

**CHAPTER 8**  
**STOCKBRIDGE-MUNSEE TRIBAL LAW**  
**YOUTH CODE**  
**YOUTH IN NEED OF CARE**

**Section 8.1 Purpose**

- (A) The youth of the Tribe are a vital resource to the Community and are integral in the continued existence of the Tribe.
- (B) It is imperative that youths and families who need Tribal services administered pursuant to this code are afforded the services and judicial services through the Tribe first, rather than by other governments.
- (C) It is the intent of the Tribe to provide its youth with services through effective case planning that will result in preservation of families.
- (D) It is the goal of the Tribe to reunify youths with their parents whenever possible.
- (E) This ordinance shall be interpreted to compliment the federal Indian Child Welfare Act, 25 U.S.C. § and to foster and strengthen self-determination of the Stockbridge-Munsee Community.

**Section 8.2 Definitions**

- (A) “1856 boundary” means the two township (Bartelme and Red Springs) reservation that was established in the 1856 treaty between the United States and the Stockbridge-Munsee Indians.
- (B) “Affected persons” or “affected parties” means a youth who is subject to a petition or court order under this code, the Tribe’s Indian Child Welfare Department, the Tribe’s ICW attorney, the youth’s parents, the youth’s guardian or custodian, if applicable, or any other person who may be subject to a court order related to this matter.
- (C) “Court” means the Stockbridge-Munsee Tribal Court.
- (D) “Custodian” means a person having care and custody of a youth under any arrangement with the youth’s parent or guardian.
- (E) “Direct descendant” means a person who has at least one parent (alive or deceased) that is an enrolled member of the Tribe.
- (F) “Indian Child Welfare” or “ICW” means the Stockbridge-Munsee Indian Child Welfare Department, the director or his/her designee.
- (G) “Law enforcement Officer” means a Stockbridge-Munsee Tribal police officer or a Shawano County police officer or a State of Wisconsin police officer.
- (H) “Proceeding” or “Action” means a youth in need of care, children in need of care, or any court action that involves a youth in need of protective services.
- (I) “Tribe” means the Stockbridge-Munsee Community.
- (J) “Youth” or “Child” means a person who is under eighteen (18) years of age and,
  - 1. is a member of the Tribe or is eligible for membership of the Tribe; or,
  - 2. is a member of another Tribe and resides within the 1856 boundary; or,

3. is a direct descendant of a member of the Tribe and resides within the 1856 boundary.

### **Section 8.3 Authority**

This chapter is authorized pursuant to the Tribe's inherent authority and pursuant to Article VII, Section(1)(g) of the Tribe's Constitution.

### **Section 8.4 Child Protection Board**

- (A) The Tribal Protection Board is created to make policy recommendations to Tribal Council regarding youths in general, family issues, code amendments, and other issues related to youths that are not under the jurisdiction of another committee.
- (B) The Tribal Protection Board members must have a Chapter 65, Tribal Elder/Youth license.
- (C) The Tribal Protection Board will make recommendations to the ICW regarding ICW investigations of Youth in Need of Care, out of home placements, intervening of cases from other courts, and, transfer of cases from other courts into Tribal Court.
- (D) The Tribal Protection Board must maintain strict confidence at all times, except when working with ICW and the Tribe's ICW attorney.
- (E) The Tribal Protection Board may allow parties to present testimony and evidence regarding investigations of Youth in Need of Care and out of home placements.
- (F) Recommendations made to ICW must be made by motion at a duly called meeting and must be put in writing and presented to ICW.

### **Section 8.5 Tribal Court Jurisdiction, Continuing Jurisdiction, Conflicts in Jurisdiction**

- (A) The court shall exercise exclusive jurisdiction over all matters that contained in this Chapter.
  1. The court shall have jurisdiction over a youth upon a petition filed by the ICW alleging the youth is a youth in need of care because of the existence of any of the conditions enumerated in section 8.12(A)(1)(a-p).
  2. The court shall have jurisdiction over:
    - a. the parents of the youth,
    - b. adults who reside in the youth's home or who have contributed to, encouraged, or tended to cause, by act or omission, a condition of a child described in Section 8.12(A)(1)(a-p),
    - c. minor aged siblings of the youth,
    - d. and other youths who may reside or have significant with the youth at the youth's residence(s).
- (B) This court shall permit amendment of pleadings and other necessary actions to effect jurisdiction over the youth and conformity with this code.

