



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 676-8010 Office; (530) 676-8033 Fax

RESOLUTION 2016-15

SUBJECT: APPROVAL OF AMENDMENTS TO THE FAMILY CODE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the “Tribe”) is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe, as a sovereign government with a functioning Tribal Court system retains the inherent ability to hear civil cases and assess penalties as they relate to the domestic relationships of its members; and

WHEREAS, the Tribe adopted a Family Code in order to provide for the health and safety of Tribal families by establishing a procedure for appointment of a guardian; and

WHEREAS, the Tribal Council desires to amend the Family Code in order to make formatting changes and to allow conservators of legally incompetent individuals to receive and manage the individual’s Elder’s Stipend; and

WHEREAS, the Tribal Council has reviewed the proposed amendments to the “Shingle Springs Band of Miwok Indians Family Code,” a copy of which is attached, and has found it to be consistent with the Tribe’s goals.

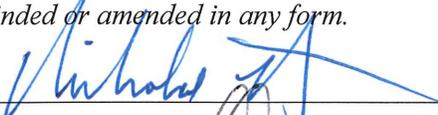
NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves amendments to the attached “Shingle Springs Band of Miwok Indians Family Code,” and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED that this Family Code supersedes and replaces all previous codes, ordinances or resolutions in conflict with this one.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 11th day of February, 2016 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.



Chairperson

February 11, 2016

Date

ATTEST:


Secretary

February 11, 2016

Date

**SHINGLE SPRINGS BAND OF MIWOK INDIANS
FAMILY CODE**





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TITLE I. GENERAL PROVISIONS

ARTICLE 1 – DEFINITIONS

Section 1. Terms.

For purposes of this Ordinance, the following terms shall have the meanings ascribed below:

- (A) **“Abuse”** - means a situation in which a Child/Elder suffers from any one or more of the following:
- (1) Serious physical injury inflicted upon the Child/Elder by other than accidental means.
 - (2) Harm by reason of intentional neglect, malnutrition or sexual abuse.
 - (3) Going without necessary and basic physical care.
 - (4) Willful mental injury, financial harm, negligent treatment, or maltreatment of a Child/Elder by a person who is responsible for the Child’s/Elder’s welfare under circumstances that indicate that the Child’s/Elder’s health or welfare is harmed or threatened thereby;
- (B) **“Adult”** – means a person who is 18 years or older;
- (C) **“Caretaker”** - A person who, either voluntarily or by law, provides care, services or resources to an Elder;
- (D) **“Child”** - means a person under 18 years of age;
- (E) **“Elder”** – means a person who is 55 years or older;
- (F) **“Local Child Protective Services Agency”** means the Tribal Services Department if the victim is a Tribal member or lives on the Rancheria, and means El Dorado County Child Protective Services if the victim is a non-Tribal member who lives off of the Rancheria.
- (G) **“Local Law Enforcement Agency”** means the Tribal Police Department if the victim is a Tribal member or lives on the Rancheria, and means El Dorado County Sheriff’s Office if the victim is a non-Tribal member who lives off of the Rancheria.
- (H) **“Ordinance”** – means this Abuse Ordinance;

- (I) **“Parent”** - means any person who exercises care, custody, and control of the Child as established by law;
- (J) **“Rancheria”** - means the Shingle Springs Rancheria located in El Dorado County, California;
- (K) **“Tribal Council”** - means the Shingle Springs Tribal Council, the Tribe’s governing body as established by the Tribe’s Articles of Association;
- (L) **“Tribal Court”** - means the Shingle Springs Tribal Court established pursuant to Tribal ordinance;
- (M) **“Tribal Member”** – means enrolled member of the Shingle Springs Band of Miwok Indians;
- (N) **“Tribe”** - refers to the Shingle Springs Band of Miwok Indians, a federally-recognized Indian tribe, or an authorized official or agency thereof;

ARTICLE 2 – SOVEREIGN IMMUNITY

Nothing in the provisions of this Ordinance constitutes consent by the Shingle Springs Band of Miwok Indians or its sub-organizations to be sued in any court. This Ordinance does not represent a waiver of the Tribe’s sovereign immunity for any purpose.

