

# Adoptions and Planning for Children's Futures



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**Tanana Chiefs Conference  
Presents  
Strengthening Tribal Courts  
for Future Generations**

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**Presented by Sue Hollingsworth  
Tribal Court Facilitator  
Tanana Chiefs Conference  
122 First Ave, Ste 600  
Fairbanks, AK 99701  
1-800-478-6822 x 3273**



*“The best way to escape from a problem is to solve it.”*



– *Brendan Francis*

# When a child enters Tribal Custody.....



The Tribe has a responsibility to the child to help reunify the family



Sometimes reunification is not possible



The Tribe has a responsibility to place the child in a permanent situation as soon as possible



# Attachment / Bonding



- When children bond with their caregiver, they feel secure and can explore their world, allowing the brain to develop normally
- When children are moved frequently, they do not learn how to attach, or bond, to others and often have physical and emotional problems
- Studies on brain development show children exposed to violence, child abuse, or neglect do not develop the full capacity of the brain - brain damage is not reversible!

# Bonding

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**Bonding between a child and an adult is crucial for developing strong relationships throughout life**



**Children need love and support**



**Children need positive family surroundings**



**Children need to belong to a family**



**Children are not hurt by bonding to adults other than their biological parents – they need to learn to bond with someone**



**Once a child learns to bond, they can bond with others**



**Multiple moves does not encourage bonding**



# What is Concurrent Planning?

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- ◆ To work towards family reunification while, at the same time, developing an alternative permanent placement plan – preferably with family.
- ◆ If the family is unable to reunify
  - Adoption and Safe Family Act: 1 year from removal, move to permanency plan
  - Permanency through adoption or guardianship
- ◆ If the family is able to reunify
  - The case moves to closure once all safety issues have been resolved.

# Why Concurrent Planning?









- **Obtaining permanency earlier for children**
- **Reducing the number of placements for a child**
- **Reducing the length of time in foster care**
- **Increasing ability to resolve issues earlier in the case by developing the concurrent plan through family mediation or other process**



# Philosophy of Concurrent Planning

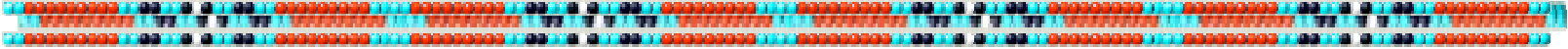




-  Families have power to influence and change the lives of children
-  Safety of children is paramount
  - Emotional safety
  - Physical safety
  - Psychological safety
-  Foster care is temporary
-  Permanency Planning should begin *as soon as* the child enters out-of-home care
-  Efforts to reunify families must be:
  - Fair
  - Timely
  - Safe
-  All families involved need adequate training, resources, and support





# Goals of Concurrent Permanency Planning

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- **To support the safety and well-being of children and families**
  - **To promote early permanency decision for children**
  - **To decrease children's length in foster care**
  - **To reduce the number of moves and relationship disruptions for children in foster care**
  - **To develop a network of foster parents who can work towards reunification and also serve as permanency resource families for children**
  - **To engage in early case planning, case review, and decision-making about permanency options to meet children's urgent need for stability and continuity in their family relationships**

# OPEN DISCUSSIONS



- **Open, Honest discussions with:**
  - **Biological parents**
  - **Foster parents**
  - **Relatives**
  - **Foster/adoptive families**
  - **Service providers**



# OPEN DISCUSSIONS



- **Discussions about:**
  - **Impact of foster care on children**
  - **Clarity about birth parents rights and responsibilities**
  - **Reasons to name the father**
  - **Supports that the Tribe will provide**
  - **Permanency options**
  - **Consequences of not following through on case plans/ Time lines**



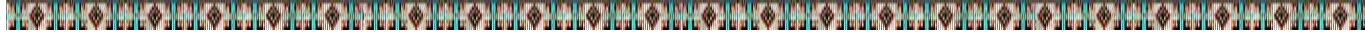
# Frequent Parent-Child Visitation



- **Parents who visit regularly have the greatest chance of reunifying with their children, and sooner**
- **The more structured the visitation plan, the more likely parents will participate**
- **Involving foster parents in parent-child visits (when possible) promotes more supportive relationships and opportunities for continuity in meaningful relationships**