- (C) All hearings shall be closed to the public. If all the affected persons agree, other individuals may be permitted to observe the hearing or offer support to a party.
- (D) The court may allow any party or witness to appear by telephone, so long as the person appearing by telephone is in a private “closed” environment.
- (E) All proceedings shall be recorded electronically or verbatim or transcribed by a licensed court reporter.
- (F) All court records under this Chapter shall remain confidential; only parties, or their legal representatives, or the guardian ad litem may have access to court records.
- (G) ICW proceedings in other courts:
  - 1. The court may, upon petition, accept a case that was originally brought in another court. Cases not accepted by the court within thirty (30) days of the petition being filed shall be deemed a declination of the petition.
  - 2. If the court accepts jurisdiction of the matter, the court shall notify all parties and the other court.
  - 3. Dispositional orders issued by the other court prior to this court accepting jurisdiction, shall remain in effect until this court reviews the matter.
- (H) The Court shall have continuing jurisdiction over a youth who is determined to be subject to this ordinance, and shall have the power to modify, extend or dismiss previous orders, or consider petitions based upon new evidence concerning the youth.
- (I) Whenever an order rendered under this ordinance conflicts with a custody order, physical placement order, or other family court order rendered by any court, the order under this ordinance shall take precedence.
- (J) Whenever the court orders a youth be placed outside the home, legal custody of the youth shall be retained by the parent(s) who has legal custody, unless the court specifically orders otherwise.

### **Section 8.6 Parties**

- (A) In the absence of a specific provision in this ordinance or a court order to the contrary, all affected persons shall be parties to a court proceeding under this ordinance. After termination of parental rights, no parent whose rights have been terminated shall be entitled to notice. If paternity has not been established, no notice of any further proceedings regarding the youth need to be served on putative father(s), except in exceptional cases as determined by the court.
- (B) The Tribe shall be represented by the Tribe’s legal staff and/or ICW.
- (C) Any party may be represented by an attorney or lay advocate, at the party’s expense, provided the attorney or lay advocate is admitted to practice before the court.

### **Section 8.7 Guardian ad Litem**

The court shall appoint a guardian ad litem for each youth that is subject to a proceeding under this code. The guardian ad litem shall be a state licensed attorney who is admitted to practice before the court, or a lay advocate who has completed guardian ad

litem training and is admitted to practice before the court. Guardian ad litem fees shall be paid by the court.

### **Section 8.8 Records and Discovery**

- (A) Copies of all law enforcement reports and witness statements shall be made available to the Tribe's legal staff and the ICW upon request.
- (B) All records relating to a youth which are relevant to an action, and which are in possession of the ICW, shall be open to inspection by a guardian ad litem or by party's counsel upon demand without release, unless the records are privileged, or the records contain statements given under a promise of confidentiality or contain material which is necessary to protect the interests of the child.. Notwithstanding the previous sentence, if release is required by federal law, the records shall be released.
- (C) If records are not released to a requesting party, the reason shall be given to the party, who may ask the court to review the denial of the request, in which case the court may view the records *in camera* in order to decide whether to order the records be open to inspection.
- (D) Persons entitled to inspect records may request copies at their expense.
- (E) The court may require counsel or parties not to disclose material contained in the records to any other person if the court reasonably believes such disclosure would be harmful to the child.

### **Section 8.9 Informal Disposition**

- (A) Upon referral of any youth who may be a youth in need of care as defined in Section 8.12(A)(1)(a-p) the ICW may investigate the circumstances by meeting with the child(ren), meeting with the parents or guardians, and other persons of interest, and offer voluntary services, or institute any other informal, voluntary arrangement designed to further the best interest of the child(ren). At any time the ICW deems appropriate, proceedings may be instituted under any part of this ordinance.
- (B) The ICW and affected persons, including the child(ren) if twelve (12) year of age or older, may upon mutual consent, petition the court to institute peacemaking proceedings in any case where the youth could be subject to a petition for a Youth in Need of Care. At any time the ICW deems appropriate, the ICW may withdraw voluntary consent and proceedings may be instituted under any part of this ordinance.

### **Section 8.10 Accelerated Proceedings**

Notwithstanding any provision of this ordinance, the court may accelerate or combine hearings, if it is in the best interests of the child and/or the parties voluntarily agree.

