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Insert Name
Address
Etc.

In the Matter of

DOB: _____
DOB: _____

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

Case No:

A Minor Child/ren

This matter came before the X Tribe on the ____ day of _____, 20__.
Formal appearances before the Tribal Council were/were not made. The Tribal Council has
either reviewed or been briefed on all the documents of record received by the Tribe in the X
County Superior Court Case No. _____, In the Matter of _____, Minor
Child/ren, DOB: _____.

ALTERNATIVE 1:

This matter came before the X Tribal Court on the ____ day of _____, 20__.
Formal appearances before the Tribal Court were/were not made. The Tribal Court has either
reviewed, been briefed, received oral argument on all the issues and documents of record

1 received by the Tribal Court in the X County Superior Court Case No. _____, In the Matter
2 of _____, Minor Child/ren, DOB: _____.

3 The Tribal Council/Court received and reviewed (reports/declarations/legal memos)
4 provided by the Tribe's ICWA representative(s), the Tribe's legal counsel and
5 _____ regarding this case and is also knowledgeable
6 about (other cases, prior cases, sibling cases).

7 This matter comes before the Tribe for the purpose of considering the long term
8 placement plan of the minor and after said deliberation the Tribe orders a plan of tribal customary
9 adoption of the minor, _____.

10 History:

11 The child/ren _____, DOB: _____,
12 is/are the biological child/ren of his/her/their mother/father, _____,
13 who is a member of the Tribe. The mother/father is also a biological parent of the child/ren.
14 Mrs./Mr. _____ is not a tribal member. The Tribe is the child's/ren's Indian tribe. The Tribe
15 formally intervened in the court case in X County Superior Court. According to X County
16 Superior Court documents, the child/ren was/were removed from his/her/their
17 mother's/father's/parents' custody and care on or about _____. The
18 mother/father/parents was/were allegedly

19 _____
20 _____
21 at the time of the removal.

22 The mother/father/parents were provided a reunification plan. The mother/father/parents
23 did not substantially comply with the reunification plan as she/he/they failed

24 to _____
25 _____.

26 Of particular concern to the Tribe is the failure to _____.

27 The Tribe is familiar with the proposed tribal customary adoptive
28 parents _____. They are (tribal members,

1 non-tribal native, non-native). The home does/does not comply with the placement preferences
2 of the Indian Child Welfare Act (25 U.S.C. §1915), state law (Welf. & Inst. Code §361.31) or the
3 Tribe's preferences. The Tribe has agreed to this placement in an effort to keep the child/ren with
4 (his/her siblings, his/her relatives, his her current school). On _____, the Tribe
5 filed Tribal Resolution No. ____ in the X County Superior Court action which outlined the
6 Tribe's custom regarding termination of parental rights and its commitment to a permanent
7 placement for the child/ren.

8 Findings:

9 Based upon the X County Superior Court record, information from the Tribe's ICWA
10 representative(s) and tribal legal counsel, and tribal customs and tradition, the Tribe makes the
11 following findings:

12 1. As an exercise of its inherent sovereignty the Tribe, by and through its governing
13 body/Tribal court, [perhaps cite the Tribe's constitution if it is written, or other tribal law] has the
14 authority and jurisdiction to formally order a placement plan of tribal customary adoption of the
15 child/ren, _____, DOB _____.

16 2. The Tribe possesses the inherent sovereign right to make decisions regarding the
17 best interests of its children including who should provide care, custody and control of its
18 children.

19 3. The Tribe is responsible to tribal children for their protection, safety, well-being
20 and welfare, sense of belonging, preservation of identity as a tribal member and member of an
21 extended family, preservation of the culture, religion, language, values, and relationships with the
22 Tribe. The Tribe must embody and promote the traditional values of the Tribe regarding the
23 protection and care of the Tribe's children. The Tribe believes that it is the responsibility of the
24 Tribe, the tribal community and extended families to protect, care for and nurture tribal children.

25 4. The Tribe finds that children deserve a sense of permanency and belonging
26 throughout their lives and at the same time they deserve to have knowledge about their unique
27 cultural heritage including their tribal customs, history, language, religion, values and political
28 systems.

1 5. The Tribe finds that based upon tribal custom and tradition, the Tribe does not
2 believe in the termination of parental rights and finds that the state law construct of termination
3 of parental rights is inconsistent with tribal customs and traditions. The Tribe does support the
4 process of joining individuals and relatives into family relationships and expanding family
5 resources. The Tribe recognizes that the relationship between the child/ren and the Tribal
6 Customary Adoptive family will be one of Tribal Customary Adoptive family. The Tribe also
7 recognizes the child/ren's right to a continued relationship with her/his/their birth parents and
8 extended families.

