FOREST COUNTY POTAWATOMI CHILDREN'S CODE

CHAPTER 3-1 (08/13/2022)

FOREST COUNTY POTAWATOMI
CHILDREN'S CODE
ORDINANCE

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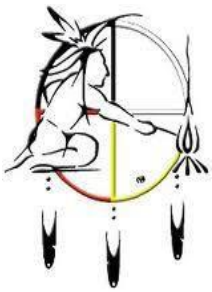

FOREST COUNTY POTAWATOMI
CHILDREN'S CODE
ORDINANCE

§ 1. General

1.1. Purpose

The purpose of this ordinance is to develop and meet reasonable alternatives for care of all Children living within Forest County Potawatomi Tribal Lands. It is important to secure the future of these Children as well as to provide for their general wellbeing and welfare. This Children's Code shall be liberally construed to effect the purposes stated in the "Indian Child Welfare Act of 1978", P.L. 95-608, 25 U.S.C. ss. 1901 et seq. Nothing contained in this Chapter shall be construed to mean a Child is abused, or is a Child in Need of Care or that the health of a Child is endangered for the sole reason that his or her parent in good faith selects and provides non-medical remedial treatment rendered in accordance with a recognized Tribal or religious method of healing, in lieu of medical treatment.

1.2. Authority

The Forest County Potawatomi General Council enacts this ordinance pursuant to its authority granted under the Forest County Potawatomi Tribal Constitution, Article IV, §1(d).

1.3. Effective Date and Title

This ordinance is hereby adopted immediately following the majority approval from the Forest County Potawatomi General Council and it shall be known as the Forest County Potawatomi Children's Code Ordinance.

1.4. Sovereign Immunity

The Tribe, by adoption of this ordinance, does not waive its Sovereign Immunity in any respect.

1.5. Official Immunity

Any tribal employee or official acting pursuant to this ordinance shall have Official Immunity from suit unless there is no colorable basis for their actions.

1.6. Amendment or Repeal

This ordinance may be amended or repealed by a Majority vote of the Forest County Potawatomi General Council. All rules and regulations heretofore adopted by the Forest County Potawatomi General Council which are in conflict with the provisions of this ordinance are hereby repealed.

1.7. Jurisdiction

The Forest County Potawatomi Tribal Court shall have Original Jurisdiction over all proceedings under this ordinance.

§ 2. Definitions

For the purpose of this ordinance, the following words and phrases shall have the meanings given to them in this Section and by law:

"Abandoned" shall mean the failure of the parent to provide reasonable support and to maintain regular contact with his or her Child when such failure is intended by the parent to continue for an indefinite period in the future. Failure to maintain a parental relationship with the Child without just cause for a period of six (6) months shall constitute prima facie evidence of abandonment.

"Abuse" shall mean the infliction of physical or mental injury including the failure to maintain reasonable care and treatment to such an extent that the Child's health, morals or emotional well-being are endangered.

"Child" shall mean any person who is under eighteen (18) years of age.

"Child in Need of Care" shall mean any Child:

(A) Who has no parent, guardian or custodian available and willing to care for him or her;

(B) Who has not been provided with adequate food, shelter, clothing, medical care or education necessary for his or her health and wellbeing;

(C) Whose parent, guardian or custodian had knowingly, intentionally or negligently subjected the Child to cruel and inhumane treatment or placed the Child in a situation that seriously endangers his or her life or health;

(D) Who is without proper parental care and control or supervision because of the neglect, disappearance or the prolonged absence of his or her parent, guardian or custodian;

(E) Whose parents, guardian or custodian are unable to provide for the Child because of their incarceration or hospitalization for a physical or mental condition;

(F) Who has been sexually abused by his or her parent, guardian or custodian;

(G) Who has been placed in custodial care due to a violation of the law which resulted from parental pressure and/or trying to gain guidance or approval;

(H) Who, being subject to compulsory school attendance, is habitually truant from school; or

(I) Who habitually disobeys the reasonable and lawful orders of his or her parent, guardian or custodian, who is ungovernable and beyond their control.

"Custodian" or "Legal Custody" shall mean any person other than a parent or Legal Guardian to whom legal custody of a Child has been granted by court order and it is the status created by order of Tribal Court or any other court of competent jurisdiction that vests the following rights and responsibilities:

(A) The right to have physical custody of the Child shall be determined by the Court; if physical custody is not with the person having legal custody;

(B) The rights and the duties to protect educate and discipline the Child all in the Child's best interest; and

(C) The responsibility to provide the Child with adequate food, shelter, education, ordinary medical care and other basic needs, according to court order. In an emergency situation, a custodian shall have the authority to consent to surgery as well as any other emergency medical care needs.

"Detention" shall mean the temporary placement of a Child who requires physical custody in a secure facility for the protection of the Child and/or Children as well as for the protection of the Community pending court disposition.

"Executive Council" shall mean the Forest County Potawatomi Executive Council.

"Foster Child" shall mean any Child who is a Child without parental support and protection, placed with a person or family to be cared for pursuant to a court order.

"Foster Home" shall mean any home which is licensed by the Executive Council and/or applicable state licensing agency and maintained by any individual or individuals suitable for placement of Children when taken into custody or pending court disposition.

"Foster Parents" shall mean any person or persons who operate a facility required to be licensed under this ordinance and in accordance with the Indian Child Welfare Act. They shall have the rights of a physical custodian relative to foster children in their care while licensed.

"General Council" shall mean the Forest County Potawatomi General Council.

"Guardian Ad Litem" shall mean any person appointed by Tribal Court to protect the legal interests of the Child in a particular case before the court.

"Guardian" shall mean any person appointed by Tribal Court to care for and manage the person and estate of the Child or incompetent vulnerable person in a particular case before the court.

"Guardianship of a Person" with respect to a minor, shall mean the duty and authority to make important decisions in matters affecting the life of a Child including but not necessarily limited either in number or kind to:

(A) The authority to consent to marriage, to enlistment in the armed forces of the United States and to major medical, psychiatric and surgical treatment, to represent the minor in legal action, and to make other decisions of substantial legal significance concerning the Child including but not limited to matters of education and religious and cultural upbringing;

(B) The authority and duty to provide reasonable visitation except to the extent that such right of visitation has been limited by court order;

(C) The rights and responsibilities of Legal Custody except where Legal Custody has been vested in another individual or in an authorized agency; and

(D) When the parent/child relationship has been terminated by court order with respect to the parents, only living parent, or when there is no living parent, the authority to consent to the adoption of the Child and to make any other decision concerning the Child which the Child's parent could make.

