

# Chapter XI

## ADOPTION

### 1101. PETITION FOR ADOPTION.

- A. Who shall file. Any person who desires to adopt a person under the age of eighteen (18) years whose parent or parents is a member of the Bay Mills Indian Community, or any member of the Bay Mills Indian Community who desires to release his/her child or children for adoption, shall file a petition with the Tribal Court. Any person who wishes to file such a petition must have the written consent of his or her spouse for such filing.
- B. Contents of Petition. The petition for adoption shall be notarized and shall contain the following information:
1. The name, date and place of birth, and place of residence of each petitioner.
  2. The name, date of birth, and place of residence of the person to be adopted.
  3. The relationship, if any, of the person to be adopted to the petitioner.
  4. The full name by which the person to be adopted shall be known after adoption.
  5. The names of the parents of the person to be adopted, and the address of each living parent, except the names and addresses of the parents may be omitted if the rights of the parents have been terminated by a court of competent jurisdiction.
- C. Documents to be filed. Subsequent to or along with the filing of the adoption petition, but before the hearing on the petition by the Tribal Court, the petitioner shall file the following:
1. Except in instances of parental consent to adoption, a copy of each release or order terminating parental rights over the child, which

has a bearing upon the authority of a person to execute the consent to adoption.

2. Proof of a guardian's appointment and authorization to execute a consent to the child's adoption.
3. A copy of the consent to adoption as required by this Chapter.
4. A copy of the adoptee's birth certificate, verification of birth, hospital birth registration, or other satisfactory proof of date and place of birth, unless this filing is waived by written order of the Tribal Court.
5. A report of the petitioner's qualifications to be an adoptive parent.

1102. CHILDREN BORN OUT OF WEDLOCK.

- A. Rights of the Father. Before the birth of a child born out of wedlock, a person claiming under oath to be the father of the child may file a notarized notice with the Tribal Court. A person who files such a notice shall be entitled to notice of any hearing involving that child, including any petition to adopt such child. Such notice also requires the Tribal Court to obtain the father's consent to any adoption, unless the mother of the child denies under oath that such person is the father.
- B. Expected Child. A member of the Bay Mills Indian community may file with the Tribal Court a petition which shows her intent to place her expected child for adoption. Such petition shall include her expected date of confinement and shall indicate the putative father of her expected child.

1103. PERSONS REQUIRED TO EXECUTE CONSENT TO ADOPTION. Consent for adoption shall be executed:

- A. By each parent of a child to be adopted or the surviving parent;
- B. By the guardian of the person of the child if one has been appointed by the Tribal Court;
- C. By the child to be adopted, if that child is over ten (10) years of age.

1104. ORDER OF ADOPTION. A final order of adoption may be entered by the Tribal Court after one (1) year has elapsed since entry of the pre-adoptive placement order. This time period may be waived upon the filing with the Court of a

recommendation by the Child Welfare Committee that it is in the child's best interests for an order of adoption to be entered prior to the expiration date of the year, and that the child has been placed with the adoptive family as a foster child for one year or longer prior to the pre-adoptive placement order.

1105. DENIAL OF ADOPTION. If the Tribal Court denies an order of adoption, the Court may return the child to the parents, or make a disposition appropriate for the welfare of the child.
1106. RECORDS OF ADOPTION. All records of proceedings in adoption cases and all papers and books relating to the proceeding shall be kept in separated locked files and shall not be open for inspection or copy except upon an order of the Tribal Court. A person in charge of adoption records shall not disclose the names of the natural or adoptive parents of adopted person, unless ordered to do so by the Tribal Court.
1107. EFFECT OF ADOPTION ON MEMBERSHIP IN THE TRIBE. An order of adoption shall have no effect upon the adopted person's eligibility for membership in the Bay Mills Indian Community.