

Changes in the Children's code between March 5, 2014 - June 23, 2014.



Resolution 14-075

Changes Made by
Resolution 14-075

Title II Children's Code
(as amended October 17, 2012)

CHAPTER 2.11
ADOPTION

2.1104 Parent's Consent to Adoption.

(c) The right of non-consenting natural parents may be terminated pursuant to and upon the grounds set forth in this Code . As to children of such parents, the Children's Court may execute consent to adoption or authorize another person to do so.

2.1106 Petition for Adoption. The petition for adoption shall be filed with the Children's Court of the Saginaw Chippewa Tribe. It shall be signed by both adopting parents and shall contain:

(a) The full name, residence, documentary proof of the date and place of the child, and the degree of Indian blood of the child.

(b) The full name, residence, date and place of birth, degree of Indian blood, if any occupation and documentary proof of marital status of adopting parents.

(c) Proof of parental and grandparental consent to the adoption of any of said persons are still alive.

(d) An agreement by the adopting parents that it is their desire that the relationship of a parent and child be established between them and the child.

(e) A full description and statement of value of all property owned or possessed by the child to the best of the petitioner's knowledge.

Resolution 14-075
(approved March 5, 2014)

CHAPTER 2.11
ADOPTION

2.1104 Parent's Consent to Adoption.

(c) The right of non-consenting natural parents may be terminated pursuant to and upon the grounds set forth in this Code . As to children of such parents, the Children's Court may execute consent to adoption or authorize another person to do so.

(1) If the parental rights of the non-consenting natural parents have been terminated and the Children's Court is executing consent to the adoption or authorizing another person to do so, the consent of the Indian Child Welfare Committee to the adoptive placement shall be required to finalize the adoption of the child .

2.1106 Petition for Adoption. The petition for adoption shall be filed with the Children's Court of the Saginaw Chippewa Tribe. It shall be signed by both adopting parents, if two, and shall contain:

(a) The full name, residence, documentary proof of the date and place of the child, and the degree of Indian blood of the child.

(b) The full name, residence, date and place of birth, degree of Indian blood, if any occupation and documentary proof of marital status of adopting parents.

(c) Proof of parental and grandparental consent to the adoption from ~~of~~ any of said persons ~~are still alive; not~~ deceased at the time the petition is heard.

(d) Proof of the Indian Child Welfare Committee's consent to the adoption if required under 2.1104(c)(1) in the event the child's natural parents are non-consenting and parental rights were terminated pursuant to section 2.9 of this Code, or by any other Court of competent jurisdiction.

~~(d)~~(e) An agreement by the adopting parents that it is their desire that the relationship of a parent and child be established between them and the child.

~~(e)~~(f) A full description and statement of value of all property owned or possessed by the child to the best of the petitioner's knowledge.

(g) Any Petition of Adoption that does not comply with the requirements of this Section 2.1106 shall be invalid regardless of when such Petition of Adoption was filed unless a Final Decree of Adoption was entered on or before March 5, 2014

Resolution 14-077

Changes Made by
Resolution 14-077

Title II Children's Code (as amended March 5, 2014)
CHAPTER 2.8 CHILD ABUSE
2.802 Definitions. As used in this article, and pursuant to Section 2.202 unless the context otherwise requires:
(b)"Child-protection team" means a multidisciplinary advisory group appointed by the Tribal Health Board Administration and the Child Welfare Committee consisting, where possible, of a physician, a representative of the Children's Court, a representative of the tribal law enforcement agency, a representative of a non-tribal law enforcement agency, a mental health representative, a representative of the Tribal Health Department, a representative of the State social services department, a representative of the Tribal Family Services , an attorney, a representative of the local school district, and one or more representatives of the lay community. Each agency may have more than one participating member on the team; except that, in voting on procedural or policy matters, each agency shall have only one vote. In no event shall an attorney member of the child protection team be appointed as guardian for the child or as counsel for the parties at any subsequent court proceedings, nor shall the child protection team be composed of fewer than three persons. The role of the child protection team shall be advisory only.

Resolution 14-077 (approved March 12, 2014)
CHAPTER 2.8 CHILD ABUSE
2.802 Definitions. As used in this article, and pursuant to Section 2.202 unless the context otherwise requires:
(b) "Child-protection team" means a multidisciplinary advisory group appointed by the Tribal Health Board Administration and the Child Welfare Committee consisting, where possible, of a physician, a representative of the Children's Court, a representative of the tribal law enforcement agency, a representative of a non-tribal law enforcement agency, a mental health representative, a representative of the Tribal Health Department, a representative of the State social services department, a representative of the Tribal Family Services , an attorney, a representative of the local school district, and one or more representatives of the lay community. <u>of a member of law enforcement, Anishnabeg Child and Family Services, a mental health professional with experience in juvenile counseling or adolescent mental health, a domestic violence advocate, a medical clinic representative either a nurse or a physician, ideally both, a court services personnel, an education representative, a member of the lay community and a member of the Indian Child Welfare Committee.</u> Each agency may have more than one participating member on the team; except that, in voting on procedural or policy matters, each agency shall have only one vote. In no event shall an attorney member of the child protection team be appointed as guardian for the child or as counsel for the parties at any subsequent court proceedings, nor shall the child protection team be composed of fewer than three persons. The role of the child protection team shall be advisory only. <u>All persons serving on the CPT must pass a character and background check with fingerprinting and as assessment of character and fitness.</u>

2.808 Action upon receipt of report.

(f) (1) It is the intent of this legislation to encourage the creation of one or more child protection teams. The Chief Judge of the Court shall have responsibility for inaugurating the child protection team.

(2) The child protection team shall review the files and other records of the case, including the diagnostic, prognostic, and treatment services being offered to the family in connection with the reported abuse.

(3) At each meeting, each member of the child protection team shall be provided with all available records and reports on each case to be considered.

(4) The public, in a nonparticipatory role, shall be permitted to attend those portions of child protection team meetings concerned with mandatory team discussions of public and private agencies' responses to each report of child abuse and neglect being considered by the team, as well as the team's recommendations related to public-agency responses. In all its public discussions, the team shall not publicly disclose the names or addresses and identifying information relating to the children, families, or informants in those cases.

(5) At the beginning of the public discussion of each case, a designated team member shall publicly state the following information, arrived at by consensus of the team: Whether the case involves mild, moderate, or severe abuse or neglect or no abuse or neglect; whether the child is an infant, a toddler, a preschool or a school-aged child, or a teenager and the sex of the child; the date of the initial report and the specific agency to which the report was made; and the dates of subsequent reports to specific social service agencies, law enforcement agencies, or other agencies. In no case shall the informant's name or other identifying information about the informant be publicly revealed. The team shall also state publicly whether the child was hospitalized and whether the child's medical records were checked.

(6) At this public session, and immediately after any executive session at which a child abuse or neglect case is discussed, the child protection team shall publicly review the responses of public and private agencies to each report of child abuse or neglect; shall publicly state whether such responses were timely, adequate, and in compliance with provisions of this article, and shall publicly report nonidentifying information relating to any inadequate responses, specifically indicating the public and private agencies involved.