"Indian Child Welfare Worker" shall mean a person employed by the Forest County Potawatomi Tribal Executive Council to carry out the duties, objectives and provisions of the Children's Code; but subject to the limitation of the Tribal Court Code. The Indian Child Welfare Worker shall have the authority and duty to:

(A) Receive and examine complaints and allegations that a Child and/or Children is a Child in Need of Care for the purpose of determining the appropriate proceedings under the Children's Code;

(B) Make investigative reports and recommendations to the Court;

(C) Make appropriate referrals of cases to other agencies if their assistance appears to be needed or desirable, except there shall be no referral to a state government without advance approval in writing from a Tribal Judge;

(D) Refer Child and/or family to counseling and any other services designated by the Court;

(E) Identify and develop resources within the communities as designated by the Court;

(F) Make predisposition reports and recommendations to the Court; and

(G) Supervise and assist a Child and/or Children placed on probation.

“Judge” shall mean a judge of Tribal Court who shall have the authority and duty to determine a course of action which is least restrictive to the Child's freedom and is consistent with the objectives of the Children’s Code; but subject to its limitations, Tribal Court Judges shall have the authority and duty to:

(A) Advise the Child and the parent, guardian or custodian of their rights;

(B) Appoint counsel for a Child, parent, guardian, or custodian if necessary under this Code;

(C) Order that a Child be taken into custody under §3.3;

(D) Order the applicable Law Enforcement Officer of Tribal Court to conduct a preliminary inquiry calculated to identify and resolve problems present in complaints filed in Tribal Court; and

(E) Cooperate and participate with any federal, state, private or Tribal agency providing rehabilitative or social services designed to assist a Child to become a viable adult member of the community.

(F) Other powers as identified in this Code or by Tribal Law.

“Legal Guardian” shall mean any person having the right to make major decisions affecting a child including education, religious and cultural upbringing, the right to consent to marriage, to enlistment in the armed forces, to major surgery and medical treatment and to adoption, or make recommendations as to adoption.

“Out of Home Placement” shall mean the removal of a Child from the home of his or her parent or custodian for placement (including long term placement) in a foster home, group home, residential care center for children and youth, or shelter care facility, in the home of a relative other than a parent, or in the home of a guardian, from which placement the parent or custodian cannot have the child returned upon demand.

“Parent” shall mean the natural and/or adoptive parents of a Child whose parental rights have not been terminated. A Parent inherently has the powers of a custodian or guardian unless otherwise determined by the court.

“Parent/Child Relationship” shall mean and include all rights, privileges, duties and obligations existing between parent and Child.

“Physical Custodian” shall mean any person having the right to the care, custody and control of a child and duty to provide food, clothing, shelter, routine medical care, education and discipline for a child. A legal guardian's decision regarding medical care and educational placement shall take precedence over that of a foster parent or physical custodian.

“Protective Services” shall mean a child welfare program which seeks to prevent dependency and abuse of Children by providing family services to families where unresolved problems have

created visible signs of dependency or abuse and the home situation presents actual and potential hazards to the physical or emotional well-being of Children.

"Relative" shall mean any parent, grandparent, brother, sister, uncle, aunt, first cousin, nephew, niece, step-parent, step-brother, step-sister or any other person who, in the discretion of Tribal Court, has a relationship with a child that is equivalent of one of the relationships described herein according to tribal custom.

"Rule" shall mean a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing), of general application and having the effect of law.

"Shelter Care" shall mean the care of a Child placed in a foster home or institution maintained by individuals or organizations licensed and/or approved by the Executive Council or a state licensing board, to receive and care or control Children taken into custody or pending medical examination and court disposition.

"Tribal Court" shall mean the Forest County Potawatomi Community Tribal Court.

"Tribal Lands" or "Reservation" shall mean any lands, the legal title to which is held in trust by the United States for the benefit of Forest County Potawatomi Community and any other land which is part of the Forest County Potawatomi Community Reservation.

"Tribe" or "Tribal" shall mean the Forest County Potawatomi Community.

"Ward of the Court" shall mean a status declared by the Court in absence of an appointment of a guardian or custodian. Tribal Court shall have all legal and physical rights to a Child after parental rights have been terminated.

§ 3. Jurisdiction

3.1. Jurisdiction of the Forest County Potawatomi Tribal Court

(A) Tribal Court shall have Original Jurisdiction over all actions arising on Tribal Lands and all proceedings under the Children's Code in which a Child is recognized by the Forest County Potawatomi Community as an enrolled or eligible to be enrolled Tribal Member Child and who is alleged to be a Child in Need of Care. Such recognition shall be either through a resolution of the Tribal Executive Council or an independent finding of Tribal Court, and shall be final and non-appealable.

(B) Tribal Court shall have Original Jurisdiction over Tribal Lands and of the following proceedings, notwithstanding any other laws relating to same:

(1) Termination of parental rights;

(2) Adoption of a Child;

(3) Determine the custody of, or to appoint a custodian or a guardian for a Child;

(4) Determine proper placement for a Child determined by the Court as a Child in Need; and

(5) Placement and/or treatment of a Child with special needs and/or a mental illness.

(C) Jurisdiction obtained by Tribal Court over a Child is retained until terminated by any of the following situations:

(1) The Child becomes an adult; or

(2) Tribal Court enters an order terminating jurisdiction.

3.2. Court Personnel

(A) The Tribal Prosecutor shall represent the Tribe in all proceedings under this Code.

(B) The Indian Child Welfare Worker shall carry out the duties and responsibilities set forth in this Code.

(C) In performing the duties set forth in this Code, all Tribal Court personnel shall:

(1) Identify and develop resources in the Community calculated to resolve the problems presented in petitions filed in Tribal Court;

(2) Identify and develop resources in the Community designed to enhance the Child's potential as a member of the Tribe.

(D) The Tribal Court Clerk shall be responsible for maintaining all records of Tribal Court regarding juveniles, separate from other court records.

3.3. Taking a Child into Custody

(A) Tribal Court may enter an order directing that a Child be taken into custody if a petition is filed with the Court alleging that the Child is in Need of Care and the Court finds probable cause to believe the Child is in Need of Care.

(B) A Child may be taken into custody without a court order by an Indian Child Welfare Worker or authorized Law Enforcement Officer if there is probable cause to believe that the Child and/or Children is a Child in Need of Care and that the Child would be injured, removed or hidden from the jurisdiction of Tribal Court.

(C) A Child may be taken into custody by an Indian Child Welfare Worker or authorized Law Enforcement Officer when there are reasonable grounds to believe that the Child has run away from his or her parent, guardian or custodian.