ARTICLE 3 – AMENDMENTS

This Ordinance, or any section herein, may be amended by a majority vote of the Tribal Council.

ARTICLE 4 – SEVERABILITY

If any part of this Ordinance is found void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

ARTICLE 4 – EFFECTIVE DATE

This Ordinance shall take effect on the date it is approved by the Tribal Council.

TITLE II. GUARDIANSHIP

ARTICLE 1 – AUTHORITY

Section 1. Tribal Court

The Shingle Springs Tribal Court shall have authority to appoint a guardian for a tribal member minor or non-tribal member minor living on the reservation whenever it is in the best interests of the minor.

Section 2. Best Interest of Minor

It shall be in the best interest of the minor to have a guardian appointed when, but not limited to;

- (A) The minor has suffered serious physical or emotional harm inflicted nonaccidentally upon the minor by his/her parent;
- (B) There is substantial risk that the minor will suffer serious physical or emotional harm if left in the care of the parent;
- (C) The parent has failed to adequately supervise, care for, protect the minor, or the parent wants to voluntarily relinquish guardianship and a suitable guardian is available;
- (D) The minor's parent is incarcerated, institutionalized or otherwise unable to provide adequate care of the child;
- (E) The parents predecease the minor.

ARTICLE 2 – PETITION FOR GUARDIANSHIP

Section 1. Initiating a Guardianship Hearing

A guardianship hearing under this Title shall be initiated by an individual filing a petition with the Tribal Court, or by the Court's own motion.

Section 2. Who May File a Guardianship Petition

A guardianship petition may be filed by the following individuals;

- (A) Family members of the minor;
- (B) The minor himself or herself if he or she is fourteen (14) years of age or older;
- (C) The Tribe;
- (D) Any person possessing a legitimate interest in the matter.

Section 3. Contents of Guardianship Petition

The petition for guardianship shall include the following information, if available:

- (A) The name, date of birth, residence, and Indian status of the minor;
- (B) The name, date of birth, residence, and Indian status of potential guardians;
- (C) The names, dates of birth, residence, and Indian status of the minor's parent(s);
- (D) A statement of the specific facts that form the basis for the petition and the Court's jurisdiction; and
- (E) A description of any previous Court hearings concerning the youth, if known.
- (F) Whether or not the Petitioner is requesting an order for temporary guardianship pending a trial on the Petition which will not occur for at least sixty (60) days.
- (G) If one or both biological parents receives per capita distributions for the Tribe, whether or not the Petitioner is requesting withholding of a portion of one or both biological parent's per capita distribution for support of the minor(s) subject to the petition.

Section 4. Notice to the Tribe

The Court shall serve Tribal Services and the Tribal Health and Wellness Center with a copy of the petition the next business day after the Petition is filed.

Section 5. Notice to Biological Parents

The Petitioner shall personally serve a copy of the Petition on the biological parents of the minor and may request assistance from the Tribal Police and or Tribal Services.

ARTICLE 3 – INITIAL HOME ASSESSMENT

Section 1. Requesting Initial Home Assessment

After receipt of the petition, the Clerk of the Tribal Court shall serve the Petition on the Tribal Services Department with a request to prepare and file an Initial Home Assessment with the Tribal Court.

Section 2. Timing of Initial Home Assessment

The Initial Home Assessment shall be filed with the Court within five (days) of receiving the Petition from the Court.

Section 3. Contents of Initial Home Assessment

An Initial Home Assessment shall consist of a report after a home visit to the Petitioners home and the Respondent's home regarding the general conditions of the homes including the following factors:

- (A) Names and ages of all people living in the home,
- (B) Safety concerns for minor to stay in the home;
- (C) Recommendations to cure safety concerns if any.

ARTICLE 4 – CRIMINAL HISTORY REPORT

Section 1. Criminal History Report Procedure

After receipt of the petition, the Tribal Services and Legal Department shall secure and review the criminal history information of the potential guardian and any individuals residing in the potential guardian's home in order to determine whether they have ever been convicted of a crime other than a minor traffic violation. The following procedures shall be followed:

Section 2. Ineligible Placements

A child will not be placed with a guardian, or in a home where an individual resides, who has been found guilty of any of the following crimes:

- (A) Assaulting another with intent to commit mayhem, rape, sodomy, oral copulation;

- (B) Touching an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse;
- (C) Rape;
- (D) Receiving money or anything of value for the placement, the adoption or for the consent to an adoption of a child;
- (E) Lewd or lascivious acts against a child;
- (F) Sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person;
- (G) Sex Offender fails to register;
- (H) Abuse against an Elder.

