

Table of Contents

Introduction 1
D-2 Tribal Court Fees & Costs..... 1
D-3 Court Fees & Costs Guidelines 3
F-4 Witness Fees..... 3
J-8 Appeal – Timing, Bond, & Stay of Judgment..... 3
L-23 Foster Care Standards..... 4
U-3 Tribal Elections 12
V-23 Gaming Tax 13

Introduction

The current version of the Law and Order Code incorporates Tribal Council Resolutions passed as of March 6, 2014. The Code will be updated annually to incorporate Resolutions that are subsequently approved by Council. This Supplement contains sections of the Code that have been amended by Resolutions passed after March 6, 2014, but prior to the annual update of the Law and Order Code.

Included below are sections of the Law and Order Code that have been amended in 2014. These sections repeal and replace their corresponding subparts (if any) in the Code. For instance, the version of Subpart D-2 (Tribal Court Fees & Costs) that is included in this Supplement supersedes the version of Subpart D-2 that is written into the Law and Order Code document that is available online and on the shared drive. These amendments will be incorporated into the full version of the Law and Order Code during the next annual update.

D-2 Tribal Court Fees & Costs

- (a) The following shall constitute the fee schedule for Tribal Court cases.
1. Civil Petitions. There will be a one hundred and thirty-two dollar (\$132.00) filing fee assessed on anyone filing a Civil Petition in Tribal Court against another party.
 2. Domestic Relations. For domestic relations matters (e.g., divorce, custody, paternity, adoption) the filing fee is one hundred and thirty-seven dollars (\$137.00).
 3. Administrative Appeals. For appeals from administrative or regulatory decisions to the Tribal Court, the fee is one hundred and seventeen dollars (\$117.00).

4. Foreign Judgments. The fee for filing a petition to enforce a foreign judgment is one hundred and seventeen dollars (\$117.00).
5. Traffic Citation Hearings. For all traffic hearings, the court cost is seventy-five dollars (\$75.00).
6. Default Judgments. There is a twenty dollar (\$20.00) fee for a default judgment rendered by the Court.
7. Garnishments. There is a one hundred and seventeen dollar (\$117.00) fee for each garnishment filed for recognition in the Tribal Court.
8. Appeals. The filing fee to appeal a case to the Court of Appeals is one hundred dollars (\$100.00).

(b) The following shall constitute the other fees and costs for Tribal Court services.

1. Service of Process. There is a twenty dollar (\$20.00) fee for service of process.
2. Bar Admission Fees. Attorneys shall pay the following fees in order to practice in the Tribal Court:
 - i. Seventy-five dollar (\$75.00) fee due at admission.
 - ii. Annual renewal fee (due January 15) of twenty-five dollars (\$25.00).
 - iii. No fee is required for attorneys appointed by Legal Services, attorneys employed by the Pueblo of Pojoaque, or lay advocates.
3. Copies. Each page of a legal document copied by the Court Clerk is twenty-five cents (\$0.25). Copies of CDs or DVDs are five dollars (\$5.00) each.
4. Certified Copies. The fee for certified copies of court documents shall be fifteen dollars (\$15.00) plus fifty cents (\$0.50) per page.
5. Research and Retrieval. For research and retrieval by Tribal Court staff, the fee is twenty-five dollars (\$25.00) per hour, plus fifty cents (\$0.50) page.
6. Notary Services. The fee for each signature that is to be notarized is five dollars (\$5.00) per signature.
7. Returned Check Fee. A thirty-six dollar (\$36.00) fee shall be imposed for any check returned by an individual's bank for non-payment.

D-3 Court Fees & Costs Guidelines

(a) The fees in Subpart D-2 are not exhaustive and nothing shall prevent the Court from assessing additional fees and costs in accordance with relevant provisions of the Law and Order Code. These fees may include, but are not limited to:

1. Witness fees;
2. Juror fees;
3. Incarceration costs; and
4. Fines for contempt of court.

(b) Tribal Officials or Tribal Representatives acting in an official capacity on behalf of the Pueblo are excluded from filing fees.

(c) No fee shall be charged for filing a Domestic Violence Petition.

(d) The Court may waive fees in cases of indigency.

(e) Should the Tribal Court rule in favor of the Petitioner, the Judge may order the Respondent to reimburse the Petitioner for filing fees and Court costs.

F-4 Witness Fees

(a) The Court, in its sole discretion, may order a party to reimburse witnesses for testifying in a case.