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(2) The child protection team shall review the files and other records of the case, including the diagnostic, prognostic, and treatment services being offered to the family in connection with the reported abuse.

(3) At each meeting, each member of the child protection team shall be provided with all available records and reports on each case to be considered.

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~~(5) At the beginning of the public discussion of each case, a designated team member shall publicly state the following information, arrived at by consensus of the team: Whether the case involves mild, moderate, or severe abuse or neglect or no abuse or neglect; whether the child is an infant, a toddler, a preschool or a school-aged child, or a teenager and the sex of the child; the date of the initial report and the specific agency to which the report was made; and the dates of subsequent reports to specific social service agencies, law enforcement agencies, or other agencies. In no case shall the informant's name or other identifying information about the informant be publicly revealed. The team shall also state publicly whether the child was hospitalized and whether the child's medical records were checked.~~

~~(6) At this public session, and immediately after any executive session at which a child abuse or neglect case is discussed, the child protection team shall publicly review the responses of public and private agencies to each report of child abuse or neglect; shall publicly state whether such responses were timely, adequate, and in compliance with provisions of this article, and shall publicly report nonidentifying information relating to any inadequate responses, specifically indicating the public and private agencies involved.~~

(7) After this mandatory public discussion of agency responses, the child protection team shall go into executive session upon the vote of a majority of the team members to consider identifying details of the case being discussed, to discuss confidential reports, including but not limited to the reports of physicians and psychiatrists, or when the members of the team desire to act as an advisory body concerning the details of treatment or evaluation programs. The team shall state publicly, before going into executive session, its reasons for doing so. Any recommendation based on information presented in the executive session shall be discussed and formulated at the immediately succeeding public session of the team, without publicly revealing identifying details of the case.

(8) At the team's next regularly scheduled meeting, or at the earliest possible time, the team shall publicly report whether the lapses and inadequacies discovered earlier in the child protection system have been corrected.

(9) The team shall make a report of its recommendations to the tribal department with suggestions for further action or stating that the team has no recommendations or suggestions. Tribes and state and federal agencies may cooperate in meeting the requirements of this subsection (f).

(g) Each member of the team shall be appointed by the agency he represents, and each team member shall serve at the pleasure of the appointing agency; except that the director of the tribal department shall appoint the representatives of the law community, and shall actively recruit all interested individuals and consider their applications for appointment as law community representatives on the team.

(h) The director of the tribal department or his designee shall be deemed to be the coordinator of the child protection team.

(i) The coordinator shall forward a copy of all reports of child abuse to the child protection team. The coordinator shall forward a copy of the investigatory report and all relevant materials to the child protection team as soon as they become available. The child protection team shall meet no later than one week after receipt of a report to evaluate such report of child abuse. The coordinator shall make and complete, within ninety days of receipt of a report initiating an investigation of a case of child abuse, a follow-up report, including services offered and accepted and any recommendations of the child protection team, to the central registry on forms supplied by the tribal department for that purpose.

~~(7) After this mandatory public discussion of agency responses, the child protection team shall go into executive session upon the vote of a majority of the team members to consider identifying details of the case being discussed, to discuss confidential reports, including but not limited to the reports of physicians and psychiatrists, or when the members of the team desire to act as an advisory body concerning the details of treatment or evaluation programs. The team shall state publicly, before going into executive session, its reasons for doing so. Any recommendation based on information presented in the executive session shall be discussed and formulated at the immediately succeeding public session of the team, without publicly revealing identifying details of the case.~~

(8) At the team's next regularly scheduled meeting, or at the earliest possible time, the team shall **publicly report to Tribal Council and all involved agencies** whether the lapses and inadequacies discovered earlier in the child protection system have been corrected.

(9) The team shall make a report of its recommendations to the tribal department with suggestions for further action or stating that the team has no recommendations or suggestions. Tribes and state and federal agencies may cooperate in meeting the requirements of this subsection (f).

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(j) In the event that the child protection team initiates a petition in the Children's Court on behalf of the child who is the subject of a report, the coordinator shall notify, in writing, the guardian ad litem appointed by the court under section 2.812 to represent the child's interest. Such notice shall include:

- (1) The reason for initiating the petition;
- (2) Suggestions as to the optimum disposition of this particular case; and
- (3) Suggested therapeutic treatment and social services available within the community for the subject child and the responsible person.

~~(j) In the event that the child protection team initiates a petition in the Children's Court on behalf of the child who is the subject of a report, the coordinator shall notify, in writing, the guardian ad litem appointed by the court under section 2.812 to represent the child's interest. Such notice shall include:~~

- ~~(1) The reason for initiating the petition;~~
- ~~(2) Suggestions as to the optimum disposition of this particular case; and~~
- ~~(3) Suggested therapeutic treatment and social services available within the community for the subject child and the responsible person.~~

Resolution 14-085

Changes Made by
Resolution 14-085

Title II Children's Code
(as amended March 12, 2014)

CHILD WELFARE COMMITTEE

2.404 Creation of a Child Welfare Committee. There is hereby established a Saginaw Chippewa Tribal Child Welfare Committee (hereinafter called the Committee).

(b) Powers of the Committee. The Committee shall have the power to:

(1) License and supervise foster and adoptive homes, child placing agencies, and child care centers.

(2) Make recommendations to the Court concerning any proposed adoptions, guardianship, or termination of parental rights, or regarding the appropriate disposition of any minor in need of care.

(3) Make a delegation, revocable at will and pursuant to contract, of any of the foregoing powers to the any appropriate state, county, Federal or tribal agency, either as a general policy or upon specific cases.

(4) Act as guardian ad litem for minors in need of care upon appointment by the Court and agreement of the Committee.

Resolution 14-085
(approved March 26, 2014)

CHILD WELFARE COMMITTEE

2.404 Creation of a Child Welfare Committee. There is hereby established a Saginaw Chippewa Tribal Child Welfare Committee (hereinafter called the Committee).

(b) Powers of the Committee. The Committee shall have the power to:

(1) License and supervise foster and adoptive homes, child placing agencies, and child care centers.

(2) Make written recommendations to the Tribal Department regarding any case which has progressed past the Preliminary Inquiry stage and a child has been or will be removed from a parent, guardian unless or until Tribal Court has issued an order of reunification, termination of parental rights, or other order establishing permanency such as guardianship or adoption. In the case of multiple children from the same family, the Committee may make separate recommendations regarding each child when appropriate.

(3) In any ongoing proceeding of the Tribal Court where the court requests a recommendation from the Tribal Department, the Tribal Department shall consult with the Committee.

(4) The Tribal Department shall have a duty to inform the Committee within forty-eight (48) hours of a diversion and seek recommendations as diversion progresses.

(5) ~~(a)~~ If the Tribal Department does not concur with the Committee recommendation, then the Department will so notify the Committee in writing with reasons for their decision. Any written response of the Tribal Department shall become part of the record subject to review by the CPT.

(6) ~~(b)~~ The recommendations made by the Committee shall be considered prior to any placement decision or reunification by the Tribal Department in a case under 2.404(b)(2).