9 6. The Tribe finds that the child/ren will benefit from a relationship with his/her/their
10 biological parents and encourages said relationship. The biological parents may have visitation
11 with the child/ren provided the following conditions are met: [*insert requirements*; for example:
12 the parents offer proof of sobriety from a recognized health facility and all visits take place in the
13 presence of _____ at a mutually agreed upon location.] At any time should the
14 Tribal Customary Adoptive family have a reasonable belief that either parent is under the
15 influence of drugs or alcohol a visit may be cancelled or terminated. Visitation between the
16 child/ren and her/his/their extended family may take place upon consultation with

17 _____
18 _____ and the Tribe and at the discretion of each.

19 7. The Tribe finds that the child/ren shall attend any and all holiday functions hosted
20 by the Tribe. The Tribe or its designee shall assist the Tribal Customary Adoptive family with
21 the development of regalia, language, cultural and ceremonial development of the child/ren.

22 8. The Tribe is confident the Tribal Customary Adoptive family have and will
23 always provide the child/ren with all the love, caring, dedication and support they would provide
24 to a biological child and it is the Tribe's intention that the child/ren be raised until the age of
25 majority and beyond by the Tribal Customary Adoptive family.

26 9. The Tribe has and will continue to provide support, guidance and assistance to the
27 child/ren and the Tribal Customary Adoptive family including offering tribal services and
28 programs to the family. The services and programs which may be available to the Tribal

1 Customary Adoptive family shall include, but not be limited to: medical care, dental care, and
2 behavioral health services at Indian Health Services centers; timely consideration for enrollment
3 for the child/ren upon completion of his/her/their application form and its submission to the
4 Tribe; The Tribal _____(name resources) are available to the child/ren
5 and the Tribal Customary Adoptive family and will continue to be after the tribal customary
6 adoption order is finalized and the case is dismissed by the X County Superior Court. The Tribe's
7 ICWA/social services staff can assist by conducting traditional and culturally appropriate
8 mentoring and activities, interfacing with mental health and medical providers, provide respite
9 care, transportation and guidance to the child/ren and the Tribal Customary Adoptive family now
10 and in the future.

11 10. The Tribe is committed to the permanent placement of child/ren with the Tribal
12 Customary Adoptive family and believes the child/ren will thrive with the Tribal Customary
13 Adoptive family and become [a] successful and meaningful member/s of the tribal community.

14 11. In an effort to protect and preserve the Tribal Customary Adoptive family
15 structure the Tribe pledges its full commitment to this family and its continuing development and
16 evolution with the child/ren including support for the child's/ren's legal name/s to be changed to
17 reflect both his/her/their birth name and the Tribal Customary Adoptive family surname and
18 recognition that, as the Tribal Customary Adoptive family they share all the rights and
19 responsibilities as his/her/their parents including control over family visitation and his/her/their
20 health, education and welfare. [*Name change is optional!*]

21 12. The Tribe finds that the child/ren may possess certain rights of inheritance which
22 may be controlled by federal law pursuant to the American Indian Probate Reform Act of 2004,
23 ("AIPRA") P.L. 108-374, or by state or tribal probate laws enacted now or in the future. The
24 Tribe further finds that the child/ren will benefit from maintaining rights of inheritance by and
25 between herself/himself/themselves and her/his/their biological parents and her/his/their Tribal
26 Customary Adoptive Family.

27 13. The Tribe finds that the biological parents have no ongoing legal obligations to the
28 child/ren and are not responsible for the child's/ren's care, custody or welfare. The parents may

1 however contribute to his/her/their welfare by: [for example: purchasing age appropriate gifts,
2 school supplies and by providing culturally appropriate items to assist with his/her cultural and
3 ceremonial development].

4 14. The Tribe finds that based on tribal custom and tradition the Tribe must support
5 and protect the legal relationship between the child/ren and the Tribe, the child's/ren's current or
6 future citizenship in the Tribe and therefore where the care, custody and control of the child/ren
7 will be placed with the Tribal Customary Adoptive family the child/ren shall retain his/her/their
8 legal relationship with the Tribe as a citizen/citizens or eligible for citizenship in the Tribe with
9 all of the rights, duties and privileges that are inherent in his/her/their status as a citizen/citizens
10 and member/s of a federally recognized tribe.

11 Therefore, the Tribe hereby orders the following:

12 The Tribe/Tribal Court hereby adopts findings 1 – 14 as its Tribal Customary Adoption
13 Order in this case and will submit the final Order to the X County Superior Court to grant full
14 faith and credit, and make this Order the Order of the X Court.

15
16 IT IS SO ORDERED, this ____ day of _____, 20__.

17
18 _____
19 Chairperson/Tribal Council/Tribal Judge
_____ [TRIBE]