

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

WHEREAS, the Tribal Council has enacted 159 Ordinances; and

WHEREAS, the Tribal Council has reviewed and enacted five of the proposed revised tribal codes; specifically:

1. the Domestic Code
2. the Education Code
3. the Game and Fish Code
4. the Government Code
5. the Judicial Code

and

WHEREAS, there remains approximately 69 active ordinances that have not been incorporated into the approved codes; and

WHEREAS, the Legal Department has advised the Tribal Council of the difficulties in identifying and accessing the current tribal law due to the partial enactment of the revised code and the uncodified ordinances; and

WHEREAS, the Legal Department has codified the remaining 69 ordinances into the following titles:

1. Business Code
2. Criminal Code
3. Health and Safety Code
4. Housing and Construction Code
5. Juvenile Code
6. Labor Code
7. Land Code
8. Livestock Code
9. Probate Code
10. Tax Code

and

WHEREAS, the Tribal Council has been advised that the ordinance codification is not revised law and does not preempt the revised tribal code but merely provides for a temporary uniform systemization of current approved tribal law until such time as the Tribal Council has reviewed and enacted the remaining proposed revised codes; and

WHEREAS, the Tribal Council is further advised that no changes have been made to the existing tribal law through the codification of the active ordinances, except to categorize the ordinances into an applicable code and assign appropriate and uniform section numbers and identification of each section through a section title; and

WHEREAS, the following ordinances have been codified as the White Mountain Apache Juvenile Code:

Ordinance 96: Law and Order Code as amended May 1, 1974; Chapter IV: Part I. Juvenile Code; Part II. The Juvenile Court; Part III. General Provisions; Part IV. Custody of Minors in General; Part V. Rights of Parties at Juvenile Proceedings; Part VI. Proceedings Before the Juvenile Court; Part VII. Disposition; Part VIII. Termination and Restoration of Parental Rights; Part IX. Adoption.

Ordinance 124: Adoption of Indian Child Welfare Act; enacted August 6, 1981.

Ordinance 121: Duty to report non-accidental injuries and physical neglect of minors; enacted April 7, 1981.

Ordinance 87: Curfew of minors; enacted September 3, 1969.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said ordinances should be codified as the White Mountain Apache Juvenile Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Juvenile Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Juvenile Code.

BE IT FURTHER RESOLVED by the Tribal Council that the sections

of the foregoing ordinances shall be renumbered and identified pursuant to the outline attached to and made a part of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that the codification of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal law and therefore, it is not mandatory that the codification be posted for public comment.

The foregoing resolution was on March 1, 1989, duly adopted by a vote of NINE for and ZERO 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 Bylaws 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).



Chairman of the Tribal Council



Secretary of the Tribal Council

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MAR 10 1989

Fort Apache Indian Agency
Whiteriver, Arizona

ORDINANCE NO. 96:

CHAPTER IV: PART I. JUVENILE CODE

SECTION 41.1 Definitions

- (1) Juvenile Court
- (2) Minor
- (3) Adult
- (4) Act of delinquency
- (5) Delinquent child
- (6) Neglected child
 - (a)
 - (b)
 - (c)
- (7) Child or person in need of supervision
 - (a)
 - (b)
 - (c)
 - (d)
- (8) Detention
- (9) Shelter care
- (10) Legal custody
- (11) Guardianship of the person of a minor
 - (a)
 - (b)
 - (c)
 - (d)
- (12) Probation
- (13) Protective supervision
- (14) Custodian

CHAPTER IV:
PART II. THE JUVENILE COURT

- Section 42.1 Jurisdiction of the Juvenile Court
- Section 42.2 Appointment of Youth Counselors
- Section 42.3 Transfer of Juvenile Cases to the Juvenile Court
- Section 42.4 Retention of Jurisdiction