# Ideal Foster Families



**Care for /bond with children in their home**



**Support Reunification plan**



**Facilitate/ encourage structured visitation  
between children and parents**



**Be prepared to adopt or do a guardianship for  
the child if reunification is not successful**



**Continue to be involved in the child's life after  
reunification**



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**WHO IS THE MOST  
LIKELY FAMILY  
TO BE THAT  
IDEAL FOSTER  
FAMILY?**



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# RELATIVE



# PLACEMENTS

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# Guardianships



- Permanent situation until 18 years old (or may go beyond 18 to finish high school)
- Parental rights may or may not be terminated
- Legal and physical authority rests with the guardian
- No need for further hearings, but annual letter or oral report good to require until guardianship is over





# Tribal Adoptions

- **What Tribe has jurisdiction for a tribal adoption?**
- **Tribal Council  
(Cultural) Adoptions**
- **Tribal Court Adoptions**
- **Calendar a Hearing**
- **What to send and where to send it**



# What Tribe has Jurisdiction?

**Only the  
CHILD's tribe  
has the  
authority to  
complete a  
tribal adoption  
for that child.**



# Tribal Council Adoptions (Cultural Adoptions) VS Tribal Court Adoptions



## Cultural Adoption

- Tribal Council Executive meeting is held to discuss and vote on the Tribal Resolution
- The Council Members vote – if the vote is in favor, then...
- Cultural Adoption Packet processed by the Tribal Council
- Packet plus \$45 sent to BVS

## Tribal Court Adoption

(Currently, only Chevak, Barrow and Metlakatla)

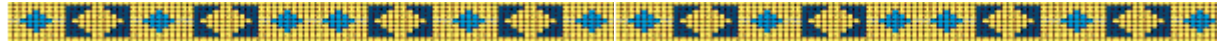
- Tribal Court procedures are followed and a hearing is held
- Tribal Court Judges determine the outcome of the hearing
- A tribal court Order of Adoption is produced by the Tribal Court
- Tribal Court Order and Report of Adoption plus \$45 sent to BVS

# Tribal Council Adoptions (aka Cultural Adoptions)



- The child was born in Alaska.
- The adoptive parents and biological parents fill out the State of Alaska Cultural Adoption packet and submit it to the Tribal Council of the CHILD's tribe
- The Tribal Council reviews the cultural adoption and either approves and signs the appropriate documents, or disapproves of the adoption.

# Cultural Adoption Packet



- **The State of Alaska has these packets available to print from the State website:**
- [http://www.hss.state.ak.us/dph/bvs/PDFs/adopt/adoption\\_packet.pdf](http://www.hss.state.ak.us/dph/bvs/PDFs/adopt/adoption_packet.pdf)
- **Includes:**
  - Tribal Resolution
  - Request for Substitute Birth Certificate Following a Cultural Adoption
  - Parental Statement
  - Tribal Statement
  - Descriptive Information Regarding Biological Parents

**Affidavit of Paternity, if needed, is not available over the internet. This document must be printed by the state.**

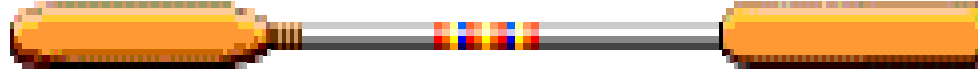
# Tribal Resolution



**To be brought before the tribal Council for consideration**

- **If the Resolution does not pass, then a letter should be sent to the people involved stating that the tribe is not recognizing the adoption**
- **If passed by the Tribal Council, the Tribal Resolution is certified by the Tribal Council Secretary**
- **Packet is completed by having the designated tribal representative sign the appropriate documents:**
  - **Request for Substitute Birth Certificate Following a Cultural Adoption**
  - **Tribal Statement**

