_\_\_ family shall  
24 include, but not be limited to: Medical, dental, and behavioral health services at Indian Health  
25 Services centers; Timely enrollment consideration for \_\_\_\_\_ upon  
26 completion of his/her application form and its submission by the GUARDIANS at the next  
27 scheduled meeting of the Enrollment Committee; The TRIBAL ICWA Representative and staff  
28 are available to \_\_\_\_\_ and the \_\_\_\_\_ family currently

1 and after the tribal customary adoption order is finalized and the case is dismissed by the  
2 XXXXX County Superior Court. The Tribe's ICWA staff can assist by conducting traditional  
3 and culturally appropriate mentoring and activities, interfacing with mental health and medical  
4 providers, provide respite care, transportation and guidance to \_\_\_\_\_ and the  
5 \_\_\_\_\_ family now and in the future.

6 9. The TRIBE is committed to the permanent placement of  
7 \_\_\_\_\_ with GUARDIANS. The Tribe is committed to this placement and  
8 this tribal customary adoption and believes THE MINOR will thrive with the  
9 \_\_\_\_\_ family as his/her tribal customary adoptive family, and become a  
10 successful and meaningful member of the tribal community. In an effort to protect  
11 and preserve the \_\_\_\_\_ family structure the TRIBE pledges its full  
12 commitment to this family and its continuing development and evolution with  
13 \_\_\_\_\_ including support for \_\_\_\_\_'s legal name to be  
14 changed to reflect both his/her birth name and the \_\_\_\_\_ surname and  
15 recognition that, as the adoptive parents of \_\_\_\_\_,  
16 \_\_\_\_\_'s share all the rights and responsibilities as his/her parents including  
17 control over family visitation and his/her health, education and welfare.

18 10. The TRIBE finds that \_\_\_\_\_ may possess certain rights of  
19 inheritance which may be controlled by federal law pursuant to the American Indian Probate  
20 Reform Act of 2004, ("AIPRA") P.L. 108-374, or by tribal probate laws enacted now or in the  
21 future. The TRIBE further finds that the minor will benefit from maintaining rights of  
22 inheritance by and between himself and his biological parents and his tribal customary adoptive  
23 family.

24 11. The TRIBE finds that the biological parents have no ongoing legal obligations to  
25 and are not responsible for his/her care, custody or welfare. The parents may however contribute  
26 to his/her welfare by purchasing age appropriate gifts, school supplies and by providing culturally  
27 appropriate items to assist with his/her cultural and ceremonial development.

28 12. The TRIBE finds that based on tribal custom and tradition the TRIBE must

1 support and protect the legal relationship between the minor and the TRIBE, the minor's current  
2 or future citizenship in the TRIBE and therefore where the care, custody and control of the child  
3 will be placed with non-tribal members the child shall retain his/her legal relationship with the  
4 Tribe as a citizen or eligible for citizenship in the Tribe with all of the rights, duties and  
5 privileges that are inherent in his/her status as a citizen and member of a federally recognized  
6 tribe.

7 Therefore, the TRIBE hereby orders the following:

8 The TRIBE hereby adopts findings 1 – 12 as its Tribal Customary Adoption Order in this  
9 case and will submit the final Order to the XXXXX County Superior Court to grant full faith and  
10 credit, and make this Order the Order of the Court.

11

12 IT IS SO ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
Chairperson/Tribal Council  
\_\_\_\_\_[TRIBE]

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