

**BLACKFEET LAW & ORDER CODE OF
1967, AS AMENDED**

**VOLUME I
CHAPTERS 1-6**

11/12/2008

Blackfeet CODE OF LAWS

04/11/75

At a Council of the Blackfeet, Blood and Piegan tribes of Indians held at the Blackfeet Agency, Montana Territory on the 20th, 21st, 22nd and 23rd days of April A.D. 1875, an election of chiefs was had and the following Code of Laws adopted.

The council opened with prayer and songs to the Divine Father, the Indians all kneeling.

The meeting was called to order by Agent John S. Wood, who commenced by saying: "That before commencing any great and good work, we has brought by the Word of the Great Spirit his blessings and all we said and done would be heard and remembered by Him and be held accountable. If we did not intend living up to our pledges we had better not make them. For many years you have been without , without a head chief and without laws. in the prairies in small, unfriendly if like hands, killing each other under the influence of whisky. During the past year, you have killed one hundred and thirty one of your own people through whisky. I want you to choose a head chief who does not drink whisky, and who will care for and control his people.

The following chiefs were present at the council

- Head Chiefs
- Little Plume, White Calf and Generous Woman
- Headmen of Bands
- White Cow on Hillside, Fast Buffalo Horse, Running Crane, Big Swan, Boy Chief, Rising Head, Big Stone, Lodge Pole Chief, Screaming Owl, Four Bears, Red Paint and One Who Pulls the Sun Down.

After deliberation and voting the Council declared Little Plume elected Head Chief by a unanimous vote and Generous Woman and White Calf subordinate head chiefs by a like vote.

Whereupon they adopted the following Code of Laws for the government and welfare of their people pledging themselves in the presence of the Great Spirit to obey and enforce them.

Art. 1st. The Head Chief and two subordinate head chiefs, together with the Agent, shall constitute a tribunal for the trial of any Indian or Indians charged with a breach of these laws, provided however, that in case of the absence of any of the chiefs, a quorum of two of the aforesaid chiefs with the Agent shall be competent to try offenders and enforce the laws.

Art. 2nd. If any Indian shall kill another, he shall be arrested and tried, and if found guilty of murder, shall be hanged by the neck until dead: but in case of an Indian killing a Whiteman or woman, he shall be arrested and given in custody to the civil authorities.

Art. 3rd. If any Indian shall threaten to kill another he shall be arrested and tried, and if found guilty shall be punished by a fine of horses, robes or peltries or imprisoned as the tribunal may determine and impose.

Art. 4th. If any Indian shall steal from another, or attempt to steal, he shall be arrested and tried, and if found guilty, shall be punished by fine of horses, robes or peltries or imprisoned as the tribunal may determine and impose; but in case an Indian stealing from a White man, he shall be given in custody to the civil authorities.

Art. 5th. If an Indian shall strike, beat or bruise another in anger, he shall be arrested and tried and if found guilty, shall be punished by a fine of horses, robes or peltries or imprisoned as the tribunal may determine, but in case of an Indian striking a White man, he shall be given in custody to the civil authorities.

Robert C. Mann, Clerk
P.O. Box 305
Hospital Rd.
Browning, Montana

Art. 6th. If an Indian shall strike, beat or abuse his wife or any of his children, or other woman in a cruel or brutal manner, he shall upon conviction be fined or imprisoned as the tribunal may determine and impose.

Art. 7th. If any Indian shall take to himself more than one wife from and after the adoption of these laws, he shall upon conviction thereof be punished by fine or imprisonment as the tribunal may determine and impose.

Art. 8th. If any Indian shall have carnal knowledge of any woman by force, he shall upon conviction thereof be punished by fine or imprisonment as the tribunal may determine and impose.

Art. 9th. If any Indian shall sell his daughter, wife, mother, sister or other woman to any Indian or White man, he shall upon conviction thereof be punished by such fine or imprisonment as the tribunal may determine and impose, and the woman thus sold shall be freed, and no claim be made upon her by reason of such sale or bargain.

Art. 10th. Every Indian accused of any crime or breach of the foregoing laws shall be arrested by the Chiefs or Agent or those acting under their orders and shall be tried and convicted by the tribunal before any fine or punishment is imposed.

