

2018 - 2019 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.

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.

November 14, 2018

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 Well ness 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.

January 9, 2019

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 for at least one year prior to the date the Candidate's letter of intent is filed (Proof of residency must be shown by two of the following: government issued ID, residential lease, land assignment, property deed, utility bill, bank statement, payroll stub, driver's license, or car registration, etc.);

2. For the election term of 2021-2022: Have attended at least seventy five percent (75%) of Regular Council meetings of the Pueblo for at least one year prior to the date the Candidate's letter of intent is filed. For all election terms thereafter: Have attended at least seventy five percent (75%) of Regular Council meetings of the Pueblo for at least two years prior to the date the Candidate's letter of intent is filed;

3. Be in good standing with both the Regular and General 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 within the past seven years of the date the Candidate's letter of intent is filed (Any other criminal history must be disclosed to General Council at the Candidates' platform forum);

7. Be mentally capable of performing the duties of the office sought; and

8. Be subject to and pass a drug test administered by the Pueblo's Gaming Commission prior to being declared an eligible candidate.

(c) Affidavit and Release Authorization. Candidates shall 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. The criminal background check must include searches in tribal, state, and federal jurisdictions.

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

(e) Review of Background Check. If a background check reveals any felony convictions within the past seven years of the date the Candidate's letter of intent is filed, then the Candidate cannot run for a position. The Gaming Commission will present any other criminal history to General Council at the Candidates' platform forum.

July 25, 2019

I-13 Weatherization Funds to Pay Debts Owed to the Tribal Government/Tribal Court

(a) An enrolled Member's outstanding debts to the Tribal government or the Tribal Court must be paid prior to the issuance of a weatherization check. If the outstanding debt is not paid, the amount of the outstanding debt shall be withheld from the Member's weatherization check and applied to the outstanding debt.

(b) A Tribal Official or the Tribal Judge shall notify the accounting department prior to the issuance of the weatherization checks of any amounts to be withheld from the weatherization check and that the amount shall be applied to the outstanding debt.

(c) Unless forgiven as described in Subpart L-24 (Forgiveness of Foster Care Debt), the cost of foster care of an enrolled Member's child shall be considered an outstanding debt.

L-24 Forgiveness of Foster Care Debt

(a) Outstanding foster care debt to the Pueblo pursuant to Subpart I-13 may be forgiven through Tribal Court Order.

(b) The parent(s) of children placed in foster care with outstanding debt of Family and Children's Services may petition the Court for debt forgiveness any time after family reunification. The parent(s) of children placed in permanent guardianship or who have relinquished or had their parental rights terminated by tribal Court order may petition the Court at any time for foster care debt forgiveness.

(c) Tribal Court will schedule a hearing on the issue of foster care debt forgiveness. The party requesting debt forgiveness may testify, bring witnesses, or produce other evidence to the Court to support the petition.

(d) Family and Children's Services will provide a written recommendation to the Court regarding whether foster care debt should be forgiven, or how much of the debt should be forgiven.

(e) In deciding whether outstanding foster care debt should be forgiven, Tribal Court will consider any relevant information including but not limited to, how well the parent(s) followed their case plan or court orders; the stability and/or length of time since reunification, permanent placement with others, or whether any of the parent(s) children aged out of foster care or were placed permanently with others; and the recommendation from Family and Children's Services.

(f) Based on the relevant information produced on the record, Tribal Court may order that some, all, or none of any outstanding foster care debt be forgiven. Tribal Court will make written findings to support its decision.

(g) Any decision on whether any outstanding foster care debt is forgiven is solely in the discretion of Tribal Court.

(h) The Tribal Court decision may be appealed pursuant to the Pueblo of Pojoaque Law and Order Code, Subpart J-8.