(2)(7) Make recommendations to the Court concerning any proposed adoptions, guardianship, or termination of parental rights, or regarding the appropriate disposition of any minor in need of care.

(3)(8) Make a delegation, revocable at will and pursuant to contract, of any of the foregoing powers to the any appropriate state, county, Federal or tribal agency, either as a general policy or upon specific cases.

(4)(9) Act as guardian ad litem for minors in need of care upon appointment by the Court and agreement of the Committee.

2.404(g) Recusal. Any Committee member who is the mother, father, grandparent, uncle, aunt or first cousin who is the subject of a file shall recuse him or herself from any involvement with the file and the case. A recused Committee member may provide factual information regarding the case to ACFHS, but the recused Committee member must not have any involvement in any discussion, consideration, vote or recommendation regarding the the file or csae from which the Committee member is recused. If a quorum of members cannot be obtained due to recusal, then the Tribal Council may appoint alternate ICWC members to serve on the case from which those ICWC Members were recused.

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CHAPTER 2.8
CHILD ABUSE

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2.802 Definitions. As used in this article, and pursuant to Section 2.202 unless the context otherwise requires:

2.802 Definitions. As used in this article, and pursuant to Section 2.202 unless the context otherwise requires:

(a) (2) In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates. Nothing in this subsection (1) shall refer to acts which could be construed to be a reasonable exercise of parental discipline.

(a)(2) In all cases, those investigating reports of child abuse shall take into account accepted child-rearing practices of the culture in which the child participates. Nothing in subsection 2.802 (a) (1) shall refer to acts which could be construed to be a reasonable exercise of parental discipline.

(3) The definitions of subsection 2.802 (a)(1) shall not include the voluntary dissolution of a guardianship unless the elements of subsections 2.802(a)(1) are established.

2.814 Confidentiality of records.

(b) Only the following persons or agencies shall be given access to child abuse or neglect records and reports:

- (1) The law enforcement agency or department investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of the report;
- (2) A physician or family nurse practitioner who has before him a child whom he reasonably suspects to be abused or neglected;
- (3) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, legal custodian, or other person who is responsible for the child's health or welfare;
- (4) Any person named in the report or record who was alleged as a child to be abused or neglected or, if the child named in the report or record is a minor or is otherwise incompetent at the time of the request, his guardian ad litem;
- (5) A parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report, with protection for the identity of reporters and other appropriate persons;
- (6) A court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;
- (7) The central registry of child protection;
- (8) All members of a child protection team;
- (9) Such other persons as a court may determine, for good cause.

2.814 Confidentiality of records.

(b) Only the following persons or agencies shall be given access to child abuse or neglect records and reports:

- (1) The law enforcement agency or department investigating a report of known or suspected child abuse or neglect or treating a child or family which is the subject of the report;
- (2) A physician or family nurse practitioner who has before him a child whom he reasonably suspects to be abused or neglected;
- (3) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, legal custodian, or other person who is responsible for the child's health or welfare;
- (4) Any person named in the report or record who was alleged as a child to be abused or neglected or, if the child named in the report or record is a minor or is otherwise incompetent at the time of the request, his guardian ad litem;
- (5) A parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report, with protection for the identity of reporters and other appropriate persons;
- (6) A court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.
- (7) The central registry of child protection;
- (8) All members of a child protection team;
- (9) All members of the Indian Child Welfare Committee when Committee review is conducted pursuant to this Code unless any Committee Member is recused from the case.
- ~~(9)~~ (10) Such other persons as a court may determine, for good cause.

CHAPTER 2.10 DETENTION SHELTER CARE FACILITIES, FOSTER CARE LICENSING AND REGULATION, and CHILD CARE CENTER LICENSING AND REGULATION

2.1003 Foster Care and Child Care Center Licensing and Regulation.

(g) Appeals; License Denial or Revocation. Any person or entity who is denied a license or whose license is revoked shall have a right to a hearing before the Executive Board within five (5) working days of such request. Upon receipt of an adverse decision of the Executive Board, said person or entity may request a full hearing before the Tribal Council by the filing of a written request with the Tribal Secretary within ten (10) days of the adverse decision. The hearing before the Executive Board and the Tribal Council shall provide the person or entity with the full and fair opportunity to confront in person the witnesses against him or her, to present any dispute the contents of any written reports and the request of the licensing body or council to compel the attendance of any witness. The hearing before the Tribal Council shall be held at its next regularly scheduled meeting and its decision, upon review of all the oral and written evidence and arguments, shall be final.

(k)Confidentiality; Exceptions

(2)Offense; Penalty. It shall be an offense for any person to disclose information made confidential under subsection (1) of this section. Upon conviction of such offense in the Tribal Court, any person so convicted shall be punished by a term of imprisonment of not more than thirty (30) days, by a fine of not more than \$100.00 or both such fine and imprisonment.

CHAPTER 2.11
ADOPTION

2.1109 Notice. The adopting parent or parents and adoptive child shall be given notice of the hearing and shall personally appear at the hearing. All other persons whose consent is necessary to the adoption shall be duly notified and shall appear.

CHAPTER 2.10 DETENTION SHELTER CARE FACILITIES, FOSTER CARE LICENSING AND REGULATION, and CHILD CARE CENTER LICENSING AND REGULATION

2.1003 Foster Care and Child Care Center Licensing and Regulation.

(g) Appeals; License Denial or Revocation. Any person or entity who is denied a license or whose license is revoked shall have a right to a hearing before the Executive Board within five (5) working days of such request, provided the appeal is filed within thirty (30) days of the revocation or denial. Upon receipt of an adverse decision of the Executive Board, said person or entity may request a full hearing before the Tribal Council by the filing of a written request with the Tribal Secretary within ten (10) days of the adverse decision by the Executive Board. The hearing before the Executive Board and the Tribal Council shall provide the person or entity with the full and fair opportunity to confront in person the witnesses against him or her, to present any dispute the contents of any written reports and the request of the licensing body or council to compel the attendance of any witness. The hearing before the Tribal Council shall be held within thirty (30) days of receipt by the Tribal Secretary of a written request for a full hearing on the adverse decision, at its next regularly scheduled meeting and its decision; Upon upon review of all the oral and written evidence and arguments, Tribal Council's decision shall be final and shall not be subject to appeal to any court or jurisdiction.

(k)Confidentiality; Exceptions

(2)Offense; Penalty. It shall be an offense for any person to disclose information made confidential under subsection (1) of this section. Upon conviction of such offense in the Tribal Court, any person so convicted shall be punished by a term of imprisonment of not more than thirty (30) days, by a fine of not more than ~~\$100.00.~~ \$500.00 or both such fine and imprisonment.

CHAPTER 2.11
ADOPTION

2.1109 Notice. The adopting parent or parents and adoptive child shall be given notice of the hearing and shall personally appear at the hearing. All other persons whose consent is necessary to the adoption shall be duly notified and shall appear. The Court may confirm the decision of any person whose consent is necessary to the adoption but such persons shall not be not subject to cross examination regarding an adoption decision.