Art. 11th. If any horses belonging to White men be found by any Indian belonging to these tribes, such horse or horses shall be given in charge to the Agent, and should any Indian conceal or sell such horse or horses, he shall upon conviction thereof be fined and punished as the tribunal may determine, and given in custody to the Civil Authorities.

Art. 12th. If any Indian or other person receiving rations from the Government shall buy, sell, or keep, or cause to be bought, sold, or kept, any spirituous or intoxicating liquor, or who shall use the same, shall upon conviction thereof be punished by such fine and imprisonment as the tribunal may determine and impose, and shall all proper cases be given in custody to the Civil Authorities.

Art. 13th. The tribunal shall have power vested in them to inflict punishment and fine in any case that to them may seem proper, but such punishment shall not be barbarous or cruel, or endanger life.

In testimony of our free will and determination to maintain and enforce the foregoing laws, we hereby sign our hands on behalf of ourselves and our people.

- Little Plume - his x mark - Head Chief
- Generous Woman - his x mark - Subordinate Head Chief
- White Calf - his x mark - Subordinate Head Chief
- White Cow on Hill Side - his x mark
- Fast Buffalo Horse - his x mark
- Running Crane - his x mark
- Big Swan - his x mark
- Boy Chief - his x mark
- Rising Head - his x mark
- Big Stone - his x mark
- Lodge Pole Chief - his x mark
- Screaming Owl - his x mark
- Four Bears - his x mark
- Red Paint - his x mark
- One Who Pulls The Sun Down - his x mark
- Three Medicine - his x mark
- Dog Chief - his x mark
- Crow Flag - his x mark
- Middle Bull - his x mark
- The Man Walks Away - his x mark

Clerk of the Court
Browning, Montana

BLACKFEET TRIBAL LAW AND ORDER CODE

PREFACE

1. The Blackfeet Tribal Law and Order Code of 1967, as amended is a Code written by the Blackfeet Tribe to be administered within the exterior boundaries of the Blackfeet Reservation of Montana and under no conditions does the State of Montana have jurisdiction over this Code, and further that any portion now in the Blackfeet Tribal Law and Order Code of 1967, as amended relating to concurrent jurisdiction with said State of Montana or giving any jurisdiction to the said State of Montana, be hereby deleted and such language shall be of no further force or effect.

(Adopted by Ordinance No. 44, Blackfeet Tribe,
December 13, 1974)

2. It is hereby ordained by the Blackfeet Tribal Business Council that the word "Indian" as found in the Tribal Law and Order Code of 1967, as amended is hereby deleted from the Tribal Code and in its place is substituted and inserted the word "person" or similar appropriate pronoun. This change shall include not only the body of the Tribal Law and Order Code, but also any uncodified ordinance of the Blackfeet Tribe, except where such ordinance or section of the Code is set aside to give Blackfeet members special rights, privileges or duties as against all other persons.

(Adopted by Ordinance No. 38, Blackfeet Tribe,
November 7, 1974)

RETYPE COPY

RETYPE COPY

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SOLICITOR

P. O. Box 1538
Billings, Montana 59103

MEMORANDUM

April 28, 1967

TO: Area Director, Indian Affairs, Billings, Montana
Attention: Mr. Ned Thompson

FROM: Field Solicitor

Subject: Redraft of Blackfeet Tribal Law and Order Code

Chief Judge John P. Sharp and his fine staff have done a splendid job of reworking the Blackfeet Tribal Law and Order Code.

I have taken the liberty of making certain minor changes in their redraft. With the view of proposing the same as a pattern for tribal courts on other reservations. Copy of the redraft, with suggested minor modifications is enclosed in triplicate. Your comments and those of the members of your staff would be appreciated.

The Chapter heading of the new draft of the Tribal Law and Order Code are listed below. At the risk of appearing presumptuous, I have noted the staff sections which may be interested in each of the several chapters.

- Chapter 1 - Jurisdiction -Administration and Law and Order
- Chapter 2 - Civil Actions -Credit
- Chapter 3 - Domestic Relations -Welfare and Realty
- Chapter 4 - Sentences -Law & Order
- Chapter 5 - Offenses -Law & Order
- Chapter 6 - Law Enforcement -Law & Order
- Chapter 7 - Juvenile Code -Welfare
- Chapter 8 - Court Proceedings -Law & Order
- Chapter 9 - Traffic -Law & Order and Plant Management

It might be noted that the limitations in Section 1(k) of Article VI of the Blackfeet Tribal Constitution are recognized. But it is believed that any problem here can be effectually resolved.