Section 3. Reporting Ineligible Placements

If the criminal history information reveals that the potential guardian or an individual residing in the potential guardian's home has been found guilty of one of the crimes listed in Section (2) above, then the Tribal Services and Legal Department shall deem the individual ineligible to be a guardian and report the criminal history information to the Tribal Court.

Section 4. Reporting Criminal History of Eligible Placements

If the criminal history information reveals that the potential guardian or an individual residing in the potential guardian's home has been found guilty of a crime other than those listed in Section (2) above, then the Tribal Services and Legal Department shall provide the criminal history information to the Licensed Social Worker for inclusion in the Guardianship Report, in accordance with section C(3) above, and the Judge will determine whether the criminal history demonstrates that the individual has an appropriate moral character to serve as a guardian.

ARTICLE 5 – GUARDIANSHIP REPORT

Section 1. Requesting Guardianship Report

After the initial hearing, the Court shall serve the Petition with the initial home assessment, and the criminal history report on the Tribal Health and Wellness Center with a request to prepare and file a Guardianship Report with the Tribal Court.

Section 2. Timing of Guardianship Report

The Guardianship Report shall be completed by Tribal Health and Wellness Center's Licensed Social Worker or contracted Licensed Social Worker and filed with the Tribal Court within thirty (30) to sixty (60) days of service of the Petition. The Licensed Social Worker shall notify Tribal Services of dates for home visits and interviews so that Tribal Services may be present for these visits and interviews.

- (A) Information contained in the Guardianship Report: the Guardianship Report shall contain information, based on home assessments, on the minor's living conditions with the parents, the qualifications of potential guardians, and the recommendations on placement. Specifically, the report must address the following factors:
- (B) Wishes of the parents, relatives, and the minor if fourteen (14) years of age or older.
- (C) The placement of siblings.
- (D) The moral character of potential guardians, including criminal history.
- (E) The relationship between the child and potential guardians.
- (F) The ability of potential guardians to; provide a home, provide necessities of life, provide a stable environment, assist with schooling, exercise proper care and control of child, comply with court orders, facilitate visitations with parents or relatives.

ARTICLE 6 –GUARDIANSHIP HEARINGS

Section 1. Closed Hearings

The Court shall take into consideration all reports and testimonies presented before and during the hearings. Guardianship hearings are closed hearings except to those individuals listed in Article 2, Section 2.

Section 2. Initial Hearing

Temporary Guardianship Order: Within seven (7) days after receiving the Petition, the initial home assessment, and the criminal history report, the Court shall schedule an initial hearing on the matter. Based on the Petition, the Home Assessment and the criminal history report the Court may make an order for Temporary Guardianship lasting not more than thirty (30) to sixty (60) days. The Court may also deny the Petition or continue the hearing to consider alternate guardians.

Section 3. Trial on the Petition

Guardianship Order: After receiving the Guardianship Report the Court shall schedule a trial on the petition. The Court shall, with the assistance of the Tribal Police as needed, serve notice of the hearing, a copy of the Petition, the initial home assessment, the criminal history report and

the Guardianship Report at least five (5) days before the date of the hearing to the following people; the minor's parents, current guardian, prospective guardians, the Tribe's General Counsel and Tribal Services Department, and to such other persons as the Court deems appropriate.

ARTICLE 7 – EMERGENCY GUARDIANSHIP

If it is demonstrated in the petition that an immediate need exists for the appointment of a guardian, the Court may order an emergency guardianship. Emergency guardianships are ordered without holding a hearing. An emergency guardianship shall last for as short as time as possible but not to exceed fourteen (14) days. Immediate need exists if the child has been abandoned or is in imminent danger as a result of abuse or neglect.