CHAPTER IV:
PART III. GENERAL PROVISIONS

- Section 43.1 Complaint; Preliminary Inquiry; Authorization to File Petition

JUVENILE CODE

CHAPTER ONE
DEFINITIONS

SECTION 1.1 DEFINITIONS

- A. Juvenile Court
- B. Minor
- C. Adult
- D. Act of delinquency
- E. Delinquent child
- F. Neglected child
 - (1)
 - (2)
 - (3)
- G. Child or person in need of supervision
 - (1)
 - (2)
 - (3)
 - (4)
- H. Detention
- I. Shelter care
- J. Legal custody
- K. Guardianship of the person of a minor
 - (1)
 - (2)
 - (3)
 - (4)
- L. Probation
- M. Protective supervision
- N. Custodian

CHAPTER TWO
THE JUVENILE COURT

- SECTION 2.1 JURISDICTION OF THE JUVENILE COURT
- SECTION 2.2 APPOINTMENT OF YOUTH COUNSELOR
- SECTION 2.3 TRANSFER OF JUVENILE CASES TO THE JUVENILE COURT
- SECTION 2.4 RETENTION OF JURISDICTION

CHAPTER THREE
GENERAL PROVISIONS

- SECTION 3.1 COMPLAINT; PRELIMINARY INQUIRY AUTHORIZATION TO FILE PETITION

CHAPTER IV - PART III (cont'd):

- Section 43.2 Petitions
- Section 43.3 Summons
- Section 43.4 Service of Summons
- Section 43.5 Time Limitations
- Section 43.6 Continuances
- Section 43.7 Contempt Power
- Section 43.8 Subpoenas

CHAPTER IV: PART IV. CUSTODY OF MINORS
IN GENERAL

- Section 44.1 Taking a Child Into Custody
- Section 44.2 Notification of Parents
- Section 44.3 Criteria for Detaining Children
- Section 44.4 Release to Parents, Guardian
or Custodian from Temporary
Detention or Shelter Care
- Section 44.5 Place of Detention or Shelter
- Section 44.6 Release from Detention or
Shelter Care; Hearing
- Section 44.7 Emergency Medical Care

CHAPTER IV:
PART V. RIGHTS OF PARTIES AT JUVENILE
PROCEEDINGS

- Section 45.1 Right to Retain Counsel
- Section 45.2 Admissibility of Preliminary
Statements
- Section 45.3 Double jeopardy
- Section 45.4 Other Basic Rights

CHAPTER THREE (cont'd):

- SECTION 3.2 PETITIONS
- SECTION 3.3 SUMMONS
- SECTION 3.4 SERVICE OF SUMMONS
- SECTION 3.5 TIME LIMITATIONS
- SECTION 3.6 CONTINUANCES
- SECTION 3.7 CONTEMPT POWER
- SECTION 3.8 SUBPOENAS

CHAPTER FOUR - CUSTODY OF MINORS IN GENERAL

- SECTION 4.1 TAKING A CHILD INTO CUSTODY
- SECTION 4.2 NOTIFICATION OF PARENTS
- SECTION 4.3 CRITERIA FOR DETAINING CHILDREN
- SECTION 4.4 RELEASE TO PARENTS, GUARDIAN
OR CUSTODIAN FROM TEMPORARY
DETENTION OR SHELTER CARE
- SECTION 4.5 PLACE OF DETENTION OR SHELTER
- SECTION 4.6 RELEASE FROM DETENTION OR
SHELTER CARE; HEARING
- SECTION 4.7 EMERGENCY MEDICAL CARE

CHAPTER FIVE - RIGHTS OF PARTIES AT JUVENILE
PROCEEDINGS

- SECTION 5.1 RIGHT TO RETAIN COUNSEL
- SECTION 5.2 ADMISSIBILITY OF PRELIMINARY
STATEMENTS
- SECTION 5.3 DOUBLE JEOPARDY
- SECTION 5.4 OTHER BASIC RIGHTS