A.E. Bielefeld
Field Solicitor, Billings

Enc. (in triplicate)

cc:

Honorable John P. Sharp, Chief Judge, Browning, Montana 59417
Gordon Bennett, Esq., Attorney at Law, Montana Club B, Helena,
Montana 59601

C O P Y

RESOLUTION

No. 25-67

WHEREAS, Subsections (i), (k), (l) and (O) of Section 1 of Article VI of the Constitution and By-laws of the Blackfeet Tribe authorizes the Blackfeet Tribal Business Council:

i. To exclude from the land owned by the Tribe or its members, persons not legally entitled to reside thereon, under ordinances which shall be subject to review by the Secretary of the Interior.

k. To promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the Tribe charged with the commission of offenses set forth in such ordinances.

l. To regulate the inheritance of real and personal property other than allotted lands within the Blackfeet Reservation, subject to review by the Secretary of the Interior.

WHEREAS, The above is in accordance with Federal Statutes as applicable in CFR 25, and

WHEREAS, The Blackfeet Tribal Law and Order Code has been revised, now

THEREFORE BE IT RESOLVED: That the revised Blackfeet Tribal Law and Order Code, hereto attached and by reference made a part hereof, shall be in full force and effect within the boundaries of the Blackfeet Indian Reservation, Montana, and

BE IT FURTHER RESOLVED: That the Blackfeet Tribal Business Council does hereby respectfully request the approval of said Code by the Secretary of the Interior or his duly authorized representatives under Section 2 of Article VI of the Constitution and By-laws for the Blackfeet Tribe.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

SGD - Roland Kennerly
Acting Secretary

SGD - Earl Old Person
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was passed and approved by the Blackfeet Tribal Business Council during a duly called, noticed and convened special session assembled for business the 20th day of November, 1967, with seven (7) members present to constitute a quorum; and (approved)(disapproved) by the Superintendent of the Blackfeet Indian Agency.

SGD - Roland Kennerly

Superintendent
Blackfeet Indian Agency

Acting Secretary
Blackfeet Tribal Business
Council

C O P Y

RESOLUTION

No. 54-68

WHEREAS, Article VI, Section 1(k) of the Constitution and By-laws of the Blackfeet Tribe of the Blackfeet Indian Reservation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and

WHEREAS, There have been growing instances where persons not having reached the age of twenty-one years have been apprehended by law enforcement officers and found to be in possession of intoxicating liquors, now

THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council hereby enacts the following ordinances:

Any Indian who shall not have reached the age of twenty-one (21) years and who shall have in his or her possession, beer or liquor shall be deemed guilty of an offense and upon conviction thereof shall be sentenced (a) to labor for a period not to exceed twenty-five (25) days, or (b) to pay a fine not to exceed \$50.00), or (c) both the foregoing, and

BE IT FURTHER RESOLVED: That said Ordinance Number 16 shall be placed in the official Blackfeet Law and Order Code.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

Carl W. Kipp
Secretary

Earl Old Person
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened regular session assembled the 9th day of January, 1969 with six members present to constitute a quorum.

Carl W. Kipp
Secretary
Blackfeet Tribal Business Council



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

BLACKFEET INDIAN AGENCY
BROWNING, MONTANA 59417

IN REPLY REFER TO:

005
064

January 24, 1975

Mr. Earl Old Person
Chairman, Blackfeet Tribal Council

Re: Ordinance No. 38

Dear Mr. Old Person:

In noting this Ordinance, rather than approving it, the interpretation is made after talking to Ms. Sandy Watts, that there is no change in jurisdiction of the Tribal Court implied by the deletion of the word "Indian" and substituting and inserting in its place the word "person".