## **Section 8.11 Emergency Petition**

(A) Each petition shall contain the following:

- (1) The name of the petitioner.
- (2) The name and birth date of the youth(s).
- (3) The name of the parents and/or guardian and/or custodian.
- (4) The address of the youth(s) and parents.
- (5) The enrollment status of the youth(s) and parents.
- (6) A plain and concise of the circumstances and facts, including the date(s) and location, as to why the petitioner believes the youth is a youth in need of care, including which provision(s) of Section 8.12(A)(1)(a-p) is implicated.
- (7) That the petition is for emergency custody.
- (8) A certification that the child is a youth as defined in Section 8.2(J).
- (9) The signature of the ICW or the Tribe's attorney.

## **Section 8.12 Emergency Custody**

(A) Taking a Youth into Custody

- (1) Any law enforcement officer or the ICW may take a youth into emergency custody when the law enforcement officer or the ICW determines that it is in the best interests of the youth and the law enforcement officer or ICW reasonably believes one or more of the following circumstances exists, has existed, or is likely to exist:
  - (a) The youth is suffering from illness, injury, sexual abuse, or is in immediate danger from his or her surroundings and removal from these surroundings is necessary.
  - (b) The youth will cause injury or harm to self or another, or to the property of another, or will be subject to injury or harm by another, or another child living or staying in the same household will be or has been subject to injury or harm by another.
  - (c) The youth's parent, guardian, or custodian is unavailable, unwilling, or unable to provide necessary supervision or care such that child's safety or well-being, or the safety or well-being of another youth living or staying in the same household is at imminent risk.
  - (d) The child has habitually run away from his parents, guardians, or custodians.
  - (e) The child is away or be taken away so as to be unavailable for further court proceedings.
  - (f) Emergency custody of the child would be permitted under the law of the state where the child is physically found at the time of the institution of emergency custody procedures.

- (g) The child has been abandoned.
- (h) The child has suffered or is likely to suffer serious psychological/emotional or physical harm inflicted upon the minor by his or her parent, guardian or custodian by other than accidental means or which is self-inflicted and which causes or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions.
- (i) For reasons other than poverty, has not been provided with adequate food, clothing, shelter, medical care, education or supervision by his or her parent, guardian or custodian necessary for the minor's health and well-being.
- (j) Has a parent or guardian/custodian who requests tribal intervention and states that he or she is unable to care for, control, or provide the necessary special care or treatment for the child.
- (k) Has been committing delinquent acts with parental pressure, acquiescence, guidance or approval.
- (l) Has been committing delinquent acts and is under the age of twelve (12) years.
- (m) Has engaged in conduct otherwise prohibited to minors and whose parent, guardian or custodian fails to correct or regulate such conduct.
- (n) Is suffering emotional damage for which the parent(s) or guardian is unwilling to provide treatment, which is evidenced by one or more of the following characteristics:

- (1) anxiety,
- (2) depression,
- (3) withdrawal,
- (4) outwardly aggressive behavior; or

- (o) Has been placed for care or adoption in violation of the Indian Child Welfare Act of 1978.
  - (p) Another child who resides in the child's home, or has regular contact with the home or its residence is subject to one or more of the above conditions.
- (2) Any law enforcement officer or the ICW who takes a youth into emergency custody must file an emergency petition with the court by the end of the next business day, or the youth must be returned to the family.
  - (3) The Tribe shall make reasonable efforts to notify all affected persons of the emergency petition and date and time of the emergency court hearing.
  - (4) Any person taking a youth into emergency custody shall immediately attempt to notify the ICW and parent, guardian or custodian by the most practical means, and shall continue to reasonably make such

attempts until notification is made. The physical location of the child(ren) need not be disclosed to the parent, guardian or custodian if the notifying person reasonably believes that providing such information will imminently endanger the child.

- (5) The agency taking a youth into emergency custody shall have the authority to make all decisions regarding the care and well-being, and placement of the youth until the youth is released from custody by order of the court.