(b) Any witness fees and expenses shall be paid to the witness upon completion of the trial. Such expenses may be taxed as costs against the defendant if he or she is found guilty; provided, however, that no defendant shall be incarcerated solely because of inability to pay such costs immediately.

J-8 Appeal – Timing, Bond, & Stay of Judgment

In all civil cases, any party aggrieved by a judgment may appeal from a decision of the rendering court to the Court of Appeals upon giving notice of such appeal at the time of judgment or within ten (10) days thereafter along with the filing fee and upon giving proper assurance to the Tribal Judge through the posting of a bond or assurance that he or she will satisfy the judgment if it is affirmed. In any case where a party has perfected his or her right to appeal as established herein, the judgment of the Tribal Court shall not be executed until after final disposition of the case by the Court of Appeals.

L-23 Foster Care Standards

(a) Purpose. The Pueblo of Pojoaque Social Services Department through Tribal Council Resolution 2014-056 established these foster care standards to implement a foster care system for children placed in protective custody. By enacting the standards set forth in this document, the Pueblo of Pojoaque does not waive sovereign immunity. Nothing contained in this document shall be construed or interpreted in any way as a waiver, express or implied, of the Pueblo's sovereign immunity.

The Department established these foster care policies and procedures in order to set forth basic standards for safe guarding, protecting, and promoting the health, safety, and welfare of children placed in foster homes. These procedures establish requirements for the licensing of Foster Parents and their homes. These standards assure the placement of a child in a foster care setting that both protects the best interests of the child while promoting the continued unity of the family, extended family, and the Pueblo.

(b) Policy.

1. Safety and Cultural Competency. The Pueblo of Pojoaque believes strongly in the safety and well-being of children and their families. The Pueblo believes that children are the key to its future and survival of the Pueblo's culture and customs. Under certain circumstances it may become necessary to place a child (ren) in protective custody, resulting in out of home placement, in order to ensure safety. The Department will initially seek placement of the child (ren) within his or her extended family or within a tribally sanctioned family setting within the Pueblo. Such placement will constitute foster family care. While the child is in out of home placement, every effort will be made by the Department to work toward reunification of the child with his or her biological family; if it is in the best interest of the child.

(c) Definitions.

1. "Change in the Household" shall mean a specific change that have occurred which either increases or decreases the number of members in the household.
2. "CPT" means Pueblo of Pojoaque Child Protection Team.
3. "Department" refers to the Pueblo of Pojoaque Social Services Department.
4. "Emergency Foster Home" means a tribally-licensed private family home that agrees to be available 24 hours a day, seven days a week for children who are in need of emergency substitute care. Placement in these homes should not exceed 30 days.
5. "Extended Family" refers to those family members who are not considered immediate family, but referred to as family by blood relation, to include maternal/paternal grandparents, aunts, uncles, cousins, etc.

6. “Foster Care” means a child who is receiving protective services from law enforcement and social services, which has been placed in a tribal licensed foster family home.
 7. “Foster Home Care” means a service by which temporary, planned substitute care is provided to a child in a private, tribally licensed home when his/her own home is determined to be contrary to the safety of the child.
 8. “Foster Parent” or “Foster Care Parent” includes any person who acts as parent and guardian for a child in place of the child’s natural parents but without legally adopting the child (ren).
 9. “Good Character and Habits” refers to an individual who displays responsible and mature behaviors in all aspects of self and community.
 10. “License” means a document issued by the Pueblo of Pojoaque that officially sanctions a tribal member’s eligibility to maintain a foster home for children.
 11. “Major Crime” refers to a serious crime such as murder, rape, armed robbery, etc. that are looked upon as felonies in a Court of Law.
 12. “Permanency Planning Activities” means specific activities that affect biological parents, Foster Parents and foster child, which address the problem and implement goals towards reunification.
 13. “Permanent Change of Residence” occurs when a residence has changed to another location with full knowledge that the residence is to be permanent.
 14. “Regular Foster Home” means a tribally-licensed private family home that agrees to provide on-going temporary foster care for a child for a period up to one year.
 15. “Pueblo” means the Pueblo of Pojoaque.
 16. “Tribal Court” means the Pueblo of Pojoaque Tribal Court.
 17. “Tribally Licensed” means an individual or individuals holding a valid license as a foster family issued by the Pueblo of Pojoaque.
- (d) Licensure Assessment. The Department is the designated agency responsible for licensing of foster home providers for the Pueblo based on assessments or home studies of the applicant, the applicant’s family, and the applicant’s home environment to determine whether the home would be safe and appropriate for foster children. In order for and Application to be considered complete, the Applicant must provide:
1. Application. The initial evaluation of Foster Parent(s) shall include the following information contained within an Application:

- A. Background information
 - B. Health information
 - C. Appropriate BIA/Tribal/State Police background check
 - D. Three Character References (non-relatives)
 - E. Pass a Drug Test
2. Foster Parent Agreement
3. Classification of Home:
- A. Emergency
 - B. Regular
 - C. Kinship
- (e) Determination of License.
1. The Department shall evaluate the applicant based upon personal interviews, screenings, criminal background check and home visits. Based on the evaluation, tribal social services shall determine whether to issue a foster care license.
 2. The Department shall re-evaluate the foster home provider for continued licensure on an annual basis. Re-evaluation shall consist of home visits to review licensure compliance, and if appropriate, a renewal of licensure will be issued.
 3. Any license issued by the Department shall apply only to the residence where the foster home provider is living at the time an application for license is made.
 4. Any Foster Parent arrested of any criminal offense while being licensed as a Foster Parent, must complete a drug/alcohol evaluation and comply with the recommendations of the evaluation. The Foster Parent must provide the Department with a copy of the criminal complaint and the order of disposition on the Foster Parent's criminal case. Upon notice of the criminal offense, the Department will conduct an assessment to determine the safety and impact of the arrest and/or criminal offense on the foster child. If a determination is made by the Department that the foster child will no longer be safe in the home, the child(ren) will be removed immediately and the foster licensure will be terminated. If the offense is minor and does not involve drugs or violence, then the Department, after completing the foster child safety assessment, may determine with the recommendation of the CPT to allow the foster child(ren) to continue to reside at the foster home with close supervision by social services.

Upon conviction of a criminal offense, the Foster Parent must comply with all conditions set by the Court. A second criminal arrest will result in immediate termination of foster care licensure and immediate removal of the foster child(ren) from the home.

(f) Assessment.

1. The Department shall examine homes of tribal members and other applicants who reside within the exterior boundaries of the Pueblo for either approval or renewal of licensure of the home.
2. The Department shall submit licensing recommendations to the Governor for approval within thirty (30) days of the initial assessment, upon submission of licensure; the Governor shall have five (5) business days to review and approve/disapprove the recommendations.
3. No foster home should have more than four foster children placements, except in a case involving a sibling group or under exceptional circumstances.
4. A permanent change of residence of a foster family outside of the Pueblo's exterior boundaries will automatically terminate the foster care license.
5. Foster Parents are required to notify the department whenever a change of residence is contemplated.
6. Foster Parents must notify the Department whenever a change in the household occurs. For example, if one of the Foster Parents is convicted or is accused of a major crime or one of the parent's moves out of the home, or any other person moves into the residence, the Department MUST be notified within 72 hours.
7. The Department may inspect a foster care dwelling at any reasonable time, or at any time where there is a specific concern regarding licensure compliance or safety of a child. The Department will inspect a home once each month unless otherwise ordered by the Tribal Court.
8. The Department's staff will not be licensed as Foster Parents due to a conflict of interest. They may, however, become licensed through another agency.

(g) Foster Home Requirements.

1. The foster home shall be constructed, arranged, and maintained so as to provide for the health and safety of all occupants.
2. Heating, ventilation, and lighting shall be sufficient to provide a comfortable atmosphere. Furnishing and housekeeping shall be adequate to protect the health and comfort of the foster child.
3. Comfortable beds shall be provided for all members of the family.

4. Sleeping rooms must provide adequate opportunities for rest.
5. All sleeping rooms must have a window of a type that may be opened readily and may be used for evacuation in case of fire.
6. A working smoke detector must be in place and in working order. A fire escape plan to the exterior should be in place and explained at the time of the home study.
7. Play space shall be available and free from hazards, which might be dangerous to the life or health of the child.

(h) The Foster Family.