Sincerely yours,

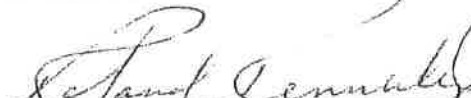
George C. Stillman
Superintendent

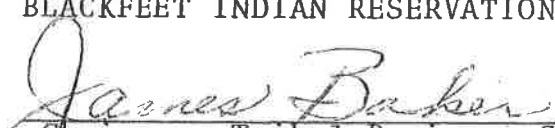
AN ORDINANCE DELETING THE WORD "INDIAN" AND
SUBSTITUTING THE WORD "PERSON" , IN ITS VARIOUS
FORMS, IN THE BLACKFEET TRIBAL LAW AND ORDER
CODE OF 1967, AS AMENDED

Be it hereby ordained by the Blackfeet Tribal
Business Council on this 7th day of November, 1974
that the word "Indian" as found in the Tribal Law and
Order Code of 1967 as amended is hereby deleted from
the Tribal Code and in its place is substituted and
inserted the word "person" or similar appropriate
pronoun. This change shall include not only the
body of the Tribal Law and Order Code, but also any
uncodified ordinance of the Blackfeet Tribe, except
where such ordinance or section of the Code is set
aside to give Blackfeet members special rights, privileges
or duties as against all other persons.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


ATTEST:


Secretary, Blackfeet Tribal Business
Council


Chairman, Tribal Business Council

C E R T I F I C A T I O N

I hereby certify that the foregoing Ordinance was
passed and approved by the Blackfeet Tribal Business Council
in a duly called, noticed and convened regular session
assembled on the 7th day of November, 1974 with 8 members
present to constitute a quorum.


Secretary, Blackfeet Tribal Business
Council

CHAPTER I.

ADMINISTRATION OF LAW AND ORDER (TRIBAL COURT)

TABLE OF CONTENTS

| | | |
|-------------|--|----|
| Section 1. | Jurisdiction----- | 1 |
| | Where----- | 1 |
| | Who----- | 1 |
| | What Crimes----- | 1 |
| | Other Cases----- | 2 |
| Section 2. | Appointment of Judges----- | 3 |
| Section 3. | Removal of Judges----- | 3 |
| Section 4. | Court Procedure----- | 3 |
| | A. Real or physical Evidence----- | 4 |
| | B. Oral Testimony of Witnesses----- | 4 |
| | C. Privileged Communications----- | 5 |
| | D. Judicial Knowledge----- | 5 |
| | E. Presumption----- | 6 |
| | F. Documentary Evidence----- | 6 |
| | G. Best and Secondary Evidence----- | 7 |
| | H. Opinion Evidence----- | 7 |
| | I. Tests of Admissibility----- | 7 |
| | (1) Relevancy----- | 7 |
| | (2) Materiality----- | 8 |
| | (3) Competency----- | 8 |
| | J. Evidence of Other Offenses----- | 8 |
| | K. The Hearsay Rule----- | 9 |
| | L. Exceptions to Inadmissibility of Hearsay----- | 10 |
| | (1) Confession----- | 10 |
| | (2) Judicial Confession----- | 10 |
| | (3) Tacit Confession----- | 10 |
| | (4) Admissions----- | 11 |
| | (5) Dying Declaration----- | 11 |
| | (6) Res Gestae----- | 11 |
| Section 5. | Appellate Proceedings----- | 11 |
| Section 6. | Juries----- | 12 |
| Section 7. | Witnesses----- | 12 |
| Section 8. | Professional Attorneys----- | 13 |
| Section 9. | Clerks----- | 13 |
| Section 10. | Records----- | 13 |
| Section 11. | Complaints to be Sworn----- | 14 |
| Section 12. | Warrants to Apprehend----- | 14 |
| Section 13. | Arrest----- | 14 |

| | | |
|-------------|------------------------------|----|
| Section 14. | Search Warrants----- | 14 |
| Section 15. | Commitments----- | 15 |
| Section 16. | Bail or Bond----- | 16 |
| Section 17. | Definition of Signature----- | 16 |
| Section 18. | Relation with the Court----- | 16 |

TABLE OF CONTENTS

CHAPTER 2.

CIVIL ACTION

Section 1. Jurisdiction----- 17

Section 2. Law Applicable----- 17

Section 3. Judgment in Civil Action----- 17

Section 4. Costs in Civil Action----- 18

Section 5. Payment of Judges from Individual Indian Monies----- 18

Section 6. Period of Limitation Prescribed----- 18

Section 6A. Exemptions; Executions----- 19

Section 7. Imprisonment for Debt----- 19

Section 8. Ownership, Licensing, Inoculation and Control of Dogs----- 19

CHAPTER 2, PART II.