#### (B) Emergency Court Hearing

- (1) The court must have an emergency hearing within the next two business days to determine if the court has jurisdiction; if Tribe has made reasonable efforts to provide notice of the emergency hearing; and, whether probable cause exists to believe that the youth is in need of care.
- (2) The court shall advise the child, the parents, guardian or custodians, of the allegations made, the possible consequences of the hearing, the right of counsel at a party's own expense, the right to confront and cross-examine witnesses, and the right to present evidence, including witnesses.
- (3) If the court determines that the court does not have jurisdiction; the Tribe has not made reasonable efforts to notify the affected persons; or, probable cause does not exist to believe that youth is in need of care, the court shall dismiss the petition and the youth shall be returned to the parent, guardian, or custodian.
- (4) If the court determines that the court has jurisdiction, the Tribe has made reasonable efforts to notify the affected persons, and probable cause exists to believe that the youth is in need of care because one or more of the conditions in Section 8.12(A)(1), the court shall issue an order identifying:
  - (a) That the court has jurisdiction,
  - (b) Reasonable efforts have been made to notify the affected persons,
  - (c) Probable cause exists that the youth is need of care, as defined in Section 8.12(A)(1)(a-p).
  - (d) If other Indian tribe(s) needs to be noticed,
  - (e) The custody of the youth(s).
  - (f) The physical placement of the youth(s),
  - (g) An appointment of a guardian ad litem,
  - (h) The date of the Section 8.15 fact finding (to be scheduled within calendar 30 days) and the date of the Section 8.16 dispositional hearing,
  - (i) Any other special conditions, and,
  - (j) The signature of the judge.

### **Section 8.13 Youth in Need of Care Petition and Notice**

(A) If an Emergency petition has not been filed, the ICW or Tribe's attorney may file a petition with the court if they believe that a child is a youth in need of care.

(B) Each petition shall contain the following:

- (1) The name of the petitioner.
- (2) The name and birth date of the youth(s).
- (3) The name of the parents and/or guardian and/or custodian.
- (4) The address of the youth(s) and parents.
- (5) The enrollment status of the youth(s) and parents.
- (6) A plain and concise of the circumstances and facts, including the date(s) and location, as to why the petitioner believes the youth is a youth in need of care, including which provision of Section 8.12(A)(1)(a-p) is implicated.
- (7) That the petition is not for emergency custody.
- (8) A certification that the child is a youth as defined in Section 8.2(J).
- (9) The signature of the ICW or the Tribe's attorney.

(C) Upon the filing of a petition, the court shall schedule an initial hearing within 30 days of the petition being filed

(D) The Clerk of Court shall notice all affected persons of the petition for youth in need of care, and provide notice by U.S. Mail of the date and time of the initial hearing. All affected persons appearing at the initial hearing, shall be served notice by the clerk of subsequent hearings, either orally in court on the record, or by U.S. Mail.

### **Section 8.14 Initial Hearing**

(A) The court must determine if the court has jurisdiction; if the parties have been provided notice of the initial hearing; and, whether probable cause exists to believe that the youth is in need of care.

- (1) The court shall advise the child, the parents, guardian or custodians, of the allegations made, the possible consequences of the hearing, the right of counsel at a party's own expense, the right to confront and cross-examine witnesses, and the right to present evidence, including witnesses, and the right to peacemaking.
- (2) If the court determines that the court does not have jurisdiction; notice has not been made; or probable cause does not exist to believe that youth is in need of care, the court shall dismiss the petition and the youth shall be returned to the parent, guardian, or custodian.
- (3) If the court determines that the court has jurisdiction, that reasonable efforts have been made to notice the affected parties, and probable cause exists to believe that the youth is in need of care because one or more of



the conditions in Section 8.12(A)(1)(a-p), the court shall issue an order identifying:

- (a) That the court has jurisdiction,
  - (b) Reasonable efforts have been made to notify the affected persons,
  - (c) Probable cause exists that the youth is need of care, as defined in Section 8.12(A)(1)(1-p).
  - (d) If other Indian tribe(s) need to be noticed,
  - (e) The custody of the youth(s).
  - (f) The physical placement of the youth(s),
  - (g) An appointment of a guardian ad litem,
  - (h) The date of the Section 8.15 fact finding (to be scheduled within calendar 30 days) and the date of the Section 8.16 dispositional hearing,
  - (i) Any other special conditions, and,
  - (j) The signature of the judge.
- (5) Notwithstanding Section 8.14(A)(3), the parties may stipulate:
- (a) That the youth is in need of care;
  - (b) to the services and counseling to be provided;
  - (c) to examinations such as behavioral, alcohol, or drugs;
  - (d) to custody and visitation of the youth;
  - (e) to the conditions of return;
  - (f) to any other special conditions;
  - (g) and request that the court grant an order based upon the stipulation, with a review date no longer than six (6) months from the date of entry.

