

Title 8 – Juveniles

Chapter 8 – Guardianship

Sec.

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Legislative History

Enacted:

Juvenile Code, Ord. 170 (6/30/03), BIA (7/3/03).

Repealed or Superseded:

Juvenile Code, Ord. 68 (12/89), Enacting Res. 89-12-98 (repealing Ord. 40 and all other previous youth ordinances).

Youth Code, Ord. 40 (2/8/83), Enacting Res. 83-2-20, BIA (rescinded 5/5/83, approved 6/25/83) (repealing all previous youth ordinances).

8-08.010 Appointment of Guardian.

- (A) The Court shall appoint a guardian of the youth and/or estate of any youth whenever it is in the best interests of the youth.
- (B) If the youth is fourteen (14) years of age or older, the Court shall consider his or her preference in appointing a guardian.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-08.020 Petition for Guardianship.

- (A) A guardianship hearing under this Section shall be initiated by:
 - (1) A petition of any person on behalf of the youth;
 - (2) A petition of the youth himself or herself if he or she is fourteen (14) years of age or older;

- (3) The prospective guardian(s); or
 - (4) By the Court's own motion.
- (B) The petition for guardianship shall include:
- (1) The name, date of birth, residence, and Indian status of the youth;
 - (2) The name, date of birth, residence and Indian status of the prospective guardian;
 - (3) The names, dates of birth, residences and Indian status of the youth's parent(s);
 - (4) A statement of the specific facts that form the basis for the petition and the Court's jurisdiction; and
 - (5) A description of any previous Court hearings concerning the youth.
- (C) Upon receipt of the petition, the Court shall serve copies upon the Family Services Representative and all parties and the Court shall schedule a hearing on the matter.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-08.030 Notice of Guardianship Hearing.

The Court shall give at least ten (10) days notice of the date, time, place, and purpose of the guardianship hearing to the person currently having custody and care of the youth, to the youth's parents, if parental rights have not been terminated, to the Family Services Representative, to the petitioner and to such other persons as the Court deems appropriate.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-08.040 Guardianship Report.

The Family Services Representative shall prepare and present a written report to the Court at least three (3) days before the guardianship hearing. The report shall contain information on the qualifications of the proposed guardian and the Family Services Representative's recommendations. Copies of the report shall be given to all parties.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-08.050 Placement Preferences.

The Court shall follow the placement preferences in Section 8-10.060 of this Title in guardianship cases.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-08.060 Court Appointing Guardian.

The Court shall state the following in all orders appointing guardians: the powers and duties of the guardian(s), the duration of the guardianship, the frequency of review hearings, if any, any accounting requirements that may be imposed on the guardian regarding the youth's funds or property, any requirements for visitation and a requirement that the guardian(s) shall advise the Court of any change in his or her address.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).