(D) A person who takes a Child into custody pursuant to a court order shall take the Child immediately to the Indian Child Welfare Worker to screen for admissions to detention or shelter care.

(E) A person who takes a Child into custody without a court order shall proceed as follows:

(1) Release the Child to the Child's parent, guardian or relative, unless shelter care or detention is immediately necessary:

(2) If the Child is not released, take the Child immediately to the Indian Child Welfare Worker or authorized Law Enforcement Officer to screen for admissions to shelter care or detention; and

(i) Prepare and file with Tribal Court Clerk, a report containing the information required in §3.7 (A) (1); and

(ii) Make immediate and, if necessary, recurring efforts to notify the Child's parent, guardian, or a relative to inform him/her that the Child has been taken into custody and to notify the parent, guardian, or relative of his or her right to be present with the Child while any investigation necessary to determine the need for shelter care or detention is made.

3.4. Criteria for Detention

Unless ordered by the Court pursuant to the provisions of the Children's Code, a Child taken into custody shall not be placed in detention prior to the Court's disposition unless:

(A) Probable cause exists to believe the Child will commit injury to the persons or property of others or cause injury to himself/herself or be subject to injury by others; or

(B) Probable cause exists to believe the Child has no parent, guardian or custodian able or willing to provide adequate supervision, and care for him/her; or

(C) Probable cause exists to believe the Child will run away or be taken away so as to be unavailable for proceedings by the Court.

3.5. Detention Hearing and Shelter Care

(A) If a Child is detained or placed in shelter care, the Court shall hold a detention hearing within two (2) business days after the placement in detention as required by the criteria established by the Children's Code.

(B) If the Child's parent or guardian in not present, the Court shall determine what efforts have been made to notify and to obtain the presence of the parent or guardian. If it appears to the Court that further efforts are likely to produce the

parent or guardian, the Court shall recess the case not more than 2 business days and direct the Indian Child Welfare Worker or an authorized Law Enforcement Officer to make continued efforts to gain the presence of the parents or guardian.

(C) If counsel has been retained by or for the Child by his or her parent or guardian the Court shall determine whether that counsel is acceptable to the Child and whether the counsel retained is able to represent the Child's best interest. If the Court determines that counsel will not represent the best interest of the Child, the Court may remove retained counsel and appoint new counsel.

(D) If counsel has not been retained by or for the Child, the Court may in its discretion appoint counsel pursuant to §3.11(B), of this Code.

(E) Before proceeding with a detention hearing the Court shall:

(1) Inform the Child and the parents of the purpose of the hearing and determine whether the Child and the parents understand the nature of the allegations against him/her and the potential consequences of the hearing.

(2) Explain the right to counsel substantially as follows; "You have a right to have an attorney represent you at your own expense, or at the expense of your parents or guardian."

3.6. Initiation of Proceedings by Petition

(A) Proceedings in Tribal Court shall be initiated by the filing of a petition signed by the Indian Child Welfare Worker and by the Tribal Prosecutor.

(B) A petition may be initiated upon a report given by any person who has knowledge of the facts alleged or is informed of them and believes that they are true, or by the Indian Child Welfare Worker upon information and belief.

(C) Allegations that a Child is a Child in Need of Care shall be referred to the Indian Child Welfare Worker and the Tribal Prosecutor who shall conduct a preliminary inquiry to determine the best interest of the Child with regard to any action to be taken. After completion of the preliminary inquiry on a report or allegation, the Indian Child Welfare Worker may file a petition which has been signed by the Tribal Prosecutor.

(D) When a Child is in detention or custody, and the Tribal Prosecutor determines that the petition is not authorized, the Child shall be released immediately.

3.7. Petition Content

(A) Petitions initiating proceedings under the Children's Code shall contain the following information:

(1) The facts necessary to invoke the jurisdiction of the Court together with a statement that the Child is a Child in Need of Care;

(2) A plain and concise statement of facts upon which the allegations are based, including the dates, times, and location at which the alleged acts occurred;

(3) The Child's name, birth date, and present location;

(4) The name and location of the Child's parent or guardian;

(5) The name of the Indian Child Welfare Worker and Tribal Prosecutor who approve the petition and the date of approval;

(6) Whether the Child is in custody, and if so, the place of detention and the time he/she was taken into custody;

(7) If any of the matters required to be set forth by this Section are not known, a statement that they are not known.

(B) If the proceeding involves the termination of parental rights, the petition shall meet the requirements of subsection (A) and shall contain notice of a request to terminate parental rights.

3.8. Filing of Petition

(A) The petition shall be filed by the Tribal Prosecutor with the Clerk of Court.

(B) Responsive pleadings shall be by oral admission or denial at the time set in the summons for appearance before the court.

3.9. Summons; Service

(A) After a petition is filed, the Court shall fix a time for a hearing and shall direct the issuance of summonses;

(B) A summons shall be issued to the Child's parent or guardian and to the person with whom the Child resides requiring them to appear before the Court and requiring the person with whom the Child resides to cause the Child to appear before the Court; and

(C) A copy of the petition shall be attached to each summons and the summons shall contain a statement substantially as follows: "To the Child and your parents or guardian; you have a right to have an attorney represent you at your own expense."

3.10. Court Intake

(A) The Indian Child Welfare Worker shall receive and investigate reports, complaints and allegations that a Child is in Need of Care within twenty-four (24) hours of the complaint, or they shall take a Child into protective custody. Upon the basis of this investigation, the Tribal Prosecutor may:

(1) Recommend that no further action be taken; or

(2) Make appropriate referrals to other agencies if their assistance appears to be needed or desirable; or

(3) Suggest to the family that they appear for an informal conference with the Tribal Judge, Tribal Prosecutor and the Indian Child Welfare Worker; or

(4) File a petition pursuant to §3.6, of this Code in Tribal Court to initiate further proceedings. The petition shall be filed within forty-eight (48) hours if the Child is in shelter care. If the Child has been returned to his or her parent, guardian or custodian the petition shall be filed within five (5) days.

3.11. Basic Rights

(A) At all stages of all proceedings the Child shall have the right to be represented by counsel, at his or her own expense or at the expense of his or her parent or guardian.

(B) The Court may in its discretion appoint counsel for an indigent Child for the Child at the initial hearing if counsel has not been retained.

(C) At all stages of any proceedings in which a Child is alleged to be a Child in Need of Care, the Child's parent or guardian shall have the right at their own expense to be represented by counsel, and, if indigent, the Court may in its discretion appoint counsel to represent them.