CHAPTER IV
PART VI. PROCEEDINGS BEFORE THE JUVENILE
COURT

- Section 46.1 Conduct of Hearing
- Section 46.2 Predisposition Study and Report
- Section 46.3 Hearing; Findings; Dismissal
- Section 46.4 Consent Decree; Continued Supervision Without Adjudication

CHAPTER IV
PART VII. DISPOSITION

- Section 47.1 Disposition of Neglected Child
- Section 47.2 Disposition of a Delinquent Child or a Child in Need of Supervision
- Section 47.3 Medical Records of a Committed Child
- Section 47.4 Order of Adjudication, Noncriminal
- Section 47.5 Limitation of Time on Dispositional Orders
- Section 47.6 Modification or Termination of Court Orders
- Section 47.7 Petition to Revoke Probation; Disposition
- Section 47.8 Disposition of Mentally Ill or Mentally Retarded Child
- Section 47.9 Appointment of Guardian ad Litem
- Section 47.10 Court Costs and Expenses
- Section 47.11 Support of Committed Child
- Section 47.12 Protective Orders
- Section 47.13 Records; Publication Prohibited
- Section 47.14 Destruction of Records

CHAPTER SIX - PROCEEDINGS BEFORE THE JUVENILE
COURT

- SECTION 6.1 CONDUCT OF HEARING
- SECTION 6.2 PREDISPOSITION STUDY AND REPORT
- SECTION 6.3 HEARING; FINDINGS; DISMISSAL
- SECTION 6.4 CONSENT DECREE; CONTINUED SUPERVISION WITHOUT ADJUDICATION

CHAPTER SEVEN - DISPOSITION

- SECTION 7.1 DISPOSITION OF NEGLECTED CHILD
- SECTION 7.2 DISPOSITION OF A DELINQUENT CHILD OR A CHILD IN NEED OF SUPERVISION
- SECTION 7.3 MEDICAL RECORDS OF A COMMITTED CHILD
- SECTION 7.4 ORDER OF ADJUDICATION, NONCRIMINAL
- SECTION 7.5 LIMITATION OF TIME ON DISPOSITIONAL ORDERS
- SECTION 7.6 MODIFICATION OR TERMINATION OF COURT ORDERS
- SECTION 7.7 PETITION TO REVOKE PROBATION; DISPOSITION
- SECTION 7.8 DISPOSITION OF MENTALLY ILL OR MENTALLY RETARDED CHILD
- SECTION 7.9 APPOINTMENT OF GUARDIAN AD LITEM
- SECTION 7.10 COURT COSTS AND EXPENSES
- SECTION 7.11 SUPPORT OF COMMITTED CHILD
- SECTION 7.12 PROTECTIVE ORDERS
- SECTION 7.13 RECORDS; PUBLICATION PROHIBITED
- SECTION 7.14 DESTRUCTION OF RECORDS

CHAPTER IV
PART VIII. TERMINATION AND RESTORATION
OF PARENTAL RIGHTS

CHAPTER EIGHT - TERMINATION AND RESTORATION
OF PARENTAL RIGHTS

- Section 48.1 Preferred Parental Right
to Custody
- Section 48.2 Termination of Residual
Rights and Responsibilities
- Section 48.3 Termination Procedures
- Section 48.4 Grounds for Termination of
Parental Rights
- Section 48.5 Order Terminating
- Section 48.6 Disposition After Order
- Section 48.7 Revocation of Termination
Order

- SECTION 8.1 PREFERRED PARENTAL RIGHT
TO CUSTODY
- SECTION 8.2 TERMINATION OF RESIDUAL
RIGHTS AND RESPONSIBILITIES
- SECTION 8.3 TERMINATION PROCEDURES
- SECTION 8.4 GROUNDS FOR TERMINATION OF
PARENTAL RIGHTS
- SECTION 8.5 ORDER TERMINATING
- SECTION 8.6 DISPOSITION AFTER ORDER
- SECTION 8.7 REVOCATION OF TERMINATION
ORDER