Resolution 14-110

Changes Made by
Resolution 14-110

Title II Children's Code
(as amended March 26, 2014)

CHAPTER 2.3
PROCEDURAL RIGHTS; NOTICE
REQUIREMENTS

Resolution 14-110
(approved June 4, 2014)

CHAPTER 2.3
PROCEDURAL RIGHTS; NOTICE
REQUIREMENTS

2.314 Background Investigation for ACFS Employees
and Child Welfare Committee Members.

(a) A background investigation will be conducted by the Tribe for any person prior to employment as a social worker, supervisor or director at the Tribe's ACFS Department or for any person prior to their appointment to the Tribe's Child Welfare Committee. An additional background investigation shall be conducted on a yearly basis for any person employed at ACFS as a social worker, supervisor or director and for any person serving on the Child Welfare Committee.

(b) A positive determination made as a result of a background investigation of any one or more of the following criteria for such background investigation under this Section 2.314 shall disqualify any person from the position of ACFS social worker, supervisor or director or as a member of the Child Welfare Committee unless otherwise provided:

(1) found guilty of, or entered a plea of nolo contendere or guilty to, any felony in any jurisdiction;
or

(2) found guilty of, or entered a plea of nolo contendere or guilty to any crime involving sexual assault, molestation, exploitation, prostitution; crimes against persons; or any offense committed against children; or

(3) has been the subject of any final adjudication by any court of competent jurisdiction involving child abuse or neglect; or

(4) any applicant for a position of social worker, supervisor or director with the ACFS Department and any person considered for an appointment to the Child Welfare Committee who is under investigation or in a current criminal proceeding for any crime involving a child or in current adjudication for abuse or neglect of a child.

(c) An additional background investigation may be conducted on an employee or a member of the Child Welfare Committee more often than once per year in the event that the Tribe becomes aware of a potential event or occurrence that may disqualify that employee or Child Welfare Committee member under this Section.

(d) The Tribe will notify any person of the requirement for a background investigation prior to employment or appointment and will provide written notice to any person subject to a background investigation in advance of an any investigation conducted under this Section.

(e) The cost for a pre-employment investigation conducted under this Section 2.314 shall be borne by the applicant for said position at ACFS provided that the Tribe shall inform the applicant of the amount of the cost of such background investigation in advance.

(f) The costs for all background investigations conducted under this Section for persons employed as ACFS social workers, supervisors or director shall be borne by the Tribe. The costs for all background investigations for Child Welfare Committee members or candidates for appointment to such Committee shall be borne by the Tribe.

(g) Background investigations shall be conducted no later than June 20, 2014 as provided under this Section for any ACFS social worker, supervisor or director and any Child Welfare Committee member who has been employed for one year or greater as of June 4, 2014 and an additional background investigation shall be conducted one year thereafter for such employees.

Resolution 14-127

Changes Made by
Resolution 14-127

Title II Children's Code
(as amended June 18, 2014)

- 2.314 Background Investigation for ACFS Employees and Child Welfare Committee Members.
- (a) A background investigation will be conducted by the Tribe for any person prior to employment as a social worker, supervisor or director or any other employee at the Tribe's ACFS Department or for any person prior to their appointment to the Tribe's Child Welfare Committee. An additional background investigation shall be conducted on a yearly basis for any person employed at ACFS as a social worker, supervisor or director and for any person serving on the Child Welfare Committee.
- (b) A positive determination made as a result of a background investigation of any one or more of the following criteria for such background investigation under this Section 2.314 shall disqualify any person from the position of ACFS social worker, supervisor or director or as a member of the Child Welfare Committee unless otherwise provided;
- (1) found guilty of, or entered a plea of nolo contendere or guilty to, any felony in any jurisdiction; or
 - (2) found guilty of, or entered a plea of nolo contendere or guilty to any crime involving sexual assault, molestation, exploitation, prostitution; crimes against persons; or any offense committed against children; or
 - (3) has been the subject of any final adjudication by any court of competent jurisdiction involving child abuse or neglect; or
 - (4) any applicant for a position of social worker, supervisor or director with the ACFS Department and any person considered for an appointment to the Child Welfare Committee who is under investigation or in a current criminal proceeding for any crime involving a child or in current adjudication for abuse or neglect of a child.

Section continues below

Resolution 14-127
(approved June 23, 2014)

- 2.314 Background Investigation for ACFS Employees and Child Welfare Committee Members.
- (a) A background investigation will be conducted by the Tribe for any person prior to employment as a social worker, supervisor or director or any other employee at the Tribe's ACFS Department or for any person prior to their appointment to the Tribe's Child Welfare Committee. An additional background investigation shall be conducted on a yearly basis for any person employed at ACFS as a social worker, supervisor or director and for any person serving on the Child Welfare Committee.
- (b) A positive determination made as a result of a background investigation of any one or more of the following criteria for such background investigation under this Section 2.314 shall disqualify any person from the position of ACFS social worker, supervisor or director or as a member of the Child Welfare Committee unless otherwise provided;
- (1) found guilty of, or entered a plea of nolo contendere or guilty to, any felony in any jurisdiction; or
 - (2) found guilty of, or entered a plea of nolo contendere or guilty to any crime involving sexual assault, molestation, exploitation, prostitution; crimes against persons; or any offense committed against children; or
 - (3) has been the subject of any final adjudication by any court of competent jurisdiction involving child abuse or neglect; or
 - (4) any applicant for a position of social worker, supervisor or director with the ACFS Department and any person considered for an appointment to the Child Welfare Committee who is under investigation or in a current criminal proceeding for any crime involving a child or in current adjudication for abuse or neglect of a child.

Section continues below

- (c) An additional background investigation may be conducted on an employee or a member of the Child Welfare Committee more often than once per year in the event that the Tribe becomes aware of a potential event or occurrence that may disqualify that employee or Child Welfare Committee member under this Section.
- (d) The Tribe will notify any person of the requirement for a background investigation prior to employment or appointment and will provide written notice to any person subject to a background investigation in advance of an any investigation conducted under this Section.
- (e) The cost for a pre-employment investigation conducted under this Section 2.314 shall be borne by the applicant for said position at ACFS provided that the Tribe shall inform the applicant of the amount of the cost of such background investigation in advance.
- (f) The costs for all background investigations conducted under this Section for persons employed as ACFS social workers, supervisors or director shall be borne by the Tribe. The costs for all background investigations for Child Welfare Committee members or candidates for appointment to such Committee shall be borne by the Tribe.
- (g) Background investigations shall be conducted no later than June 20, 2014 as provided under this Section for any ACFS social worker, supervisor or director and any Child Welfare Committee member who has been employed for one year or greater as of June 4, 2014 and an additional background investigation shall be conducted one year thereafter for such employees.