### **Section 8.15 Fact Finding Hearing**

- (A) The Court must determine if there is clear and convincing evidence to support a finding that a youth is in need of care.
- (B) Testimony: The Court shall hear testimony concerning the circumstances which gave rise to the petition. Before testifying at a Court hearing, every witness shall first take an oath swearing to tell the truth.
- (C) Rules of Evidence - Purpose: The purpose of these rules of evidence is to ensure that the Court is able to determine the truth of a matter with a minimum of delay, confusion and uncertainty.
- (D) Rules of Evidence - Reliability: The rules of evidence used in state and federal courts shall not apply to hearings before the Stockbridge-Munsee Youth Court. Where there is more than one kind of evidence about the same subject, the Court should hear the most reliable kind of evidence. In oral testimony, persons who testify

from personal knowledge, such as first-hand observation of or participation in the event described, shall be preferred as witnesses to persons who have second-hand knowledge of the event.

- (E) Rules of Evidence - Relevance: Evidence submitted during Court hearings must be related either to the issues before the Court or to the weight and credibility which should be given to other evidence. When questioned by the Court or another party, the party who wishes to present certain evidence shall explain why he or she thinks the evidence is relevant.
  - (F) Rules of Evidence - Ruling by Court: When the relevance or reliability of evidence is challenged and the Court decides whether or not to use the evidence, it shall explain the decision.
  - (G) Admissibility of Statements Made at the Preliminary Inquiry: All statements made at the Preliminary Inquiry are part of the court record and are admissible in the Fact Finding Hearing unless ruled to be inadmissible by the court.
  - (H) Questioning Witnesses - Order Called: The Court shall determine the order in which parties or their representatives shall be allowed to question witnesses. The Court shall protect the witnesses from harassment or unnecessarily repetitive questioning. The Court itself may call and question any witnesses.
  - (I) Questioning Witnesses - Leading Questions: When questioning a witness, the Court and parties or their representatives shall not ask questions in such a way as to suggest the answer desired unless the witness is being cross-examined or is clearly hostile to the person asking questions.
  - (J) Rules for Discovery: The rules for discovery shall be the same as those rules established by the Stockbridge-Munsee Community Court.
  - (K) If the court determines by clear and convincing evidence believe that the youth is in need of care because one or more of the conditions in Section 8.12(A)(1)(a-p) exists, the court shall issue an order identifying:
    - (a) The youth is need of care,
    - (b) The custody of the youth(s).
    - (c) The physical placement of the youth(s),
    - (d) The date of the dispositional hearing (to be scheduled within 35 calendar days),
    - (e) Any other special conditions, and,
    - (f) The signature of the judge.
- (1) Notwithstanding Section 8.15(K), the parties may stipulate:
- (a) That the youth is in need of care;
  - (b) to the services and counseling to be provided;

- (c) to examinations such as behavioral, alcohol, or drugs;
- (d) to custody and visitation of the youth;
- (e) to the conditions of return;
- (f) to any other terms or conditions;
- (g) and request that the court grant an order based upon the stipulation, with a review date no longer than six (6) months from the date of entry.

### **Section 8.16 Disposition.**

(A) Pre-dispositional Report: The Indian Child Welfare, in consultation with the Child Protective Board and (Tribal professional staff or County Social Services staff if necessary), shall prepare a written report summarizing the circumstances leading to the petition, the court's fact finding hearing, the child's personal history, the resources available that are suitable to the child and family, the recommended disposition and the rationale for the recommended disposition.

(B) Placement Recommendations: If placement with someone other than the youth's parent, guardian or custodian is recommended by the ICW, the report shall contain specific reasons for not recommending placement of the youth with his/her parent, guardian or custodian.

(C) Pre-dispositional Report - Service: The ICW shall file with the court and mail the Pre-dispositional to all affected parties and the guardian ad litem, at least five (5) business days before the dispositional hearing.

(D) Additional Reports: Any affected party may file a Pre-dispositional report with the court and the party must mail or otherwise serve the report to the other affected parties.

(E) Dispositional Hearing - Time: If the dispositional hearing is separate from the Fact Finding Hearing, it shall take place within 35 calendar days of the Fact Finding Hearing.

(F) Conduct of Dispositional Hearing: If disputed, the court may hear testimony to determine the proper disposition for the youth. All parties shall be given the opportunity to contest the factual contents and conclusions of Pre-dispositional , but not the merits or procedure of the fact-finding hearing.

(G) In considering the appropriate disposition, the court may consider any or all of the following factors:

- (1) Special physical, intellectual, or emotional needs of the youth.
- (2) Social, cultural or religious traditions of the youth, the youth's family, or the Tribe.
- (3) Availability of resources, not limited to financial resources, within the youth's extended family.
- (4) The youth's preference, if the child is 12 years old or older.