(D) In all proceedings the Child and the Child's parent or guardian shall be entitled to introduce evidence, to be heard in their own behalf, and to examine witnesses. Notwithstanding the foregoing, the court may, at its own discretion or upon motion by a Child's parent or guardian, temporarily exclude a Child from the proceedings if the court determines that exposure to the specific testimony or evidence in question may cause significant harm to the relationship between the Child and the parent or guardian.

(E) In all proceedings the general public shall be excluded, except persons whose presence is requested by a party. A person admitted to a Tribal Court proceeding shall not divulge information identifying the Child or the family involved in the proceeding, the nature of the proceeding, or the result of the proceeding.

3.12. Discovery

(A) Upon written request, the respondent shall have the right to inspect, copy or photograph social, psychiatric, psychological, medical, and school reports, and records concerning the Child including reports of preliminary inquiries, predisposition studies and supervision records relating to the Child which are in the possession of the Tribal Prosecutor or Indian Child Welfare Worker assigned to the case.

(B) If a request for discovery is refused, application may be made to the Court for an order granting discovery. Motions for discovery shall certify that a request for discovery has been made and refused.

(C) The Court may deny, in whole or part, otherwise limit or set conditions on the discovery authorized upon showing by a party upon whom request for discovery is made that granting discovery violates a privileged communication or the work product rule.

3.13. Adjudicatory Hearings

(A) If in a proceeding in which a Child is alleged to be a Child in Need of Care, the respondent does not admit the allegations of the petition:

(1) The Court shall dispose of all pretrial motions that may be brought under this Section and under the rules of procedure applicable to Tribal Court juvenile cases;

(2) The Tribal Prosecutor shall list the names of witnesses to the alleged abuse, neglect, or abandonment known to him/her and provide notice of those names to the respondent at least five (5) days prior to trial.

(B) If the Court finds the Child to be a Child in Need of Care by clear and convincing evidence, the Court shall hold a dispositional hearing.

3.14. Dispositional Hearing

(A) Prior to the dispositional hearing the Indian Child Welfare Worker shall prepare a written report identifying and describing all reasonably appropriate alternative dispositions. The report shall contain:

(1) A specific plan for the care of and assistance to the Child calculated to resolve the problems presented in the petition;

(2) A detailed explanation showing the necessity for the proposed plan of disposition and the benefits to the child under the proposed plan; and

(3) Specific reasons for recommending the Child’s placement not to be with the Child's parent or guardian.

(B) At the dispositional hearing the Court shall consider the predisposition report and all relevant and material evidence presented. Upon motion of the Child or the Child's parent or guardian, the Court shall require the person who wrote a report or who is quoted in a written or oral report to appear as a witness and be subject to cross-examination.

(C) After consideration of all evidence offered bearing on disposition, the Court may order a disposition pursuant to §3.15, if the Child is adjudicated a Child in Need of Care.

(D) The dispositional order of the Court shall set forth the findings of fact upon which the order is based together with clear and concise reasons for the order.

(E) Upon petition of a Child or a Child's parent or guardian who alleges a change of circumstances relating to disposition of the Child, the Court shall conduct a hearing to review its dispositional order. Such petitions shall state all changes in circumstances.

(F) The Court shall review each disposition once a year after the entry of dispositional order. The review can be changed to a hearing upon written request of the child's parent or guardian.

(G) A hearing to review a dispositional order shall be conducted as follows:

(1) Notice in writing of the hearing shall be given to the Child, his or her counsel, the Child's parent or guardian and their counsel not less than 72 hours before the hearing.

(2) The Court shall review the actions of the Child, the Child's parent or guardian, the Indian Child Welfare Worker, the Tribal Prosecutor, and other persons providing assistance to the child and the child's family.

(3) If the request for review of disposition is based upon an alleged violation of a court order, the Court shall not modify or extend the dispositional order unless it finds clear and convincing evidence of a violation.

(4) More frequent reviews are permitted upon motion of a party or the Court's own motion.

3.15. Disposition of a Child in Need of Care

(A) If the Court finds that the Child is a Child in Need of Care, the Court shall enter an order of disposition pursuant to this Section.

(B) The Court shall give consideration to the Child's physical or mental condition, the Child's need for assistance, the manner in which the parent or guardian participated in the abuse, neglect, or abandonment of the Child and the evidence

received at the dispositional hearing concerning the ability of the Child's parent or guardian to provide supervision and care of the Child.

(C) The Court shall give precedence to dispositions in the following sequence:

(1) Dismiss the petition.

(2) Refer the Child and the Child's parents if appropriate to an agency for needed assistance and dismiss the petition.

(3) Order terms of supervision calculated to assist the Child and the Child's parent or guardian, which prescribe the manner of supervision and care of the Child and which are within the ability of the parent or guardian to perform.

(4) Order the Indian Child Welfare Worker to assist the Child and to assist the Child's parent or guardian to secure social and medical services to provide proper supervision and care of the Child.

(5) Order the parent, child or relatives who are subject to the court's jurisdiction to participate in treatment and services calculated to rehabilitate the child and parents and reunify the family.

(6) Upon a finding that a parent or guardian is not willing to take custody of the Child, or that a Child is not willing to reside in the custody of the Child's parent or guardian, or that a parent or guardian cannot provide necessary supervision and care of the Child, the Court may place the Child in an out of home placement. The Court shall give precedence to out of home placements in the following sequence: a relative, a foster home, a group boarding home, or a Child caring institution. The Court shall make an out of home placement in the Child's community when possible.

a. All relative or foster home placements shall be subject to licensure by the Tribe.
b. All relative or foster home placement caretakers shall be subject to drug screening, pursuant to the Family Services Division Drug Screening Policy.

(7) Order the initiation of proceedings to terminate parental rights as outlined in §5 of this Code.

(D) If the Child is not placed in his or her parent's custody, the Court may require the parent to rectify the conditions that formed the basis for the petition. When the parent fulfills the requirements of the order, the Court shall return the Child to the parent's custody.

(E) An order of disposition made pursuant to this Section shall remain in force for an indeterminate period, but not beyond the Child's eighteenth (18^{th}) birthday, subject to the annual review provisions of §3.14 (F) above.

3.16. Parental Duty to Support

(A) The Tribe may seek reimbursement from parents of children whose legal custody has been transferred to the Tribe, for payment of services rendered to the parent's/parents' children, including necessary residential treatment. The Tribal Court shall establish the amount of reimbursement based upon a parent's ability to pay, taking into consideration the totality of the parent's income, expenses, assets, and liabilities.

(B) Any judgment or order for support made pursuant to this section shall be subject to collection pursuant to the Debts Owed to the Tribe Ordinance.