2.717 Dispositional Alternatives. If a minor has been adjudged a minor-in-need-of-care, the Children's Court may make any of the following dispositions which are listed by priority:

- (a) Permit the minor to remain with his parents, guardian or custodian subject to such limitations and conditions as the Court may prescribe; or

Section continues below

- (c) An additional background investigation may be conducted on an employee or a member of the Child Welfare Committee more often than once per year in the event that the Tribe becomes aware of a potential event or occurrence that may disqualify that employee or Child Welfare Committee member under this Section.
- (d) The Tribe will notify any person of the requirement for a background investigation prior to employment or appointment and will provide written notice to any person subject to a background investigation in advance of an any investigation conducted under this Section.
- (e) The cost for a pre-employment investigation conducted under this Section 2.314 shall be borne by the applicant for said position at ACFS provided that the Tribe shall inform the applicant of the amount of the cost of such background investigation in advance.
- (f) The costs for all background investigations conducted under this Section for persons employed as ACFS social workers, supervisors or director shall be borne by the Tribe. The costs for all background investigations for Child Welfare Committee members or candidates for appointment to such Committee shall be borne by the Tribe.
- (g) Background investigations shall be conducted no later than ~~June~~ August 20, 2014 as provided under this Section for any ACFS social worker, supervisor or director and any Child Welfare Committee member who has been employed for one year or greater as of June 4, 2014 and an additional background investigation shall be conducted one year thereafter for such employees.

2.717 Dispositional Alternatives. If a minor has been adjudged a minor-in-need-of-care, the Children's Court may make any of the following dispositions which are listed by priority: . In the event that the Court does not place the children with relatives as described in (b) or (c) below, the Court shall make findings of fact that no relatives were known, available, willing or appropriate to place the children with, and document the steps the Tribal Department took to identify and locate prospective relative placements on either side of the child's family.

- (a) Permit the minor to remain with his parents, guardian or custodian subject to such limitations and conditions as the Court may prescribe; or

Section continues below

- (b) Place the minor with a relative within the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- (c) Place the minor in a foster home within the external boundaries of the reservation which has been approved by the tribe subject to such limitations and conditions as the Court may prescribe; or
- (d) Place the minor in shelter care facilities designated by the Court; or
- (e) Place the minor in a foster home or a relative home outside the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- (f) Direct the presenting officer to file a petition to terminate parental rights under Chapter 2.9 of this Code.

2.718 Dispositional Orders; Agreement; Duration; Review.

- (a) Whenever a minor is placed in a home or facility located outside the boundaries of the reservation, the Court shall require the party receiving custody of the minor to sign an agreement that the minor will be returned to the Court upon order of the Court .
- (b) The dispositional orders are to be in effect for the time limit set by the Children's Court, but no order shall continue after the minor reaches the age of eighteen (18) years; and
- (c) The dispositional orders are to be reviewed at the Children's Court discretion, but at least once every six (6) months.

- b) Place the minor with a relative within the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- (c) Place the minor in a relative home outside the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- ~~(e)~~(d) Place the minor in a foster home within the external boundaries of the reservation which has been approved by the tribe subject to such limitations and conditions as the Court may prescribe; or
- ~~(d)~~ Place the minor in shelter care facilities designated by the Court; or
- ~~(e)~~(e) Place the minor in a foster home outside the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- ~~(e)~~ Place the minor in a foster home or a relative home outside the external boundaries of the reservation subject to such limitations and conditions as the Court may prescribe; or
- ~~(f)~~(d) Place the minor in shelter care facilities designated by the Court; or
- ~~(f)~~(g) Direct the presenting officer to file a petition to terminate parental rights under Chapter 2.9 of this Code .
- (h) If the Tribe has revoked a foster care license for cause as provided in Section 2.1003 (f)(2), and that home is licensed by another licensing agency or Tribe the home will be considered an unlicensed placement for purposes of determining the placement priorities in Section 2.717 unless the Indian Child Welfare Committee certifies that the home has corrected the circumstances giving rise to the revocation, or issues another foster care license to the home.

2.718 Dispositional Orders; Agreement; Duration; Review.

- (a) Whenever a minor is placed in a home or facility located outside the boundaries of the reservation, the Court shall require the party receiving custody of the minor to sign an agreement that the minor will be returned to the Court upon order of the Court .
- (b) The dispositional orders are to be in effect for the time limit set by the Children's Court, but no order shall continue after the minor reaches the age of eighteen (18) years; and
- (c) The dispositional orders are to be reviewed at the Children's Court discretion, but at least once every six (6) months.

- 2.719 Modification of Dispositional Order.
- (a) A dispositional order of the Children's Court may be modified upon a showing of change of circumstances.
 - (b) The Children's Court may modify a dispositional order at any time upon the motion of the following:
 - (1) The minor; or
 - (2) The minor's parents, guardian or custodian; or
 - (3) The Children's Court counselor.
 - (c) If the modification involves a change of custody, the Children's Court shall conduct a hearing pursuant to Section 2.719(d) to review its dispositional order.
 - (d) A hearing to review a dispositional order shall be conducted as follows:
 - (1) The Children's Court shall review the performance of the minor, the minor's parents, guardian or custodian and the Children's Court counselor and other persons providing assistance to the minor and the minor's family.
 - (2) In determining modification of disposition, the procedures prescribed in Sections 2.714 and 2.715 of this code shall apply.
 - (3) If the request for review of disposition is based upon an alleged violation of a court order, the Children's Court shall not modify its dispositional order unless it finds clear and convincing evidence of the violation.

- 2.719 Modification of Dispositional Order.
- (a) A dispositional order of the Children's Court may be modified upon a showing of change of circumstances.
 - (b) The Children's Court may modify a dispositional order at any time upon the motion of the following:
 - (1) The minor; or
 - (2) The minor's parents, guardian or custodian; or
 - (3) The Children's Court counselor.
 - (c) If the modification involves a change of custody, the Children's Court shall conduct a hearing pursuant to Section 2.719(d) to review its dispositional order.
 - (d) A hearing to review a dispositional order shall be conducted as follows:
 - (1) The Children's Court shall review the performance of the minor, the minor's parents, guardian or custodian and the Children's Court counselor and other persons providing assistance to the minor and the minor's family.
 - (2) In determining modification of disposition, the procedures prescribed in Sections 2.714 and 2.715 of this code shall apply.
 - (3) If the request for review of disposition is based upon an alleged violation of a court order, the Children's Court shall not modify its dispositional order unless it finds clear and convincing evidence of the violation.

2.720 Family Placement Petition.

(a) A relative of a child subject to a dispositional order of the court may petition the Court to be awarded placement of a child who has been adjudicated a minor-in-need-of-care by the court and placed with a non-relative. Such petition must be made no later than six (6) months after removal of the child from his or her home. If the petition is timely filed the court shall change the placement of the child to the relative's home provided the relative's home is safe and appropriate as determined by the Tribal Department and placement is not contrary to the welfare of the child.

2.720	Court Records.
(a)	A record of all hearings under this code shall be made and preserved.
(b)	All Children's Court records shall be confidential and shall not be open to inspection to any but the following: <ul style="list-style-type: none"> (1) The minor; (2) The minor's parent, guardian or custodian; (3) Law enforcement and human service personnel, including Tribal Family Services, the Child Welfare Committee or its delegate directly involved in the handling of the case; (4) The presenting officer; (5) Any other person by order of the Court upon petition from a person or entity having legitimate interest in the particular case.