1. All members of the household must be in good physical, mental health and free of physical/mental illnesses that may adversely affect the health of the child (ren) or the quality and manner of his/her care.
2. Members of the foster family shall provide letters of reference and exhibit good habits, be responsible, and be viewed by most community members as being of good moral character.
3. Foster home providers must be able to pass a criminal background investigation.
4. Members of the foster family must never have been convicted of a sex/child abuse offense or any violent crime and may not have any felony convictions within the last three (3) years from the date of application.
5. The Department is authorized to make a complete investigation to determine the adequacy of the foster care home if abuse or neglect is reported on the Foster Parent. It is the responsibility of the Department (with assistance from law enforcement, if necessary, to remove the child from the foster home until the investigation is complete.
6. The person in charge of the foster home shall be of suitable temperament to care for the children, shall understand the special needs of the child and shall be capable of raising the child in a sound cultural supportive environment that promotes the child's development that enables the child to get along within the tribal community and the surrounding non-Indian community as well. Foster Parents may introduce the foster child to Christianity if they are practicing Christians. In such cases, they should inform the Department so this activity is specifically identified in the child's care plan.
7. Foster Parents must be at least twenty-five years of age. The exception will be when a member of the foster child's family applies to care for its sibling and is between the age of 18 and 25 years of age. The adult sibling must demonstrate ability to provide a home and safe

environment for the foster child and meet the same criteria as all other Foster Parent applicants. All Foster Parent applicants must be assessed by the Department for physical and emotional stamina to deal with the care and supervision of a foster child.

8. The Foster Parents must be willing, when necessary, to cooperate with the biological parents and must be willing to help the family towards reunification as determined by the Department in conjunction with the Tribal Court.

9. A foster home does not require both a male and female Foster Parents. The Department, at their discretion, will certify a foster home with a single Foster Parent provided that Foster Parent displays the outstanding qualities necessary to raise a foster child.

10. The Foster Parent(s) will be willing to accept the goals and policies of the foster care program and be able to effectively follow through with all plans determined to be in the child's best interest.

11. The Foster Parent(s) will partake in permanency planning activities that involves the foster child.

12. The Foster Parent(s) will be required to complete a two and a half day training on foster care responsibilities, parenting for special needs, child development and family services and education classes and services available for Foster Parents. Additionally, Foster Parents must complete a continuing education class of at least eight hours, as identified by the Department that will be required to maintain licensure.

13. The Foster Parent(s) shall treat the child as a member of the family. Each child is entitled to the same treatment as members of the family.

14. The Foster Parent(s) must have an income sufficient to care for the child placed in their home. Only in exceptional situations shall a family be licensed when the foster care payment is the primary source of income for the family.

A. Payment for Foster Parents is \$500.00 monthly

B. In the event that a foster child is with a Foster Parent longer than six (6) months the Foster Parent may request up to \$500.00 for bedding, clothing and any extra necessities that the foster child may need.

C. If a Foster Parent is in need of assistance of any monetary help with medical bills, or other emergency situations, assistance will be provided only if approved by Director of the Department or any Pueblo of Pojoaque Tribal Official.

D. Foster children who receive SSI benefits will have the monthly foster care payment paid by the Pueblo reduced to the amount essential to meet the \$500 monthly foster care payment.

15. For school age children, the Foster Parent must arrange to provide for childcare for those periods of time when both Foster Parents are employed. Infants and young children shall never be left alone without competent supervision. "School age" refers to children 6 to 12 years of age and 5 year olds who are in kindergarten.

16. The Foster Parent(s) will not release information pertaining to the foster child in public media (Facebook, etc.). The Foster Parents will release information only to the school in which the child is enrolled; to medical care providers; or other service providers included in the child's care plan. The Department must approve all other releases of information. Release of unauthorized foster child information is a violation of the child's confidentiality.

The standards the Department will use in judging the above criteria shall be those of the Pueblo.

17. A Foster Parent must comply with the reunification plan developed by the Department. The only visitation with biological parents will be times established by the Department. The Foster Parent must report to the Department when biological parents attempt to visit the child outside of the times specified in the reunification plan.

18. Foster Parents are mandated to notify the Departments when they are leaving foster children with other relatives for an extended period of time. The Foster Parents must provide Department with the name of the temporary care taker, care taker's home address, and phone number. An emergency plan for medical care must be arranged with the temporary care taker in the absence of the Foster Parent.

(i) The Foster Child.

1. The daily routine of a foster child shall be such as to promote education, good health, rest, and play habits.

2. The responsibility for the child's health care shall rest with the Foster Parent(s).

A. In case of sickness or accident to a child, it is mandated that the Department be contacted immediately. Foster Parents will be assisted in obtaining a Medicaid card for the foster child, as well as provide the Indian Health Service (IHS) card number for medical services through IHS.

B. Foster Care Parent(s) may consent to surgery or other treatment in a medical emergency, but are mandated to contact the Department as soon as the medical provider determines surgery is necessary.