3.17. Guardianship

(A) The Tribal Court shall permit parents, no more than two years from the date of disposition, to complete the requirements as defined in the dispositional order. If the parents fail to substantially complete these requirements within two years, the Court may appoint a permanent guardian for the minor child in accordance with Section 8 of the FCPC Amended Guardianship and Protective Proceedings Ordinance.

(B) A guardianship established pursuant to this section is presumed to be permanent, except that either parent, if at least one year has passed since the guardianship was established, may petition the court for the termination of the guardianship by establishing by clear and convincing evidence that:

1. The parent and/or guardian has satisfactorily completed the terms of the original dispositional order and,

2. Termination of the guardianship and reunification with the parent(s) is in the best interest of the child(ren). In determining the best interests of the child(ren), the Court shall consider the following factors:

a) The minor Child(ren)'s current adjustment to the home, school, religion, culture, and community;

b) Any reports of professionals regarding the placement and admitted by the Tribal Court into evidence; and

c) The minor Child(ren)'s age and the minor Child(ren)'s developmental, cultural, and educational needs at different ages;

d) The need for predictability and stability in the minor Child(ren)'s Physical Placement;

e) The mental, emotional, and physical health of the parents, including whether either parent has had a problem with alcohol or drug abuse, and the mental,

emotional, and physical health of the minor Child(ren) and other persons living in the proposed household;

f) Whether either parent has physically, emotionally, or otherwise abused or neglected the minor Child(ren);

g) The amount and quality of time each parent has spent with the minor Child(ren) in the past and any reasonable life-style changes that each parent proposes to make to be able to spend time with the minor Child(ren) in the future;

h) The wishes of the minor Child, communicated by the minor Child or the minor Child's guardian ad litem, if one has been appointed by the Tribal Court;

i) Any other factors the Tribal Court deems relevant to determining what is in the best interest of the minor Child.

3.18. Appeals

(A) Any party may appeal from a judgment of Tribal Court to an Appellate Court established by Tribal Ordinance.

(B) Any party who has filed notice of appeal shall be furnished with a transcript or a copy of the electronic recording, of the proceedings, or as much of it as is requested, at the expense of the appellant.

(C) The pendency of an appeal shall not suspend the Tribal Court order unless the Appellate Court specifically orders otherwise. If an appeal is not heard within sixty (60) days, the Appellate Court shall hold a hearing to determine whether Tribal Court order should be modified pending the hearing of the appeal or the issuance of a decision.

3.19. Additional Procedural Matters

When it appears during the course of any proceeding under this Code that an issue has been omitted from the petition or motions and it appears from the facts that said issue is appropriately before the Court, the Court may on motion by the Tribal Prosecutor, Indian Child Welfare Worker, Tribal Attorney or counsel for the Child, parent or guardian, amend the petition or motions, and, provided all necessary parties consent, proceed forthwith to hear and determine the additional issue, as though originally and properly brought; otherwise the Court shall adjourn and reschedule the hearing if necessary.

3.20. Contempt of Court

Any willful disobedience or interference with any order of Tribal Court constitutes contempt of court and is punishable by the imposition of a civil forfeiture of up to five hundred dollars ($500.00) per offense. The court shall give the person standing in contempt of court an

opportunity to purge oneself of the contempt before imposing forfeiture.

3.21. Medical Care and Support for Child

At any time, whether or not a Child is under the authority of Tribal Court, the Court may authorize medical care when a physician informs the Court that the Child would be endangered without medical treatment and a parent or guardian cannot be found after a reasonable effort has been made.

§ 4. Adoption

4.1. Who May Be Adopted

(A) Any Child who is subject to jurisdiction of the Forest County Potawatomi Tribal Court, and for whom the jurisdiction of Tribal Court has been invoked, or which is invoked for that purpose, may be adopted.

4.2. Who May Adopt

(A) Any adult, who is subject to the jurisdiction of Tribal Court, is eligible to adopt a Child.

(B) A husband and wife may jointly adopt Children but a person may not adopt a Child without the approval of the adopting person's spouse, except as is provided in this Chapter.

(C) In extraordinary circumstances as determined by the Court, when the best interests of the Tribe or the Child require, non-member Indians shall be eligible to adopt Children, if they subject themselves to the jurisdiction of Tribal Court.

(D) In every adoption proceeding under this Chapter, a preference shall be given in the following order:

(1) The Child's extended family.

(2) To a Forest County Potawatomi home on Tribal Lands where the Child resides or has significant contacts.

(3) To an Indian home approved by Tribal Court.

(E) Extended family means any grandparent, aunt or uncle (whether by blood or marriage), brother, sister, brother-in-law, sister-in-law, niece, nephew, first or second cousin, or stepparent, or extended family adopted, as defined by Tribal law or custom, over the age of eighteen (18).

4.3. Pre-adoption Certification: Investigation

(A) Before any person may adopt a Child the person shall be certified by the Court as acceptable to adopt Children. Such a certification shall be issued only after an

investigation conducted by an officer of the Court or person appointed by the Court.

(B) The investigation shall consider all relevant and material facts dealing with the prospective adoptive parent's fitness to adopt Children, and shall include but not be limited to the following factors concerning that person and the members of his or her family with whom he or she lives:

(1) Social history

(2) Moral fitness

(3) Religious and community background

(4) Mental and physical conditions

(5) Financial condition

(6) All other facts bearing on the issue of the fitness of the prospective adoptive parent and their family members that the Court may deem relevant.

(C) If the applicant is not a member of the Tribe, the investigation shall also include the reasons the nonmember should be considered suitable to adopt a member of the Tribe.

(D) As soon as identity of the Child to be adopted is known, the investigation shall also include:

(1) The natural parents, if living are in agreement to let the Child be adopted and the reasons therefor.

(2) Whether the natural parents have abandoned the Child or are unfit to have custody of the Child.

(3) A review of the Wisconsin Paternal Interest (Putative Father) Registry (see Section 48.025 of Wisconsin Statutes, or its successor statute) to determine whether any person has expressed a paternal interest, or an inquiry whether such putative father has made a written declaration of paternal interest with the court. Both shall be effective at any time prior to the issuance of a final adoption decree;

(4) The ancestry of the Child, and its mental and physical condition;

(5) The existing and proposed arrangements for the custody of the Child;

(6) The adoptability of the Child and the suitability of the Child's placement with the applicant;

(7) The desire of the Child, at the age of fourteen (14) or above, who has a mature awareness and comprehension. The Child’s desire shall be a factor but

not controlling.