ARTICLE 8 – APPOINTMENT OF A GUARDIAN

Section 1. Guardian's Responsibilities

Whenever the Court finds that a guardian should be appointed, the Court shall appoint either a temporary or permanent guardian over the minor. An appointment of a guardianship shall not terminate the parental rights of the parents, however, the guardian shall have the responsibility for the care, custody and education of the child until he/she attains the age of eighteen (18) years or is discharged by the Court.

Section 2. Eligibility to Serve as a Guardian

Any adult person eighteen (18) years of age or older and subject to the Jurisdiction of the Shingle Springs Band of Miwok Indians may serve as a guardian.

Section 3. Determining Guardian

In determining who shall be appointed guardian of the minor, the Court shall consider the best interest of the child, based on the following factors;

- (A) Wishes of the parents, relatives, and the minor if fourteen (14) years of age or older.
- (B) The placement of siblings.
- (C) The moral character of potential guardians, including criminal history.
- (D) The relationship between the child and potential guardians.

- (E) The ability of potential guardians to; provide a home, provide necessities of life, provide a stable environment, assist with schooling, exercise proper care and control of child, comply with court orders, facilitate visitations with parents or relatives.

Section 4. Determining Guardian

The prevailing determination in appointing a guardian is the best interest of the child. When there are equally qualified potential guardians, the preference for appointment shall be:

- (A) Extended family member;
- (B) A member or person eligible for membership in the Shingle Springs Band of Miwok Indians;
- (C) A member of another Indian Tribe; and
- (D) Any person who has knowledge of and a desire to foster the minor's tribal affiliation and special needs.

ARTICLE 9 – ORDERS

The Court shall state the following in all orders appointing guardians: the powers and duties of the guardian(s), the duration of the guardianship, the frequency of review hearings, if any, any accounting requirements that may be imposed on the guardian regarding the youth's funds or property, any requirements for family visitation, any per capita distribution support orders, and a requirement that the guardian(s) shall advise the Court of any change in his or her address.

ARTICLE 10 – MODIFICATION OR CHANGE OF GUARDIANSHIP

Thirty (30) days after the Court enters an order appointing a guardian for the minor, any of the individuals listed in Article 2(B) above may petition the Court to modify the decision. All modifications shall be initiated by filing a petition with the Tribal Court. The notice, reports and hearing for modifications shall be conducted in accordance with Articles 4, 5 and 6 above. The burden shall be on the petitioner to establish that, since the appointment of a guardian, there has been a sufficient change in circumstances such that it would be in the best interest of the minor to terminate the guardianship.

**ARTICLE 11 – CONSERVATORSHIP FOR MANAGEMENT OF PER
CAPITA/ELDER’S STIPEND**

The Shingle Springs Tribal Court shall have authority to appoint a conservator for an adult who the Court has declared legally incompetent for purposes of receiving per capita/Elder’s stipend payments. This process shall follow the Per Capita Policy’s section on conservators.

ARTICLE 12 – CONSERVATORSHIP FOR TRIBAL ELDERS

The Shingle Springs Tribal Court shall have authority to appoint a conservator for Tribal Elders who have been victims of physical, emotional or financial abuse or otherwise in need of care. The procedure for appointing a conservator of a Tribal Elder shall be the same as the procedure above.

TITLE III. ABUSE ORDINANCE

ARTICLE 1 - PURPOSE

The purpose of this Title to protect Children and Elders from Abuse on the Rancheria, by establishing laws prohibiting Abuse and a process to bring charges against those committing Abuse.

ARTICLE 2 – JURISDICTION

The Shingle Springs Tribal Court shall have authority to adjudicate cases of Child or Elder Abuse on the Rancheria when the health, safety, or welfare of a Tribal Member, or other resident of the Rancheria is affected. The Tribal Court shall also have authority restrict access to the Rancheria and to levy fines against any person found to be committing, or complicit to, Abuse against a Child or Elder on the Rancheria.

ARTICLE 3 – PROHIBITIONS

Section 1. Abuse

No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to commit Abuse towards a Child or an Elder.

Section 2. Complicit in Abuse

- (A) No person shall, on any land within the exterior boundaries of the Shingle Springs Rancheria, or on land held in trust by the United States for the benefit of the Tribe be permitted to be complicit in the Abuse of a Child or an Elder.
- (B) To be found complicit in the Abuse, the person must have been aware that Abuse was occurring and failed to report the Abuse to the Court or law enforcement.