3. The Foster Care Parent(s) or their family members shall not subject the child(ren) to verbal abuse, derogatory remarks about himself, his natural parents or relatives and/or threats to expel the child from the foster home.

A. No child shall be deprived of meals, mail or family visits (when authorized by the Department or the Tribal Court) as a method of discipline.

4. Discipline shall be administered by the Foster Parents in such a way as to help the child develop self-control and learn to assume responsibility for his/her actions and shall be administered with understanding and reason.

5. No family member of the Foster Parents shall discipline the child.

6. Task and work assignments shall be appropriate to the age and abilities of the child and should not interfere with school, health and necessary recreation. All Foster Parents' family members should work equally in the home.

(j) Physical Characteristics of Foster Home.

1. The Department shall inspect the entire premises and property of the Foster Parent to ensure licensing requirements are met. The Department will write a report on the inspection for inclusion in the Foster Parents' applicant file.

2. The house and premises must be clean and free from hazards that jeopardize health and safety of the foster child and family members. The Department will conduct health inspections during monthly home visits.

3. The home must comply with any tribal fire inspection codes and tribal ordinances. Any physical changes to the home will need to be re-inspected to insure that no deficiencies exist. Any deficiency identified by the Department will be corrected within a certain period of time set by the Department. The Foster Parent will receive a letter providing them with a description of the deficiency and timeline for making the corrections. Once the corrections are made, the Department will conduct an inspection to ensure compliance of the home for licensure.

4. Each foster home must be equipped with a smoke alarm/detector and fire extinguisher. This equipment must be checked periodically to show they are in excellent working order.

5. Windows, doors and lights must be in good working condition to show that they can be used in the plan of escape route in case of fire.

(k) Revocation of Foster Care License.

1. The Department may revoke foster care licenses when the licensee has substantially violated any provision of these Standards.

2. The Department shall give the licensee written notice within one (1) business day from the time of violation. The representative will provide written documentation as to the grounds for revocation of the foster care license, which will be hand deliver the notice to that foster home.

(l) Administrative Hearing.

1. Any licensed Foster Parent(s) whose license has been revoked has the right to request an administrative hearing by the Governor or Tribal Court.
2. A request for such a hearing must be filed within ten (10) business days of receipt of the written notice of revocation of license, to the Governor.
3. The Foster Parent(s), Governor, the Department, Law Enforcement, (if applicable), and any other parties directly involved in the matter pertaining to the violation may attend the hearing.
4. A final determination of revocation following a hearing will be based on the decision of the Governor.
5. During the time of violation up until the final outcome of the hearing the foster child will be placed in an emergency foster home.
6. A determination by the Governor of no violation of licensure will result in the return of the child to the Foster Parent with a plan to be developed by the Department for weekly monitoring until which time the child is reunified with the biological parents

U-3 Tribal Elections

(a) Eligibility of Candidates; Filing for Office.

1. Eligibility for Tribal Office. Any qualified enrolled member of the Pueblo of Pojoaque who is at least twenty-one (21) years of age, shall be eligible to seek and hold elective office.
2. Filing for Office. Each candidate must file a letter of intent with the Tribal Secretary no later than thirty (30) days prior to the election date. The letter of intent shall indicate which position the candidate is running for. No candidate may run for more than one (1) Tribal Official position in any given election.

(b) Qualifications for Candidacy. In order to be eligible to seek and hold elective office, candidates must:

1. Reside within the exterior boundaries of the Pueblo of Pojoaque;
2. Be an eligible voter of the Pueblo;
3. Be in good standing with the Tribal Council;

4. Not be banned from the Pueblo;
5. Be in good financial standing, and not be in default, with the Pueblo;
6. Have no felony convictions;
7. Be mentally capable of performing the duties of the office sought; and
8. Be subject to and pass a drug test prior to being declared an eligible candidate.

(c) Affidavit and Release Authorization. Candidates may be asked to sign an affidavit stating they meet the above listed requirements, and are a person of good character and sound judgment. All candidates must sign a release authorizing a criminal and financial background check.

(d) Pending Criminal Matters. Candidates must disclose to the Tribal Council any pending criminal matters for which they are a party.

V-23 Gaming Tax

(a) Imposition; Rate. For providing essential governmental services, infrastructure, and social programs to Tribal Members, residents and visitors of the Pueblo of Pojoaque, a tax on gaming activities, in an amount comparable to amounts assessed by the State of New Mexico for comparable activities.

(b) Effective Date. The gaming tax shall be effective on July 1, 2015.