# **Request for Substitute Birth Certificate Following a Cultural Adoption**



## **Part I :Information from the Original Birth Certificate**

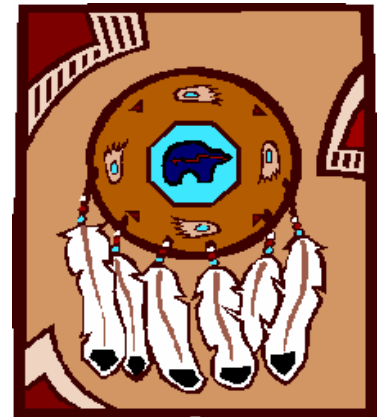
- **Child's original name on current birth certificate**
- **Parents names as on the current birth certificate**
- **Parents Social Security numbers (if known)**
- **If father is not named on the birth certificate and is unknown, then leave all of the father's information  
BLANK**

# Request for Substitute Birth Certificate Following a Cultural Adoption



## Part II: Information for the new birth certificate

- Be sure to check “Adoptive” or “Natural” for both parents in this section
- “Usual residence at time of birth” is where the adoptive parents were living on the day the child was born
- Signature of BOTH new parents
- Signature of tribal representative
- Tribal seal (if your tribe has one)
  - NOT YOUR TRIBAL COURT SEAL!!!

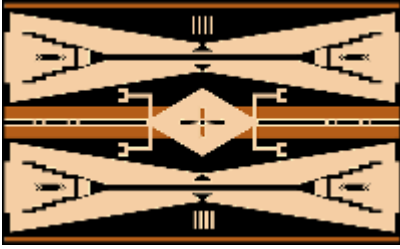




# Parental Statement



- **Fill in name of child (from current birth certificate), child's tribe, and the adoptive parent(s)' name(s)**
- **Both biological parents information. Signatures IN FRONT OF A NOTARY PUBLIC. They can be done separately, but must both be on the SAME form.**
- **If a parent is not available for their signature but the tribe knows that they are aware of the adoption, fill in the gray area on the Tribal Statement**
- **In the case of an unknown father or an unavailable parent, leave that parental section blank**



# Tribal Statement

- The Tribe fills this out
- **DO NOT USE THE GRAY SECTION unless one parent does not sign the parental statement**
- Signed by the tribal representative



# Affidavit of Paternity

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- **ONLY necessary if there is a dispute or uncertainty about who is the father or if the incorrect father is on the original birth certificate**
  - **If mother is legally married, her husband is the legal father unless all three (mom, her husband, and bio father) sign the Affidavit of Paternity**
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# Descriptive Information Regarding Biological Parents



- **Not mandatory, but preferred**
- **It is best to have the biological [parents fill this out themselves if possible.**
- **If bio parents not available, fill out as best as possible through other resources**

# What to send to the State of Alaska for a Cultural Adoption



- A check or money order for \$45.00 payable to State of Alaska Bureau of Vital Statistics
  
- The Cultural Adoption packet, including:
  - Tribal Resolution
  - Request for Substitute Birth Certificate Following a Cultural Adoption
  - Parental Statement
  - Tribal Statement
  - Affidavit of Paternity (if needed. Not available over the internet. This document must be printed by the state)
  - Descriptive Information Regarding Biological Parents
  
  - NO WHITE-OUT, CROSS-OUTS, OR SMUDGES TOLERATED

# Who is Eligible for a Tribal Court Adoption?



- Each tribe may decide who can file a petition
  - Address this in the procedure ordinance or court policies
  - Address in specific ordinance if different than the general policy
- Most tribes in Alaska allow anyone to petition the tribal court, tribal members and non-members alike. In adoption cases, this may be the adoptive parents or the biological parents.
- The court must have jurisdiction over the matter to take the case.
  - The CHILD being adopted must be either:
    - eligible for membership in the tribe OR
    - be a member of the tribe
  - The court must have subject matter jurisdiction, i.e., the tribal council has given the tribal court the authority to hear adoption cases



**The State of Alaska only currently recognizes the tribal courts of Barrow, Chevak, and Metlakatla**



# What should be in a Petition?

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- **Names, addresses and phone numbers of all parties to the case**
  - **Statement that the child to be adopted is a tribal member or eligible to be a tribal member**
  - **A brief description of what the Petitioner is requesting from the court (Ex: mother remarried and the new husband wishes to adopt)**
  - **Is this case in another court? Are there any related cases in another court?**
  - **A form with all appropriate spaces and checkboxes is helpful, but not necessary. A request to use the court written on any paper can qualify as a “petition”.**
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# What happens to a filed Petition?