2.721	Law Enforcement Records and Files.
(a)	Law enforcement records and files concerning a minor shall be kept separate from the records and files of adults.
(b)	All law enforcement records and files shall be confidential and shall not be open to inspection to any but the following: <ul style="list-style-type: none"> (1) The minor; (2) The minor's parent, guardian or custodian; (3) Law enforcement and human service personnel, including Tribal Family Services, the Child Welfare Committee; or its delegate directly involved in the handling of the case; (4) The presenting officer; (5) Any other person by order of the Court upon petition from a person or entity having legitimate interest in the particular case.

2.1003	Foster Care and Child Care Center Licensing and Regulation.
...	

2.720	<u>2.721</u> Court Records.
(a)	A record of all hearings under this code shall be made and preserved.
(b)	All Children's Court records shall be confidential and shall not be open to inspection to any but the following: <ul style="list-style-type: none"> (1) The minor; (2) The minor's parent, guardian or custodian; (3) Law enforcement and human service personnel, including Tribal Family Services, the Child Welfare Committee or its delegate directly involved in the handling of the case; (4) The presenting officer; (5) Any other person by order of the Court upon petition from a person or entity having legitimate interest in the particular case.

2.721	<u>2.722</u> Law Enforcement Records and Files.
(a)	Law enforcement records and files concerning a minor shall be kept separate from the records and files of adults.
(b)	All law enforcement records and files shall be confidential and shall not be open to inspection to any but the following: <ul style="list-style-type: none"> (1) The minor; (2) The minor's parent, guardian or custodian; (3) Law enforcement and human service personnel, including Tribal Family Services, the Child Welfare Committee; or its delegate directly involved in the handling of the case; (4) The presenting officer; (5) Any other person by order of the Court upon petition from a person or entity having legitimate interest in the particular case.

2.1003	Foster Care and Child Care Center Licensing and Regulation.
...	

e) Licenses; Duration; Renewal. License shall be issued for a provisional period of six (6) months, and for annual periods thereafter. All licenses shall expire at the conclusion of the period for which they are issued, unless, not less than thirty (30) days prior to said expiration, an application for an annual license is filed as required by subsection (a). Upon filing of an application for the renewal of a previously issued license, reverification of compliance by the licensee or entity with the provisions of applicable subsections (i), Standards of Foster Care or (j), Standards of Child Care Center, shall be filed by the person of the agency completing the initial home study or child care center study with the Child Welfare Committee not less than (5) working days prior to the expiration of the prior license. An annual license renewal shall be issued upon reverification of compliance with subsection (i) or (j) unless conditions are found to justify revocation of a license for cause pursuant to subsection (f)(2).

f) Revocation and Termination. A license issued by the Child Welfare Committee will terminate:

- (1) Automatically upon notice to that body that:
 - (I) The licensed person or entity voluntarily relinquishes the license or,
 - (II) The residence of the licensed person or the location of the entity has changed, or
 - (III) The licensed person has died or becomes totally incapacitated or the licensed entity has dissolved.
 - (IV) At the end of one year, unless the licensed person or entity has filed an application for license renewal as required by Section 2.1003(e) above.

(e) Licenses; Duration; Renewal. License shall be issued for a ~~provisional~~ temporary period of six (6) months, and for annual periods thereafter. All licenses shall expire at the conclusion of the period for which they are issued, unless, not less than thirty (30) days prior to said expiration, an application for an annual license is filed as required by subsection (a). Upon filing of an application for the renewal of a previously issued license, reverification of compliance by the licensee or entity with the provisions of applicable subsections (i), Standards of Foster Care or (j), Standards of Child Care Center, shall be filed by the person of the agency completing the initial home study or child care center study with the Child Welfare Committee not less than (5) working days prior to the expiration of the prior license. An annual license renewal shall be issued upon reverification of compliance with subsection (i) or (j) unless conditions are found to justify revocation of a license for cause pursuant to subsection (f)(2).

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- (1) Automatically upon notice to that body that:
 - (I) The licensed person or entity voluntarily relinquishes the license or,
 - (II) The residence of the licensed person or the location of the entity has changed, or
 - (III) The licensed person has died or becomes totally incapacitated or the licensed entity has dissolved.
 - (IV) At the end of one year, unless the licensed person or entity has filed an application for license renewal as required by Section 2.1003(e) above.

- (2) For cause, upon finding the Child Welfare Committee by the preponderance of the evidence adduced at a hearing thereon, of:
- (I) Physical, sexual or emotion abuse of any person in the licensed residence or center, or
 - (II) Refusal for a substantial period, following written notification by the Child Welfare Committee to correct conditions amounting to noncompliance with the applicable provisions of Sections (i), Standards of Foster Care or (j), Standards of Child Care Center, or
 - (III) Physical or emotional incapacity, not amounting to total incapacity, of person(s) living or working within the licensed foster home or child care center, which substantially impairs the ability of the foster home or the child care center to provide adequate care, custody and control of the children placed therein.
 - (IV) Refusal, for a period of two (2) years without good cause, to accept any offered child placement, or
 - (V) Persistent refusal to cooperate with tribal court, placement agency or natural parental efforts to reunite and revitalize the natural family unit except in cases where parental rights have been terminated.

- (2) For cause, upon finding the Child Welfare Committee by the preponderance of the evidence adduced at a hearing thereon, of:
- (I) Physical, sexual or emotion abuse of any person in the licensed residence or center, or
 - (II) Refusal for a substantial period, following written notification by the Child Welfare Committee to correct conditions amounting to noncompliance with the applicable provisions of Sections (i), Standards of Foster Care or (j), Standards of Child Care Center, or
 - (III) Physical or emotional incapacity, not amounting to total incapacity, of person(s) living or working within the licensed foster home or child care center, which substantially impairs the ability of the foster home or the child care center to provide adequate care, custody and control of the children placed therein.
 - (IV) Refusal, for a period of two (2) years without good cause, to accept any offered child placement, or
 - (V) Persistent refusal to cooperate with tribal court, placement agency or natural parental efforts to reunite and revitalize the natural family unit except in cases where parental rights have been terminated.
 - (VI) The Foster home has accepted the placement of children from another placing agency or Tribe without notifying the Indian Child Welfare Committee, and retains those children after being notified that the Indian Child Welfare Committee will not approve the additional children living in the home due to the impact on the foster children the Tribe previously placed in the home as specified in section 2.1003(h)(10).

(g) Appeals; License Denial or Revocation. Any person or entity who is denied a license or whose license is revoked shall have a right to a hearing before the Executive Board within five (5) working days of such request, provided the appeal is filed within thirty (30) days of the revocation or denial. Upon receipt of an adverse decision of the Executive Board, said person or entity may request a full hearing before the Tribal Council by the filing of a written request with the Tribal Secretary within ten (10) days of the adverse decision by the Executive Board. The hearing before the Executive Board and the Tribal Council shall provide the person or entity with the full and fair opportunity to confront in person the witnesses against him or her, to present any dispute the contents of any written reports and the request of the licensing body or council to compel the attendance of any witness. The hearing before the Tribal Council shall be held within thirty (30) days of receipt by the Tribal Secretary of a written request for a full hearing on the adverse decision. Upon review of all the oral and written evidence and arguments, Tribal Council's decision shall be final and shall not be subject to appeal to any court or jurisdiction.