ARTICLE 4 – FILING A COMPLAINT OF ABUSE

Section 1. Who May File

Any person, including the Tribe if an individual is cited by Tribal Police, may file a complaint of Abuse with the Tribal Court.

Section 2. Complaint

The complaint shall set forth the following, if known, with specificity;

- (A) The name, birth date, gender, address, and tribal affiliation of the Child/Elder;
- (B) The basis for the Court’s jurisdiction;
- (C) The allegations/facts that cause the Child/Elder to be a victim of Abuse;
- (D) The names, addresses and tribal affiliation of the Child’s/Elder’s Parent or Caretaker;
- (E) The names and addresses of all known members of the Child’s/Elder’s extended family and all former Caregivers.
- (F) The name and addresses of the person alleged to have committed the Abuse.

ARTICLE 5 – EMERGENCY REMOVAL/PLACEMENT

Section 1. Removal of Child/Elder

After the complaint is filed, the Court may order the Child/Elder be removed from the home, if it finds probable cause to believe that there is a substantial risk of harm to the Child’s/Elder’s life, physical health or mental well-being.

Section 2. Placement of Child/Elder

The Court may place the removed Child/Elder in the temporary custody of extended family, an Indian family on the Rancheria, Tribally approved foster home or any other suitable placement.

ARTICLE 6 – ADJUDICATION HEARING

Section 1. Timing of Hearing

The Court shall conduct an Adjudication Hearing within fifteen (15) business days after the filing of the complaint to determine whether the preponderance of the evidence shows that the Child/Elder is a victim of Abuse.

Section 2. Issuing of Summons

The Child's/Elder's Parent or Caretaker, and all persons alleged to have committed the Abuse shall be issued summons, in accordance with Tribal Court rules, to appear at the Adjudication Hearing;

Section 3. Notice to Family

The Child's/Elder's family shall be given notice of the hearing. Family includes parents, spouse, siblings and children.

ARTICLE 7 – REFERRAL TO WELLNESS BOARD

If the Tribal Court Judge finds that the Child/Elder is a victim of Abuse, then the Child/Elder shall be referred to the Tribe's Wellness Board for creation of a wellness plan.

ARTICLE 8 – MANDATED REPORTERS

Section 1. Mandated Reporters on the Rancheria

(A) In accordance with 18. U.S.C 1169, any person who;

- (1) is a physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider, teacher, school counselor, instructional aide, teacher's aide, teacher's assistant, or bus driver employed by any Tribal, Federal, public or private school, administrative officer, supervisor of child welfare and attendance, or truancy officer of any tribal, Federal, public or private school, child day care worker, headstart teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker, psychiatrist, psychologist, or psychological assistant, licensed or unlicensed marriage, family, or child counselor, person employed in the mental health profession, or law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders;
- (2) Knows or has reasonable suspicion that a child or Elder was abused while on the Rancheria, or that actions are being taken, or are going to be taken

that would reasonably be expected to result in abuse of a child or Elder on the Rancheria.

- (B) Must immediately report such abuse or actions to the Tribal Services Department if the victim is a Tribal member or lives on the Rancheria. Must immediately report such abuse or actions to El Dorado County Child Protective Services if the victim is a non-Tribal member who lives off of the Rancheria.

Section 2. Reporting Procedure

In accordance with 25 U.S.C 3201, when a Local Law Enforcement Agency or Local Child Protective Services Agency receives an initial report from any person of abuse of a child or Elder on the Rancheria, or actions which would reasonably be expected to result in abuse of a child or Elder on the Rancheria. The receiving agency shall;

- (A) Immediately notify appropriate officials of the other agency of such report;
- (B) Within 36 hours after receiving initial report, prepare a written report that includes the names, address, age, and sex of the child/Elder that is the subject of the report, the grade and the school in which the child is currently enrolled; the name and address of the child's parents or other person responsible for the child's/Elder's care; the name and address of the alleged offender; the name and address of the person who made the report to the agency; a brief narrative as to the nature and extent of the child's/Elder's injuries, including any previously known or suspected abuse of the child/Elder or the child's siblings and the suspected date of the abuse; and any other information the agency or the person who made the report to the agency believes to be important to the investigation and disposition of the alleged abuse;
- (C) submit, when prepared, a copy of the written report required in subsection (B) above to the other agency;
- (D) Where a report of abuse involves an Indian child or where the alleged abuser is an Indian and where a preliminary inquiry indicates a criminal violation has occurred, the Local Law Enforcement Agency, if other than the Federal Bureau of Investigation ("FBI"), shall immediately report such occurrence to the FBI;
- (E) Immediately initiate an investigation of such allegation and shall take immediate, appropriate steps to secure the safety and well-being of the child or Elder involved;