CHAPTER IV
PART IX. ADOPTION

CHAPTER NINE - ADOPTION

- Section 49.1 Who May Be Adopted
- Section 49.2 Who May Adopt
- Section 49.3 Adoption Order Required
- Section 49.4 Petition for Adoption
- Section 49.5 Notice of Hearing on Petition
- Section 49.6 Consent to Adoption
- Section 49.7 Waiver of Consent to Adoption;
Exception of Natural Parents
- Section 49.8 Investigation
- Section 49.9 Hearing; Attendance
- Section 49.10 Court Order
- Section 49.11 Rights under Adoption Order

- SECTION 9.1 WHO MAY BE ADOPTED
- SECTION 9.2 WHO MAY ADOPT
- SECTION 9.3 ADOPTION ORDER REQUIRED
- SECTION 9.4 PETITION FOR ADOPTION
- SECTION 9.5 NOTICE OF HEARING ON PETITION
- SECTION 9.6 CONSENT TO ADOPTION
- SECTION 9.7 WAIVER OF CONSENT TO ADOPTION;
EXCEPTION OF NATURAL PARENTS
- SECTION 9.8 INVESTIGATION
- SECTION 9.9 HEARING; ATTENDANCE
- SECTION 9.10 COURT ORDER
- SECTION 9.11 RIGHTS UNDER ADOPTION ORDER

Section 49.12 Revocation of Adoption Order

Section 49.13 Adoption Order Unaffected
By Appeal

Section 49.14 Fees

ORDINANCE NO. 124:

WHITE MOUNTAIN APACHE TRIBE INDIAN CHILD
WELFARE ORDINANCE

SECTION I. PURPOSE AND INTENT

SECTION II. DEFINITIONS

SECTION III. TRIBAL COURT AUTHORITY

SECTION IV: MONTHLY REPORTS

SECTION V. APPEALS

SECTION VI: RELATIONSHIP WITH STATE COURTS

SECTION VII: SEVERABILITY

ORDINANCE NO. 121:

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

A.

B.

C.

D.

E.

SECTION 9.12 REVOCATION OF ADOPTION ORDER

SECTION 9.13 ADOPTION ORDER UNAFFECTED
BY APPEAL

SECTION 9.14 FEES

CHAPTER TEN - INDIAN CHILD WELFARE ACT

SECTION 10.1 PURPOSE AND INTENT--

SECTION 10.2 DEFINITIONS

SECTION 10.3 TRIBAL COURT AUTHORITY

SECTION 10.4 MONTHLY REPORTS

SECTION 10.5 APPEALS

SECTION 10.6 RELATIONSHIP WITH STATE COURTS

SECTION 10.7 SEVERABILITY

CHAPTER ELEVEN - DUTY TO REPORT NON-ACCIDENTAL
INJURIES TO MINORS

SECTION 11.1 DUTY TO REPORT NON-ACCIDENTAL
INJURIES AND PHYSICAL NEGLECT
OF MINORS; CLASSIFICATION

A.

SECTION 11.2 NOTICE TO CHILD WELFARE AGENCY

SECTION 11.3 PHOTOGRAPHS; MEDICAL EXAMINA-
TIONS; HOLDING CHILD

SECTION 11.4 IMMUNITY FROM LIABILITY;
PRIVILEGES NOT APPLICABLE

SECTION 11.5 VIOLATIONS; PENALTY

ORDINANCE NO. 87:

Curfew of Minors

ARTICLE I Section 1.

Section 2.

Section 3.

Section 4.

CHAPTER TWELVE - CURFEW OF MINORS

SECTION 12.1 CURFEW

SECTION 12.2 PARENTAL CONTROL REQUIRED

SECTION 12.3 VIOLATION; PENALTY

SECTION 12.4 PRIOR LAW RESCINDED