(h) Duty to Report. Any person or entity having either a provisional or permanent license issued under this Code shall report to the social agency who prepared the home study or child care center study thereon any material change in the condition of the licensed residence or center or the circumstances of the persons living or working within the licensed residence or center within five (5) days of such change. This duty to report shall include, but are not limited to the following:

- (1) Change of residence or change of location of center; or
- (2) Increase in household size or center size; or
- (3) Marital Separation or divorce of a person(s) living or working within the licensed residence or center; or
- (4) Death of a person(s) who, immediately prior to death, was living or working within the licensed residence or center; or
- (5) Dissolution of the licensed entity; or
- (6) Total incapacitation of a person(s) living or working in the licensed residence or center; or

g) Appeals; License Denial or Revocation. Any person or entity who is denied a license or whose license is revoked shall have a right to a hearing before the Executive Board within five (5) working days of such request, provided the appeal is filed within thirty (30) days of the revocation or denial. Upon receipt of an adverse decision of the Executive Board, said person or entity may request a full hearing before the Tribal Council by the filing of a written request with the Tribal Secretary within ten (10) days of the adverse decision by the Executive Board. The hearing before the Executive Board and the Tribal Council shall provide the person or entity with the full and fair opportunity to confront in person the witnesses against him or her, to present any dispute the contents of any written reports and the request of the licensing body or council to compel the attendance of any witness. The hearing before the Tribal Council shall be held within thirty (30) days of receipt by the Tribal Secretary of a written request for a full hearing on the adverse decision. Upon review of all the oral and written evidence and arguments, Tribal Council's decision shall be final and shall not be subject to appeal to any court or jurisdiction.

(h) Duty to Report. Any person or entity having either a provisional or permanent license issued under this Code shall report to the social agency who prepared the home study or child care center study thereon any material change in the condition of the licensed residence or center or the circumstances of the persons living or working within the licensed residence or center within five (5) days of such change. This duty to report shall include, but are not limited to the following:

- (1) Change of residence or change of location of center; or
- (2) Increase in household size or center size; or
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- (5) Dissolution of the licensed entity; or
- (6) Total incapacitation of a person(s) living or working in the licensed residence or center; or

- (7) Change in employment status, outside the licensed residence or center, of person(s) living or working in the licensed residence or center; or
- (8) Counseling, treatment, or therapy on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem of person(s) living or working in the licensed residence or center; or
- (9) Arrests or criminal convictions of person(s) living or working in the licensed residence or center.

- (i) Standards of Foster Care. In carrying out the powers and responsibilities delegated thereto by this Code , the Child Welfare Committee shall apply the following standards for foster care:
 - (1) The number of children to be placed in a foster home will be determined by the ability of the foster parents to provide appropriate care by the size of the home in the light of the Indian lifestyle and custom.
 - (2) Sleeping and dining facilities will conform to reservation standards and customs.
 - (3) A foster home license applies only to the residence where the family is living at the time of the application for a license is made, and a change of residence automatically terminates the license. Prior to a change of residence, the licensee shall notify the Child Welfare Committee and if there is an independently placed child in that home, the person for whom the child is given care must also be notified.
 - (4) The home shall be so constructed, arranged, and maintained as to provide adequately for the health and safety of the occupants.

Section continues below

- (7) Change in employment status, outside the licensed residence or center, of person(s) living or working in the licensed residence or center; or
- (8) Counseling, treatment, or therapy on an inpatient or outpatient basis for an emotional, mental, or substance abuse problem of person(s) living or working in the licensed residence or center; or
- (9) Arrests or criminal convictions of person(s) living or working in the licensed residence or center.
- (10) Any information regarding a child or children who are placed in the foster home by another child placing agency or Tribe so that the Indian Child Welfare Committee may make a decision as to whether the home remains an appropriate placement for the foster children placed there in light of the needs or issues of the newly added foster children.

- (i) Standards of Foster Care. In carrying out the powers and responsibilities delegated thereto by this Code , the Child Welfare Committee shall apply the following standards for foster care:
 - (1) The number of children to be placed in a foster home will be determined by the ability of the foster parents to provide appropriate care by the size of the home in the light of the Indian lifestyle and custom.
 - (2) Sleeping and dining facilities will conform to reservation standards and customs.
 - (3) A foster home license applies only to the residence where the family is living at the time of the application for a license is made, and a change of residence automatically terminates the license. Prior to a change of residence, the licensee shall notify the Child Welfare Committee and if there is an independently placed child in that home, the person for whom the child is given care must also be notified.
 - (4) The home shall be so constructed, arranged, and maintained as to provide adequately for the health and safety of the occupants.

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- (5) Heating, ventilation, and light shall be sufficient to provide a comfortable atmosphere.
- (6) Sleeping arrangements must provide adequate opportunities for comfortable rest and privacy.
- (7) Refrigeration shall be available for the care of perishable foods.
- (8) Water supply and sewage disposal systems must meet the requirements of the Indian Health Service.
- (9) Members of the foster family shall be of current good character, habits, and relationships within the family shall be such that the wholesome atmosphere for the child will be insured. All members of the foster family shall be willing to accept the foster child into the home as a member of the family group.
- (10) The persons in charge of the foster home shall be suitable temperament to the care for the children; shall understand the needs of the children; shall be capable of handling an emergency situation promptly and intelligently; and shall be willing to cooperate fully with the children's own parents and the supervising agency.
- (11) Any person single or married may apply for a foster home license
- (12) For preschool foster children, one foster parent will be uncommitted to employment or other full-time outside activity. For primary school age children, there will be a babysitter available for care of the children during the time that the foster parent is away.
- (13) The income available to a foster home prior to placement of a child must be sufficient to support the foster family at the reservation level standards.
- (14) The responsibility for the child's health care shall rest with the foster parents who shall cooperate with the parents or the child placement agency, public or private, and the physicians and health authorities in the community.

Section continues below

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- (14) The responsibility for the child's health care shall rest with the foster parents who shall cooperate with the parents or the child placement agency, public or private, and the physicians and health authorities in the community.

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- (15) Foster parents shall be responsible for providing opportunity for the religious education and attendance at religious services of the children in accordance with the expressed wishes of their parents.
- (16) Each person in charge of the foster home shall keep a record of the children's names and ages, and the date of his entry and discharge.
- (17) Prior to licensing of a foster care home, the prospective foster parents shall receive training in the goals and objectives of foster care from the Tribal Child Welfare Committee. Foster parents shall participate when on-going training is provided by the Tribal Child Welfare Committee.

(j) Standards of Child Care Center. In carrying out the powers and responsibilities delegated thereto by this Code, the Child Welfare Committee shall promulgate regulations and standards for child care centers ("Regulations") which shall not become effective until approved by resolution of the Tribal Council. The Regulations shall include, at a minimum the following criteria:

- (1) Caregiver to Child ratios that meet or exceed State minimums for the same.
- (2) Caregiver training and qualifications, including the following areas: health and safety, child development, infectious diseases, child abuse, first response and choking prevention.
- (3) Standards limiting Caregiver's ability to discipline the Children, including enforcement of such standards.
- (4) Child care center building and premises requirements and maintenance, which shall include the interior and exterior standards that provide for the health and safety of the children and Caregivers.
- (5) Emergency planning to minimize the danger from tornadoes, floods, fires and other emergencies.
- (6) Requirements for the proper use and maintenance of child care center equipment.
- (7) Requirements for the structure of the child care center's daily activities.
- (8) Requirements for the use of child care center transportation.
- (9) Infection control standards for child care center.