(E) At no time shall the investigator or other court official reveal to the prospective parents the identity of the Child or its natural parents, and the identity of the prospective adoptive parents, if these facts are not already known. Within ninety (90) days after the original application, the investigator shall file a report with the Court and shall include definite recommendations for or against the placement of the Child with the applicant, and reasons therefor.

(F) The Court, upon receiving an investigation report, shall certify within thirty (30) days whether the applicant is acceptable or non-acceptable to adopt, and the Child as being suitable for adoption by an applicant. If the adoption is not ultimately ordered, the certification shall remain in effect for one (1) year from the date of its issuance and may be extended for additional one (1) year periods if after review the Court finds that there have been no material changes in circumstances which would adversely affect the acceptability of the applicant to adopt or the suitability of the Child to be adopted by the applicant.

(G) Prior to final adoption, the Court may require additional investigation if it finds that the welfare of the Child would be served thereby.

(H) Any applicant who has been certified as non-acceptable may petition the Court to review such certification. Notice shall be given to all interested parties and the matter shall be heard by the Court, which may affirm or reverse the certification. Otherwise, if an applicant is certified as non-acceptable, they may not reapply for certification for (1) year.

(I) The provisions of this Section shall not apply to the placement of a Child with a prospective adoptive parent, or parents in the following instances:

(1) If the person who intends to adopt the Child is the spouse of a natural parent of the Child;

(2) If the person or persons who intend to adopt the Child is/are an extended family member.

4.4. Consent to Adoption: Who Shall Adopt: Waiver

(A) No adoption shall be granted unless consent or relinquishment to adopt has been obtained and filed with the Court from the following;

(1) From both natural parents if living, except in the following cases;

(a) Consent is not necessary from a parent who has been declared incompetent by a court of competent jurisdiction, and it appears to Tribal Court on reliable medical evidence that the incompetency in permanent.

(b) Consent is not necessary from a parent whose parental rights have been terminated by a court of competent jurisdiction.

(c) Consent is not necessary from the father of a Child born out of wedlock, unless the father has acknowledged his or her paternity by a written document filed with the Court, has expressed a paternal interest by registering with the Wisconsin Paternal Interest (Putative Father) Registry at any time prior to the issuance of a final adoption decree, or by subsequent marriage to the mother or unless the father's paternity has been adjudicated by a court of competent jurisdiction.

(2) From the guardian of the Child or any official appointed by a court of competent jurisdiction and given authority by it to consent to the Child's adoption.

(3) From an agency which has been given consent to place the Child for adoption by the parent or parents whose consent would be necessary under

(1) of t Section, or which has been given authority in other legal proceedings to place the Child for adoption.

(B) Any Child who is fourteen (14) years of age or older, shall not be adopted without their consent. Such consent shall be given in open court or in such other form as the Court may direct.

4.5. Consent to Relinquishment or Terminate Parental Rights

(A) The court may accept a voluntary consent to termination of parental rights only as follows:

(1) The parent appears personally at the hearing and gives his or her consent to the termination of his or her parental rights. The judge may accept the consent only after the judge has explained the effect of termination of parental rights and has questioned the parent and is satisfied that the consent is informed and voluntary.

(2) If the court finds that it would be difficult or impossible for the parent to appear in person at the hearing, the court may do any of the following:

(a) Accept the written consent of the parent given before an embassy or consul official, a military judge, or a judge of any court of record in another country, state or foreign jurisdiction. In such cases, the person accepting the parent's consent must determine whether the consent given was informed and voluntary.

(b) On request of the parent, unless good cause to the contrary is shown, admit testimony on the record by telephone or live audiovisual means.

(B) A consent given less than ten (10) days after the birth of a Child is invalid.

(C) Consent shall include the date and time and shall positively identify the party giving the consent and the Child to whose adoption the consent is given.

(D) The consent shall designate either of the following:

(1) Any other person authorized by the person giving the consent to place the child for adoption.

(2) Any particular person or persons authorized to adopt the Child by the person giving the consent.

(E) In any proceeding to terminate parental rights voluntarily wherein a Guardian Ad Litem has been appointed by the court, if the Guardian Ad Litem has reason to doubt the capacity of the parent to give informed and voluntary consent to the termination, he or she shall so inform the court. If the court finds that the parent is incapable of knowingly and voluntarily consenting to the termination of parental rights, it shall dismiss the proceedings without prejudice.

4.6. Petition for Adoption: Contents

(A) A petition for adoption shall be verified by the petitioner and signed also by his or her spouse, and the petition shall specify:

(1) The full names, ages and place of residence of the petitioner and, if married, the date and place of marriage, or if married by Indian custom and the relationship, if any, to the Child to be adopted;

(2) The fact that a certificate of acceptability to adopt the Child has been issued by Tribal Court in favor of the petitioner and the date of its issuance;

(3) The date, if applicable, when the petitioner acquired custody of the Child and from what person;

(4) The Child's name, date of birth and place of birth if known to the petitioner; If this information is to be held confidential from the petitioner and known to an official or Officer of the Court, it shall be provided to the Court by separate report and preserved as confidential;

(5) The adoptive name of the Child if a change of name is desired;

(6) That it is the desire of the petitioner to adopt the Child, and approved by the spouse of the petitioner.

(7) A full description and statement of the value of all property owned or possessed by the Child, if known by petitioner.

(8) Data on consent which has been given or any reason that consent need not be given;

(9) A certification from the Clerk of Court that no person has expressed a paternal interest on the Wisconsin Paternal Interest (Putative Father) Registry or filed a written declaration of paternal interest with the court at any time up to the present (such obligation to shall remain in effect until the date final adoption decree is issued by the court).

(10) Full disclosure must be given of any fees or anything of value which has been given or paid in connection with the adoption of the Child.

(B) Any written consent required by this Chapter may be attached to the petition or may be filed with the Court after or prior to the hearing.

4.7. Notice of Hearing on Petition for Adoption: Service

(A) After a petition to adopt has been filed, the Court shall set a time and place for hearing, and shall cause notice thereof to be given by service as provided by this Code.

(B) Notice shall be given to:

(1) The petitioner;

(2) The person having custody of or responsibility for the Child, if any;

(3) The person conducting the pre-adoptive investigation required by this Chapter and

(4) Any person required by this Chapter to give consent, unless such consent has been filed prior to the Court's setting of hearing.

(5) The court clerk shall check the state of Wisconsin and any Forest County Potawatomi paternal interest (punitive father) registry upon filing of the petition to determine if a punitive father exists. If a punitive father does exist, the court must send him a notice of an impending adoption.

