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B. Lindley

**2020 Sep 22 pm 4:03
PUYALLUP TRIBAL COURT**

**IN THE COURTS OF THE PUYALLUP TRIBE OF INDIANS
FOR THE PUYALLUP INDIAN RESERVATION
TACOMA, WASHINGTON**

In re:

SPECIFIC 'PRESENCE' REQUIREMENTS
DURING COVID-19 AND RELATED
CORONAVIRUS.

GENERAL ORDER NO. 2020-0009

As reviewed in this Court's prior General Orders and current General Orders in effect, 2020-0006 and 2020-0008, the current outbreak and spread of the Coronavirus Disease 2019 (COVID-19) is causing and is expected to continue to cause significant disruption throughout the Puyallup Indian Reservation. As a result, the Court has a need to clarify the application of certain rules with respect to the phrase "in the presence of the Court," and the definition of the term "presence" during this time.

In particular, the following Puyallup Tribal Code (PTC) provisions require a party's "presence" specifically: the Child and Family Protection Code, Subchapter Termination of Parental Rights, PTC 7.04.930(d) (waiving notice and appearance) and PTC 7.04.950 (voluntary termination of parental rights). The current circumstances, including the fact that the Court has been closed to the public since March 16, 2020, and shall remain closed to the public into the foreseeable future, are likely to make it impracticable, if not impossible, for a party comply with the presence requirements in a timely and safe manner.

ORDER

Given the above-referenced guidance, and to protect the safety and health of all those entering and working in the Tribal Court, the Court ORDERS, effective immediately:

- 1.0** A petition for termination of parental rights, whether initiated voluntary or involuntary, is a petition that seeks to permanently end the parent-child relationship. If the petition is granted, the parent(s) is(are) no longer the child's legal parent and, therefore, the parent(s) no longer has(have) any authority over how the child is raised nor any responsibility for the care of child. As such, any petition for termination of parental rights has strict requirements to, among other things, ensure that the parent(s) understand the consequences of the termination of parental rights. PTC §§ 7.04.880-1020.
- 2.0** Given the consequences of granting a termination of parental rights petition and considering the exigent circumstances due to the COVID-19 pandemic, the presiding Judge may allow, in his/her discretion, "presence" as used in the following specified provisions of the Child

and Family Protection Code to include virtual appearances on camera using the Zoom platform (<https://zoom.us/>).

2.1. PTC 7.04.930(d) (waiving notice and appearance):

(d) Notice and appearance may be waived by a parent in writing before the Court in the *presence* of, and witnessed by, a Clerk of the Court; provided, that such parent has been informed by the Court of the meaning and consequences of the termination action. The parent who has executed such a waiver shall not be required to appear at the hearing. Where the parent is a minor, the waiver shall be effective only upon approval of the Court. [*Emphasis added*]

2.2. PTC 7.04.950 (voluntary termination of parental rights):

Parental rights may be voluntarily terminated (relinquished) by a parent in writing, if signed by the parent in the *presence* and with the approval of the Court. Relinquishment shall not be accepted or acknowledged by the Court prior to 10 days after birth of the child. The Court shall ensure that the parent understands the consequences of the voluntary termination prior to approving it. [*Emphasis added*]

3.0 Signatures between the parent(s) and the Court shall be exchanged via mail.

3.1. Prior to the scheduled termination hearing, the Court shall send the parent(s) the appropriate documents for signature and a pre-paid return envelope.

3.2. The parent(s) shall sign the appropriate documents while on the record during the virtual hearing using the Zoom platform.

3.3. The parent(s) shall mail the signed original copy(ies) to the Court in the pre-paid return envelope for further processing.

3.4. The Court shall return a finalized copy(ies) to the parent(s) for their records.

4.0 This order is effective September 22, 2020, and shall remain in effect until further order of the Court.

SO ORDERED this 22nd day of September 2020.



Darwin Long Fox
Chief Judge of the Puyallup Tribe of Indians