Section continues below

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- (10) Requirements for food preparation and food serving at the child care center.
- (11) Standards for the care of ill children, including inclusion and exclusion from the child care center program, taking of medication and other health related rules.
- (12) Standards which address the health of the Caregiver, including the ability to maintain employment as a Caregiver at the child care center.
- (13) Requirements that the child care center establish, implement and maintain policies, procedures and protocols for child care center operations in areas including child development, health and safety and disciplinary measures.

- (k) Confidentiality; Exceptions
- (1) The contents of all applications, reports, home studies and appeal proceedings filed or prepared pursuant to this Code shall be considered and kept confidential except:
 - (I) when such confidentiality is waived in writing, by the person or entity who is the subject of such application, report, home study or proceeding, and by the parent, guardian or tribal court in any case involving a specific child, or
 - (II) when required by the tribal court in the exercise of its jurisdiction over a particular minor child, in any proceeding and for any purpose, or
 - (III) in a criminal prosecution charging the licensed person or entity with an offense against any person, including a child placed in their care in the residence which is the subject of the application, report, home study, or proceeding, or

Section continues below

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- (k) Confidentiality; Exceptions
- (1) The contents of all applications, reports, home studies and appeal proceedings filed or prepared pursuant to this Code shall be considered and kept confidential except:
 - (I) when such confidentiality is waived in writing, by the person or entity who is the subject of such application, report, home study or proceeding, and by the parent, guardian or tribal court in any case involving a specific child, or
 - (II) when required by the tribal court in the exercise of its jurisdiction over a particular minor child, in any proceeding and for any purpose, or
 - (III) in a criminal prosecution charging the licensed person or entity with an offense against any person, including a child placed in their care in the residence which is the subject of the application, report, home study, or proceeding, or

Section continues below

- (IV) in any suit or action, arising out of the exercise by the Saginaw Chippewa Tribe of its power and authority to license foster homes or place children therein, when said suit name the Saginaw Chippewa Tribe or its subsidiary organizations, officers, agents, or employees as defendants, or
- (V) when such applications, report, home study, or proceeding is necessary in further tribal proceedings relating to the subject matter thereof.
- (2) Offense; Penalty. It shall be an offense for any person to disclose information made confidential under subsection (1) of this section. Upon conviction of such offense in the Tribal Court, any person so convicted shall be punished by a term of imprisonment of not more than thirty (30) days, by a fine of not more than \$500.00 or both such fine and imprisonment.

- (IV) in any suit or action, arising out of the exercise by the Saginaw Chippewa Tribe of its power and authority to license foster homes or place children therein, when said suit name the Saginaw Chippewa Tribe or its subsidiary organizations, officers, agents, or employees as defendants, or
- (V) when such applications, report, home study, or proceeding is necessary in further tribal proceedings relating to the subject matter thereof.
- (2) Offense; Penalty. It shall be an offense for any person to disclose information made confidential under subsection (1) of this section. Upon conviction of such offense in the Tribal Court, any person so convicted shall be punished by a term of imprisonment of not more than thirty (30) days, by a fine of not more than \$500.00 or both such fine and imprisonment.

END OF AMENDMENT

Resolution 14-121

**Changes Made by
Resolution 14-121**

Title II Children's Code (as amended June 4, 2014)
CHAPTER 2.3 PROCEDURAL RIGHTS; NOTICE REQUIREMENTS
<p>2.314 Background Investigation for ACFS Employees and Child Welfare Committee Members.</p> <p>(a) A background investigation will be conducted by the Tribe for any person prior to employment as a social worker, supervisor or director at the Tribe's ACFS Department or for any person prior to their appointment to the Tribe's Child Welfare Committee. An additional background investigation shall be conducted on a yearly basis for any person employed at ACFS as a social worker, supervisor or director and for any person serving on the Child Welfare Committee.</p>

Resolution 14-121 (approved June 18, 2014)
CHAPTER 2.3 PROCEDURAL RIGHTS; NOTICE REQUIREMENTS
<p>2.314 Background Investigation for ACFS Employees and Child Welfare Committee Members.</p> <p>(a) A background investigation will be conducted by the Tribe for any person prior to employment as a social worker, supervisor or director <u>or any other employee</u> at the Tribe's ACFS Department or for any person prior to their appointment to the Tribe's Child Welfare Committee. An additional background investigation shall be conducted on a yearly basis for any person employed at ACFS as a social worker, supervisor or director and for any person serving on the Child Welfare Committee</p>

Summary

Title II
Children's Code
Summary of Changes Made between March 5, 2014 and June 23, 2014

March 5, 2014
Resolution 14-075

<u>Sections Amended</u>	<u>Sections Added</u>	<u>Sections Deleted</u>
2.1106	2.1104(c)(1)	
2.1106(c)	2.1106(d)	
2.1106(e) <i>renumbered</i>	2.1106(g)	
2.1106 (f) <i>renumbered</i>		

March 12, 2014
Resolution 14-077

<u>Sections Amended</u>	<u>Sections Added</u>	<u>Sections Deleted</u>
2.802(b)		2.808(f)(4)
2.808(f)(8)		2.808(f)(5)
		2.808 (f)(6)
		2.808(f)(7)
		2.808(g)
		2.8.08(j)

March 26, 2014
Resolution 14-085

<u>Sections Amended</u>	<u>Sections Added</u>	<u>Sections Deleted</u>
2.404(b)(7) <i>renumbered</i>	2.404(b)(2)	
2.404(b)(8) <i>renumbered</i>	2.404(b)(3)	
2.404(b)(9) <i>renumbered</i>	2.404(b)(4)	
2.404(g)	2.404(b)(5)	
2.802(a)(2)	2.404(b)(6)	
2.814(b)(10) <i>renumbered</i>	2.802(a)(3)	
2.1003(g)	2.814(b)(9)	
2.1003(k)(2)		
2.1109		

June 4, 2014
Resolution 14-110

<u>Sections Amended</u>	<u>Sections Added</u>	<u>Sections Deleted</u>
	2.314 <i>et.seq.</i>	

June 18, 2014
Resolution 14-121

Sections Amended
2.314(a)

Sections Added

Sections Deleted

June 23, 2014
Resolution 14-127

Sections Amended

Subsection 2.314(g)
Section 2.717
Subsection 2.717(d)
Subsection 2.717(e)
Subsection 2.717(g)
Section 2.721
Section 2.722
Subsection 2.722(b)(3)
Subsection 2.1003(e)
Subsection 2.1003(h)

Sections Added

Subsection 2.717(c)
Subsection 2.717(f)
Subsection 2.717(h)
Section 2720
Subsection 2.1003(f)(2)(VI)
Subsection 2.1003(h)(10)

Sections Deleted