4.8. Investigation and Report

Upon the filing of a petition, the court may order additional investigation as it deems necessary, or it may accept the investigation and the certification reports required by this Chapter. If additional investigation is required, the report of it shall become part of the file of the case, and the person making such study shall receive notice of the time and place of hearing.

4.9. Probationary Period

The hearing on the petition shall not be held until at least three (3) months after the petition has been filed, during which time the investigation required by this Chapter shall be completed,

except said time period may be waived in relative adoptions as defined by §4.2.

4.10. Hearing

Petitions filed under this Chapter shall be heard by the Court and such hearing shall be informal as the requirements of due process and fairness permit. The petitioner, the spouse of the petitioner and the Child to be adopted shall attend unless the Court orders otherwise. Only such other persons shall be admitted to the hearing as the Court shall find to have a direct interest in the case before the Court. Any such person so admitted shall not disclose any information obtained at the hearing. The Court may require the presence of such other witnesses as it deems necessary.

4.11. Court Order

If after the hearing and consideration of all the reports and evidence, the Court is satisfied that the requirements of this Chapter have been met and that the adoption is in the best interest of the Child, the Court shall make a permanent order granting the adoption. The order may change the name of the Child if requested. The order of the Court shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the Court's jurisdiction. Such order shall be effective and binding on all persons from the date of entry.

4.12. Rights under Adoption Decree

(A) Upon entry of the decree of adoption, the relationship of parent and Child and all the legal rights, privileges, duties, obligations and other legal consequences of the natural relationship of Child and parent shall thereafter exist between the adopted Child and the adoptive parent the same as though the Child were born naturally to the adoptive parent.

(B) The adopted Child shall be entitled to inherit real and personal property from and through the adoptive parents. However, if an adopted Child or adoptive parent is not a member of the Tribe then said Child or parent shall not be eligible to inherit any interest which the deceased Tribal member's estate may have to any Tribal privilege, right, land, or property of any kind.

(C) Upon entry of the decree of adoption, the relationship of parent and Child between the adopted Child and any persons other than his or her adoptive parents by that adoption shall be completely terminated and all the legal rights, privileges, duties, obligations and other legal consequences of such relationship shall cease to exist, including the right to inheritance except that when the adoption is by the spouse of the Child's parent, the relationship of the Child to such parent shall remain unchanged by the decree of adoption.

(D) Notwithstanding anything in this Section to the contrary, the decree of adoption shall not extinguish any status rights or privileges due to the Child's Forest County Potawatomi Indian ancestry, heritage or Tribal membership.

4.13. Withdrawal or Denial of Petition: Custody

In any case in which a petition for adoption is withdrawn or denied, the Court shall order the removal of the Child from the proposed adoptive home if the Court finds that such removal is in the Child's best interest. If such removal is ordered, the Court shall vest temporary legal custody in a person with the ability to care for the Child's welfare, the Court may make such orders for the support of the Child and such other orders as may be necessary for the Child's welfare.

4.14. Dismissal after Death: Exception

In the event of the death of the petitioner prior to adoption the petition shall be dismissed, except if there are two (2) petitioners, the proceedings shall continue as to the surviving petitioner unless withdrawn by the survivor.

4.15. Irregularities: Curative Period

After one (1) year from the date an adoption decree is entered any irregularity in the proceedings shall be deemed cured and the validity of the decree shall not thereafter be subject to attack on any such ground in any collateral or direct proceedings.

§ 5. Termination of Parental Rights

5.1. Preferred Right of Parents

Before depriving any parent of custody of their Child the Court shall give due consideration to the preferred right of parents to the custody of their Children, and it shall not transfer custody to another person, unless the Court finds from all the circumstances in the case that the welfare of the Child or the Child's best interest requires it.

5.2. Termination of Parental Rights

The Court may decree a permanent termination of parental rights as provided herein concerning a Child for whom the jurisdiction of the Court has been invoked under this Code. The rights of one parent may be terminated without affecting the rights of the other.

5.3. Petition: Who May File: Grounds

Any person who has a legitimate interest in the welfare of a Child may file a petition for the termination of the parent-child relationship if one or more of the following grounds exist:

(A) In the event that either parent or both parents wish to voluntarily terminate their rights to a Child, it must be proven to be in the best interest of the Child by court order and by the parents. Termination of parental rights is at the discretion of the court.

(B) That the parent or parents have abandoned the Child and the parent or parents have made no effort to maintain a parental relationship; It shall be prima facie evidence of abandonment that the parent or parents, although having legal custody of the Child, have surrendered physical custody of the child, without adequate provisions for its care, and for a period of six (6) months following such surrender have not manifested by some affirmative act to the child or to the person having

the physical custody of the child an intent to resume physical custody or to make arrangements for the care of the child; or

(C) That a parent receiving services under §3.15, of this Code, to assist such parent in caring for the child, has inflicted or attempted to inflict further injury or cruel punishment upon the child or has continued to refuse or neglect provide the child with necessary food, clothing, shelter, medical care or education.

(D) That a parent subject to an order issued under §3.15 of this Code has refused to comply with requirements prescribed by the Court and there is reasonable cause to believe that the parent will not, even if given more time, comply with those requirements.

(E) That a parent has negligently or willfully subjected the Child to sexual and/or physical abuse.

5.4. Contents of Petition

The petition for termination of parental rights filed pursuant to this Chapter shall include to the best information or belief of the petitioner:

(A) The name and address of the petitioner;

(B) The name, sex, date and place of birth and location of the child;

(C) Facts establishing the Court's jurisdiction;

(D) The relationship of the petitioner to the child;

(E) The names, addresses and location of the parents, if known;

(F) The names and addresses of the person(s) having legal custody or guardianship of the child;

(G) The grounds on which termination of the parent-child relationship is sought;

(H) A copy of any relinquishment or consent, if any previously executed by the parent(s) shall be included with the petition.

5.5. Termination of Parental Rights

(A) After the petition has been filed Tribal Court shall set time for a hearing to determine whether the rights of a parent to a child should be terminated.

(B) Notice in writing of the hearing shall be served on the Child and the parent(s) in the manner prescribed by §3.9 of this Code.

(C) The hearing shall be conducted in the manner prescribed in §3.13 of this Code.

(D) A record of the proceedings shall be made and the parties shall be advised of their basic rights, including assistance of counsel.

5.6. Order Terminating Parental Rights

(A) Every order terminating the rights of one or both parents shall be in writing and shall recite the facts upon which Tribal Court bases it jurisdiction over the Child and shall include the findings upon which the decree is based.

(B) An order terminating the parent-child relationship shall divest the parent and the child of all legal rights, privileges, duties and obligations with respect to each other except the status of the Child as a member of the Tribe and his or her right to Tribal benefits and privileges shall not be affected.

