

2018 Law and Order Code Supplement

A new version of the Law and Order Code is released annually to incorporate Resolutions that are approved by Council in any given year. The current version of the Code incorporates Tribal Council Resolutions passed as of September 30, 2018. This Supplement contains sections of the Code that have been amended by Resolutions passed after September 30, 2018, but prior to the next annual update of the Law and Order Code.

Included below are sections of the Law and Order Code that have been added or amended in 2018. These sections repeal and replace their corresponding subparts (if any) in the Code. These amendments will be incorporated into the full version of the Law and Order Code during the next annual update.

B-7 (*) *Wen Hey Kha Wosatsi Khuu* (Youth Path to Wellness) Court**

(a) The (***) *Wen Hey Kha Wosatsi Khuu* (Youth Path to Wellness) Court is established as a trial court of special jurisdiction with authority to hear all cases referred to it pursuant to the laws of the Pueblo of Pojoaque.

(b) Composition. The Chief Judge of the Tribal Court or an Associate Judge appointed by Tribal Council will preside over the Youth Path to Wellness Court. The Youth Path to Wellness Team, composed according to the Youth Path to Wellness Policies and Procedures Manual, will assist in day-to-day operations and development of the Youth Path to Wellness Court.

(c) Court Sessions. Participants in the Youth Path to Wellness Court will appear regularly before the Judge throughout the duration of their participation.

(d) Policies and Procedures. The Youth Path to Wellness Team shall promulgate policies and procedures to address the issues of confidentiality, treatment, incentives and sanctions, community involvement, and all other necessary components of evidence-based Juvenile Healing to Wellness Courts. The Youth Path to Wellness Court will adhere to all rules and guidelines of the Youth Path to Wellness Policies and Procedures Manual.

C-11 (*) *Wen Hey Kha Wosatsi Khuu* (Youth Path to Wellness) Court Jurisdiction**

(a) The Pueblo of Pojoaque Youth Path to Wellness Court may exercise jurisdiction over individuals who:

1. Meet the eligibility criteria of the Pueblo of Pojoaque Youth Path to Wellness Court Policies and Procedures Manual; and
2. Are accepted for admission by the Youth Path to Wellness Team.

(b) Individuals may be referred to the Youth Path to Wellness Court by:

1. The Pueblo of Pojoaque Tribal Court or another court;
2. Family and Children's Services, Tribal Police, Education, or other Pueblo of Pojoaque Agency; or
3. Self-referral or referred by a parent or legal guardian, as detailed in the Youth Path to Wellness Policies and Procedures Manual. An unemancipated juvenile must have permission of a parent or legal guardian to self-refer to the Youth Path to Wellness.

(c) Pueblo of Pojoaque Youth Path to Wellness Court participation may be ordered as:

1. If the participant is 18-20 years old:
 - A. Part of a suspended sentence or deferred conviction after a guilty or no contest plea in the Pueblo of Pojoaque Tribal Court;
 - B. A requirement of pre-prosecution diversion;
 - C. Part of a Pueblo of Pojoaque Family and Children's Services Case Plan; or
 - D. A requirement after self-referral.
2. If the participant is under the age of 18:
 - A. Part of a suspended sentence or deferred juvenile finding after a plea of responsible in a juvenile delinquency matter in the Pueblo of Pojoaque Children's Court;
 - B. A requirement of pre-prosecution diversion;
 - C. Part of a Pueblo of Pojoaque Family and Children's Services Case Plan; or
 - D. A requirement after self- or parental-referral.

(d) Continuing Jurisdiction. Youth Path to Wellness Court participants, including self-referrals, must agree to the continued jurisdiction of the Youth Path to Wellness Court throughout the duration of the program. In the event that a participant is terminated from the Youth Path to Wellness Court, the case will be sent to Tribal Court for proper adjudication.