

Citizen Potawatomi Nation



Ordinance #15-01-J&PS-T17

AN ORDINANCE AMENDING TITLE 17, JUVENILE CODE AND INDIAN CHILD WELFARE, OF THE TRIBAL CODE OF THE CITIZEN POTAWATOMI NATION.

WHEREAS, the Tribal Code of the Citizen Potawatomi Nation requires updating from time to time in order to remain responsive to current needs, and

WHEREAS, the Tribal Court, with concurrence of the Indian Child Welfare Department of the Citizen Potawatomi Nation, feels it is in the best interest of a child to have sustained ties to tribal culture in the least restrictive, most family-like setting appropriate

NOW, THEREFORE BE IT ORDAINED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that Title 17 of the Tribal Code of the Citizen Potawatomi Nation (Juvenile Code and Indian Child Welfare) is hereby amended to create a logical sequence for preference in foster care placement as follows:

Section 17-5-110 shall be amended as follows:

Section 17-5-110 **Placement Preferences for Citizen Potawatomi Nation tribal children** (added)

(A) In making a placement of or committing legal custody of a child to some person in the *dispositional process, the Court shall place the child in the following descending order of preference:* (delete and replace with)...**foster care process, the Court shall place each Citizen Potawatomi Indian child accepted for foster care placement in the least restrictive, most family-like setting appropriate to the child's unique needs.**

A preference for foster care placement shall be given in the following order:

- (1) The natural parents, adoptive parents, or step-parents as the case may be;

- (2) A member of the Tribe (delete and replace with)...**Citizen Potawatomi Nation** over eighteen years of age who is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, and their spouse;
- (3) A member of another Indian Tribe over eighteen years of age who is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, and their spouse;
- (4) Any other person over eighteen years of age who is the child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, and their spouse;
- (5) Any other member of the Tribe and their spouse; (delete and replace with)...**A foster home licensed by the Citizen Potawatomi Nation;**
- (6) Any other Indian person and their spouse; (delete and replace with)...**The home of a Citizen Potawatomi Nation member licensed as a foster home by any other licensing authority within the State or licensed by another Indian Nation.**
- (7) A foster home licensed by the Firelodge Children and Family Services; (delete and replace with)...**An Indian foster home licensed by any other licensing authority within the State or an Indian Foster home licensed by another Indian Nation.**
- (8) An Indian foster home licensed by any other Licensing authority within the State or an Indian foster home licensed by some other Tribe; (delete and replace with)...**An institution for children licensed or approved by the Nation's Department of Social Services with a program suitable to meet the needs of the child: (A child attending a BIA boarding school will not be eligible for reimbursement; however, weekend care in a foster home is reimbursable.);**
- (9) An institution for children or approved by the Court with a program suitable to meet the child's needs; (delete and replace with)...**Non-Indian placement licensed by any other licensing authority within the State.**

- (B) Where appropriate the Court, may consider the preference of the parents and the proximity of the prospective foster home to the child's home in applying these preferences.

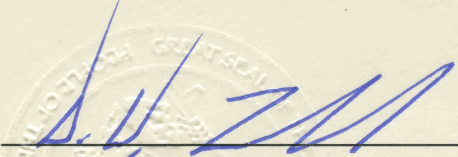
- (C) For each possible placement, the Court shall consider the willingness, fitness, ability, suitability, and availability of each person in a placement category before considering the next lower level of placement preference.
- (D) The Court may place the child with the Tribal Indian Child Welfare Program or a child placement agency approved by the Court.

NOW, THEREFORE BE IT ENACTED BY THE LEGISLATURE OF THE CITIZEN POTAWATOMI NATION that an Ordinance amending Title 17, Juvenile Code and Indian Child Welfare, of the Citizen Potawatomi Nation Tribal Code **IS HEREBY APPROVED.**

EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Legislature of the Citizen Potawatomi Nation.

CERTIFICATION

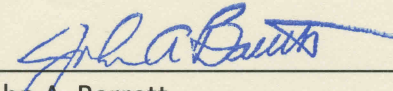
In his capacity as Secretary-Treasurer of the Citizen Potawatomi Nation, the undersigned Hereby certifies that the above and foregoing ordinance is a true and correct copy of Ordinance #15-01-J&PS-T17, as approved on the 16th day of September, 2014 with 16 voting for, 0 opposed, 0 absent and 0 abstaining.



D. Wayne Trousdale
Secretary-Treasurer

Executive Approval:

Approved
 Disapproved



John A. Barrett
Tribal Chairman