5.7. Action of Court after Termination

Upon entry of an order terminating the rights of a parent or parents Tribal Court may either;

(A) Place the Child for adoption under the appropriate proceedings, or

(B) Place the Child under §3.15 of this Code, or

(C) Continue the Child in the custody of the remaining parent.

5.8. Rights of Non-Terminated Parent

If the rights of only parent have been terminated, the right of the other parent to consent to adoption is not affected by an order placing the Child for adoption as provided in the preceding Section.

§ 6. Records

6.1. A record of all hearings held under this Code shall be made and preserved by stenographic, mechanical or electronic recording.

6.2. The official Tribal Court file for a proceeding shall include complaints, petitions, motions, memoranda, briefs, reports, findings of the Court, Court orders, and other reports and papers filed in Tribal Court.

6.3. The official Tribal Court file shall be open to inspection by the child, the child's parent or guardian, their counsel, and officials of Tribal Court. Notwithstanding the foregoing, the court may, at its own discretion or upon motion by a Child’s parent or guardian, limit a Child’s exposure to portions of the record if the court determines that exposure to the specific information regarding a parent may cause significant harm to the relationship between the Child and the parent or guardian.

6.4. Tribal Court files shall not be open to any other person without and order of the Court, which shall be made only upon a satisfactory showing of necessity in the interests of the Child. The files shall remain locked and in the custody of the Clerk of Court.

§ 7. Child Protective Services

7.1. Powers and Duties

(A) Indian Child Welfare Workers may cooperate with State, Federal, and private social services agencies to achieve the purpose of this Code.

(B) The Indian Child Welfare Worker shall:

(1) Be prepared to receive reports of Children in need of care and be prepared to provide temporary foster care for such Children on a twenty-four (24) hour basis.

(2) Receive from any source, oral or written, information regarding a Child who may be in need of protective services.

(3) Upon receipt of any report pursuant to paragraph 1 or 2 immediately;

(a) Notify the Indian Child Welfare Worker, and

(b) Make a prompt and thorough investigation which shall include a determination of the nature and extent, and cause of any condition which is contrary to the child's best interests and the name, age and condition of other children in the home.

(4) Take a Child into temporary custody in accordance with §3.3. Authorized Law Enforcement shall cooperate with the Indian Child Welfare Worker to remove a Child from the custody of his or her parents, guardian or custodian when necessary.

(5) After investigation, evaluate the environment of the Child or Children in the same home and the risk to such Children if they continue to be subjected to the existing home environment, and all other facts or matters found to be pertinent. The Indian Child Welfare Worker shall then determine whether any of the Children are a Child in need of protective services.

(6) Offer to the family of any Child found to be a Child in need of protective services whatever services appear appropriate in view of the investigation and evaluation which may include, but not be limited to, child protective services.

(7) No Child shall remain in temporary custody for a period exceeding forty-eight (48) hours, excluding Saturdays, Sundays, and holidays, unless a petition alleging the Child is in need of care has been filed.

7.2. Limitation of Authority; Duty to Inform

(A) If an ICW worker becomes aware of a family with a Child who may be a Child in Need of Care, they may notify the family of available family services but before

offering protective services to a family, an ICW worker shall make it clear that he/she has no legal authority to compel the family to receive such services, but shall also inform the family of his/her authority to notify Tribal Court that the Child is in need of care.

(B) If the family declines to accept or to participate in the offered services, or if the worker otherwise believes that such action would be in the best interests of the child in need of protective services, the worker may file with Tribal Court a report requesting that the child in need of protective services be adjudicated a Child in need of care.

7.3. Immunity of participants: Non-privileged Communications

(A) Any person making a complaint, or providing information pursuant to §7.4, or otherwise participating in the program or proceeding authorized by this Code shall be immune from any civil or criminal liability by reason of such action, unless such person acted with malice and without probable cause or unless such person has been charged with or is suspected of improperly allowing or causing a Child to be considered in need of care as defined in §2, Definitions, "Child in need of care."

(B) The physician-patient privilege, husband-wife privilege, attorney-client privilege, or any privilege provided for by professions, such as the practice of social work or nursing, covered by law or a code of ethics regarding professional 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 status as an abused or abandoned child, or as a Child in need of care is an issue nor in any judicial proceeding resulting from a report submitted pursuant to this Code.

7.4. Duty to Report Abuse and Neglect of Children

(A) Any physician, hospital intern or resident, surgeon, religious practitioner, dentist, osteopath, chiropractor, podiatrist, coroner, nurse, psychologist, social worker, school personnel or any other person having responsibility for the care of Tribal Children whose observation or examination of any Child discloses evidence of injury, sexual molestation, abuse, or physical neglect which appears to have been inflicted upon such child 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 an Indian Child Welfare Worker or to Tribal or State Law Enforcement officials. Such reports shall be made in person or by telephone, and shall be followed by a written report when requested. Such reports shall contain:

(1) The names and addresses of the Child and his or her parents or the person (s) having custody of the Child if known.

(2) The Child's age, and the nature and extent of his/her 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 Indian Child Welfare Worker or other duly authorized official, they shall immediately notify the Tribal Prosecutor and make such information available to them.

(C) Any person required to make reports pursuant to subsection (A) may take or cause to be taken photographs of the Child and the vicinity involved. If medically indicated, further examination, tests, including but not limited to, radiological examinations of the involved Child, may be performed.

(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 any civil or criminal liability as provided for in §7.3.

Legislative History for Forest County Potawatomi Children's Code Ordinance:

Approved by Executive Council..... 05/25/1992
Approved by General Council Resolution: (No. GC-005-93) 05/28/1993
Recommended by the Ordinance Department 01/16/1992

This Ordinance amends and supersedes the following Children's Code:

Approved ordinance pulled for amendments per Executive Council motion . .12/15/2010
Recommended by the Ordinance Department 05/05/2015
Approved by Executive Council..... .05/05/2015
Amended ordinance approved by General Council ……...05/09/2015

This Ordinance amends and supersedes the following Children's Code:

Recommended by the Ordinance Department…… 04/22/2021
Approved by Executive Council.....…… 04/22/2021
Approved by General Council…… 08/13/2022

Notes:
The Tribe's Petition for Re-assumption of Exclusive Jurisdiction was approved by the Bureau of Indian Affairs. 62 Fed. Reg. 1471 (March 11, 1997).
See 2-1 FCPC Code for Tribal Court Ordinance.
Tribal Court Rules are available through the Tribal Court website, http://www.fcpotawatomi.com/index.php/Tribal-Court/court.html