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**Most Alaska Tribal Courts have panels of judges and may follow this general procedure:**

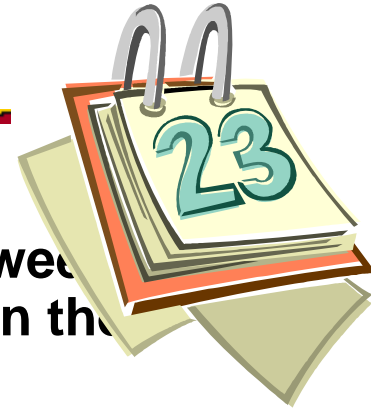
- **Tribal Court Clerk accepts the Petition**
- **Copies of the Petition and all attachments are sent to all parties in the case**
- **Tribal Court Clerk takes the Petition to the judges for review**
  - **Some tribes have a review team consisting of some judges and the court clerk, or may include legal counsel**
- **Upon review, the Petition is either:**
  - ▶ **Accepted and a hearing is calendared**
  - ▶ **Not accepted and a letter is sent to the Petitioner denying the case.**





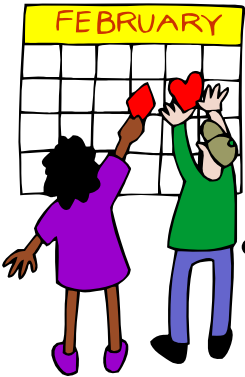
# Calendar a Hearing

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- **Set adoption hearing time and date at least two weeks in advance (or some other time frame specified in the tribal court procedures code)**

- Allows parties to prepare their case
- Allows for work schedules to be re-arranged



- **Tribal court clerk sends a notice of the adoption hearing to all parties and notifies all potential judges**

- **The hearing takes place as scheduled unless one of the parties is unable to make that hearing date and requests a new hearing date, or something unforeseen occurs and the hearing has to be postponed.**
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# Tribal Court Order of Adoption



- **Include child's current name as it appears on the current birth certificate and the new name, clearly stating which is the new name and requesting that the appropriate state Bureau of Vital Statistics reflect the new name on the new birth certificate.**
- **Include new parents' names**
- **Include any rights the biological parents or child may retain, such as ceremonial rights, inheritance rights**
- **Signed by a tribal Court Judge/ tribal court seal if available**

# Report of Adoption



- **Part I: Original (current) birth certificate information**
- **Part II New birth certificate information**
  - Check “Adoptive” or “Natural” on the side
  - Leave attorney blank if no attorney was involved
  - Who signed consent? Usually “Other”, naming the Tribe
  - Signed and dated by the Tribal Court Clerk
  - Tribal Court seal (if the court has one)

***DON”T FORGET TO CHECK THE BOX ON THE BACK OF THE FORM***



# What to send to the State of Alaska for a Tribal Court Adoption



- A check or money order for \$45.00 payable to State of Alaska Bureau of Vital Statistics
- The Tribal Court Order of Adoption with tribal court seal
- Completed Report of Adoption (Printed by the State) with the tribal court seal

**NO WHITE-OUT, CROSS-OUTS, OR SMUDGES TOLERATED**



# **Where to send the information and \$45 check or money order:**



**Alaska Department of Health and Social  
Services**

**Bureau of Vital Statistics**

**5441 Commercial Blvd**

**Juneau, Alaska 99801**



*“People may not remember exactly what you did, or what you said, ...but they will always remember how you made them feel.”*

*~ Barry Kingsley~*