- (F) Upon completion of the investigation of any report of alleged abuse that is made to a Local Law Enforcement Agency or Local Child Protective Services Agency, such agency shall prepare a final written report on such allegation;
- (G) Shall not disclose the identity of the individual making the report, without the consent of the individual, to any person other than a court of competent jurisdiction or an employee of the Tribe, State or Federal Government who needs to know the information in the performance of such employee's duties.

Section 3. Mandated Reporters in Federally Contracted Facilities

- (A) In accordance with 42 U.S.C 13031, a person who;
 - (1) while engaged in a professional capacity or activity as a; physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, undertakers, coroners, medical examiners, alcohol or drug treatment personnel, persons performing a healing role or practicing the healing arts, psychologists, psychiatrists, mental health professionals, social workers, licensed or unlicensed marriage, family, and individual counselors, teachers, teacher's aides or assistants, school counselors and guidance personnel, school officials, school administrators, child care workers, administrators, law enforcement personnel, probation officers, criminal prosecutors, and juvenile rehabilitation or detention facility employees, foster parents, commercial film and photo processors;
 - (2) on Federal land or in a federally operated (or contracted) facility;
 - (3) learns of facts that give reason to suspect that a child has suffered an incident of child abuse,
- (B) Shall as soon as possible make a report of the suspected abuse to the agency designated by the United States Attorney General.

ARTICLE 10 – PENALTIES

Section 1. Fines

- (A) Any person found to have committed Abuse, or was complicit in the Abuse, against a Child/Elder on the Rancheria shall be fined up to \$5,000 for each violation.

(B) Any mandated reporter who failed to report Abuse, as required under this Code, against a Child/Elder on the Rancheria shall be fined up to \$5,000 for each violation.

Section 2. Other Remedies

The Court may also order the individual; to perform community service, to receive counseling or behavioral health services, to participate with the Wellness Board, to have restricted access to the Rancheria, any and all other penalties the Court deems just and necessary.

ARTICLE 11 – STATUTE OF LIMITATIONS

Section 1. Physical Abuse

The commencement of an action for physical Abuse of a Child/Elder, as prohibited under this Code, shall be within two (2) years after the commission of the offense.

Section 2. Sexual Abuse

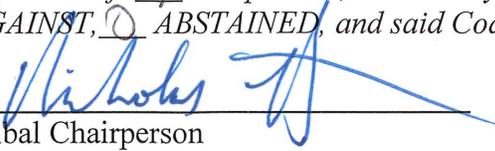
The commencement of an action for sexual Abuse of a Child/Elder, as prohibited under this Code, shall be within thirty (30) years after the commission of the offense.

Section 3. Failing to Report

The commencement of an action against a mandated reporter for failure to report Abuse, as required under this code, shall be within one (1) year after the commission of the offense. If the mandated reporter intentionally concealed his/her failure to report then the failure to report is a continuing offense until Tribal Police discover the offense.

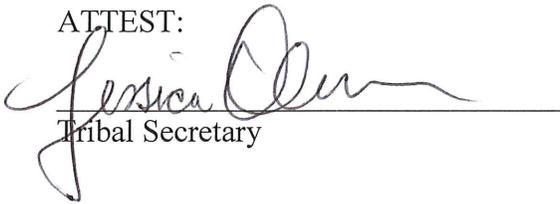
CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 11th day of February, 2016 at which time a quorum of 7 was present, this Family Code was duly adopted by a vote of 7 For 0 AGAINST, 0 ABSTAINED, and said Code has not been rescinded or amended in any form.


Tribal Chairperson

February 11, 2016
Date

ATTEST:


Tribal Secretary

February 11, 2016
Date