- (5) The recommendation of the ICW, the guardian ad litem, professionals, or any other affected person.
- (6) Other factors related to meet the best interests of the youth.

(H) Dispositional Alternatives for Youths in Need of Care: If a youth has been determined to be in need of care, the Court may take any of the following dispositions which are listed by priority:

- (1) Permit the youth to remain with his or her parent, guardian or custodian, subject to any such limitations and conditions the court may order;
- (2) Place the youth with an extended family member subject to any limitations and conditions the court may prescribe;
- (3) Place the youth in a foster home which has been licensed or approved by the Tribe, subject to any limitations and conditions the court may order;
- (4) Place the youth in a professional care facility approved by the Tribe;
- (5) Transfer legal custody to an agency responsible for youths in need of care, qualified to receive and care for the youth; and/or,
- (6) Recommend that parental termination proceedings begin.

(I) Other Services: The court may also order:

- (1) That the youth and/or family member submit in drug counseling or alcohol testing.
- (2) That the youth and/or family member(s) be subject to random drug tests.
- (3) That the youth and/or family member(s) participate in specified counseling, treatment, or educational programs.
- (4) Out-patient or in-patient alcohol, drug, or mental health treatment for specified purposes for a specified period of time.
- (5) Appropriate releases of information for the court and/or ICW.
- (6) Who is financially responsible for the costs of treatment or counseling.
- (7) Restitution for the acts of the youth, if the youth has caused damage to property, injury to a person, or if the acts have cost the Tribe financially.
- (8) Appoint a guardian for the youth.

(9) Transfer jurisdiction to another Indian tribe upon a showing that the youth is eligible for membership in that Tribe, and a petition has been filed requesting transfer, or upon a showing that the youth is subject to a proceeding in another court, provided that the judges discuss appropriate jurisdiction via the Tribal court established Teague protocol.

(10) Visitation by parties or extended family members as appropriate.

(11) Any other disposition calculated to provide for physical, mental, emotional, or developmental needs of the youth.

(I) Dispositional Order Is Final: The dispositional order constitutes a final order for purposes of appeal.

### **Section 8.17 Review and Modification of Dispositional Order.**

(A) Review and Modification: Dispositional orders are to be reviewed by the Court at least every six (6) months. A dispositional order may be modified upon a finding of a good to modify.

(B) Motion to Modify: The Court shall review a dispositional order at any time upon a motion to modify by the following:

- (1) The youth;
- (2) The youth's parent, guardian or custodian;
- (3) The ICW; or,
- (4) The Tribe's attorney.

(C) Review Hearing: The Court shall conduct a hearing to review its dispositional order at least once every six months, or earlier upon motion of any party. The Court shall review the performance of the youth, the youth's parent, guardian, or custodian, the Indian Child Welfare Worker, and any other parties to the disposition.

(D) Standard for Modification: If the request for review of a disposition is based on the alleged violation of a Court order, the Court shall not modify its dispositional order unless it finds clear convincing evidence of the violation.

### **Section 8.18 Enforcement**

The court may find a person in contempt of court and/or order fines be paid in accordance with the Stockbridge-Munsee Rules of Civil Procedure.

### **Section 8.19 Effective Date**

This ordinance is effective after Tribal Council approval by resolution and approval from the Bureau of Indian Affairs. This ordinance repeals the existing Chapter 8, Youth in

Need of Care. If there are any active ICW cases in Tribal Court on the effective date, those cases shall remain under the terms of the repealed Chapter 8, Youth in Need of Care.

### **Section 8.20 Severability**

If a court of competent jurisdiction finds any portion of this Ordinance illegal, the remaining portions of this Ordinance shall remain unaffected and remain in force.

### **Legislative History**

Children's/Youth Code:

- Stockbridge-Munsee Children's Code approved by Tribal Council, August 8, 1981, by Resolution No. 0764.
- Ordinance Committee revised as Stockbridge-Munsee Youth Code, submitted to Tribal Council for review May 3, 1988.
- Tribal Council adopted Youth Code by motion August 16, 1988.
- Resolution No. 1104 dated August 29, 1988 officially adopted Youth Code, at a Council meeting on September 20, 1988.
- BIA recommended changes that were approved by Tribal Council by Resolution No. 1161, July 18, 1989.

Amendments to Chapter 8 approved by Tribal Council on August 21, 2007, Resolution No. 058-07. BIA approved the amended ordinance, except for Section 8.21, on April 16, 2012. Section 8.21, regarding the need for BIA approval of future amendments, was deleted.