

RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council of the White Mountain Apache Tribe has been advised that there are many unreported instances of minors who have been victims of injuries, sexual molestation, death, abuse or physical neglect which appears to have been inflicted upon such minors other than accidental means or which is not explained by the available medical history as being accidental in nature, and

WHEREAS, the Tribal Council believes that it would be in the best interest in welfare for the protection of said minors that physicians, hospital interns or residents, surgeons, dentists, osteopaths, chiropractors, pediatricists, medical examiners, nurses, psychologists, school personnel, social workers, peace officers, or any other persons having responsibility for the care of children whose observation or examination of any minor discloses evidence of the above-enumerated injuries or neglect that said personnel report such evidence to the Tribal Police Department or the Bureau of Indian Affairs Social Services or a tribal designated child welfare agency, and

WHEREAS, the Tribal Council believes it to be in the best interest and welfare of minor children on the Fort Apache Indian Reservation that an ordinance be adopted required the reporting of any evidence of any child abuse or neglect to be reported to the appropriate designated tribal authorities and that said ordinance provide for a civil penalty for non-compliance with said ordinance to be made a part of the Law and Order Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that Ordinance No. 121 be enacted in the form attached to this resolution which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the said attached form of the proposed ordinance be publically posted for a period of ten days as required by the Amended Constitution and By-Laws of the White Mountain Apache Tribe.

The foregoing resolution was on March 16, 1981 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and By-Laws of the Tribe, ratified by the Tribe June 27, 1958 and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

Alvin Hawkins Sr.  
Acting Chairman of the Tribal Council

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MAR 19 1981

FORT APACHE INDIAN  
AGENCY  
WHITERIVER, ARIZ.

Mary L. Gaffield  
Secretary of the Tribal Council

PROPOSED ORDINANCE OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe, in Council regularly assembled, that the following ordinance pertaining to the duty to report non-accidental injuries and physical neglect of minors be hereby enacted as follows:

SECTION I: Duty to report non-accidental injuries and physical neglect of minors; classification:

- A. Any physician, hospital intern or resident, surgeon, dentist, osteopath, school personnel, social worker, peace officer or any other person having responsibility for the care of children whose observation or examination of any minor discloses evidence of injury, sexual molestation, death, abuse, or physical neglect which appears to have been inflicted upon such minor by other than accidental means or which is not explained by the available medical history as being accidental in nature, shall immediately report or cause reports to be made of such information to a Tribal Police Officer or to the Bureau of Indian Affairs Social Services or tribal designed child welfare agency within twenty-four (24) hours. Such reports shall be made forthwith by telephone or in person, and shall be followed by a written report. Such reports shall contain:

1. The names and addresses of the minor and his

2. The minor's age and the nature and extent of his injuries or physical neglect, including any evidence of previous injuries or physical neglect.
  3. Any other information that such person believes might be helpful in establishing the cause of the injury or physical neglect.
- B. When such telephone or in-person reports are received by the Tribal Police Department, they shall immediately notify the Bureau of Indian Affairs Social Services or the tribal designed welfare agency and make such information available to them.
- C. Any person required to receive reports pursuant to subsection A, may take or cause to be taken photographs of the child and the vicinity involved. Medical examinations, including but not limited to, radiological examinations of the involved child may be performed. For the abused or neglected, the police can institute up to a seventy-two (72) hour hold, excluding weekends and holidays, or until a court hearing can be held (whichever comes first), when there is reason to believe that the child is in imminent danger if returned to the home
- D. Anyone participating in the making of reports required under the provisions of this section, or anyone participating in a judicial proceeding resulting from such reports, shall be immune from

privilege, husband-wife privilege or any privilege except the attorney-client privilege, provided for by professions such as the practice of social work or nursing covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of confidential communications, shall not pertain in any civil or criminal litigation in which a child's neglect, dependency, abuse or abandonment is an issue nor in any judicial proceeding resulting from a report submitted pursuant to this section.

- E. Any person required to make a report under this ordinance, who fails to comply with any provision of this section upon a finding by the Tribal Court shall pay a civil penalty of not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00).