REPOSSESSION OF PERSONAL PROPERTY

Section 1. Jurisdiction-----22

Section 2. Commencing of an Action-----22

Section 3. Service of Process----- 22

Section 4. Procedure before Judgment----- 22

Section 5. Judgment-----23

 A. After a Hearing on the Merits----- 23

 B. On Default of Defendant-----23

Section 6. Assignments----- 23

Section 7. Supplementary Proceedings----- 24

Section 8. Claim of Exemption----- 24

Section 9. Pre-Judgment Attachment, Garnishment and Repossession-----

 25

Section 10. Repossession Order-----25

Section 11. Appeal-----26

Section 12. Execution----- 27

CHAPTER 3

DOMESTIC RELATIONS

TABLE OF CONTENTS

Section 1. Marriages----- 28

Section 2. Divorce----- 28

Section 3. Determination of Paternity and Support----- 28

Section 4. Determination of Heirs----- 28

Section 5. Approval of Wills----- 29

Section 6. Proceedings for the Termination of Parent-Child Relationships----- 30

 A. Purpose----- 30

 B. Definitions----- 30

 C. Jurisdiction----- 33

 D. Petition and Grounds----- 33

 E. Contents of Petition----- 34

 F. Notice – Waiver – Guardian ad Litem----- 35

 G. Social Study Prior to Disposition----- 36

 H. Hearing----- 36

 I. Decree----- 37

 J. Effect of Decree----- 38

 K. Records----- 38

 L. Construction----- 39

Section 7. Sale of Restricted Real estate Interests on the Blackfeet Reservation

 Owned by minors, Insane or Incompetent Persons----- 39

 A. Appointment of Special Guardians----- 39

 B. Petition for Appointment----- 39

 C. Qualifications of Special Guardian----- 40

 D. Application for Appointment of Special Guardian----- 40

 E. Petition for Sale of Restricted Property----- 40

 F. Order to Show Cause----- 41

 G. Notice of Order to Show Cause----- 41

 H. Hearing----- 41

 I. Order for Sale----- 41

 J. Discharge of Special Guardian----- 42

 K. Removal of Special Guardian----- 42

 L. Vacancy in Position of Special Guardian----- 42

 M. General Guardian may act as Special Guardian hereunder----- 42

 N. Special Guardian my be Appointed Notwithstanding General Guardian----- 42

| | | | |
|------------|----|--|----|
| | O. | Service of Documents----- | 43 |
| | P. | Conduct of Proceedings----- | 43 |
| | Q. | Compensation of Special Guardians----- | 43 |
| | R. | Attorneys may Participate----- | 43 |
| | S. | Conflicting Ordinances Repealed----- | 43 |
| Section 8. | | Adoption----- | 43 |

CHAPTER 4

SENTENCES

TABLE OF CONTENTS

| | | |
|------------|---------------------------------------|----|
| Section 1. | Nature of Sentence----- | 44 |
| Section 2. | Probation----- | 45 |
| Section 3. | Parole----- | 45 |
| Section 4 | Board of Pardons and Parole----- | 45 |
| Section 5 | Deposit and Disposition of Fines----- | 46 |

CHAPTER 5

OFFENSES

TABLE OF CONTENTS

Part I. ASSAULT

Section 1. Definitions----- 47

Part II OFFENSES AGAINST PERSONS

Section 2. Abduction----- 49

Section 3. Burglary----- 50

Section 4. Criminal Endangerment----- 50

Section 5. Domestic Abuse----- 50

Section 6. Negligent Endangerment----- 51

Section 7. Nonsupport----- 52

Section 8. Stalking----- 52

Section 9. Sexual Intercourse without consent----- 53

Section 10. Repealed Sections----- 53

(1) Adultery----- 53

(2) Attempted Rape----- 53

(3) Bastardy----- 53

(4) Battery----- 53

(5) Contributing to the Delinquency of a Minor----- 53

(6) Failure to Support Dependent Persons----- 53

(7) Failure to send Child to School----- 54

(8) Illicit Co-Habitation----- 54

(9) Liquor Affecting Minors----- 54

(10) Prostitution----- 54

(11) Slander & Malicious Gossip----- 54

Section 11. Criminal Defamation----- 54

PART III OFFENSES AGAINST PROPERTY----- 56

Section 1. Bad Check----- 56

Section 2. Cruelty to Animals----- 56

Section 3. Disorderly Conduct----- 56

Section 4. Fraud----- 57

Section 5. Forgery----- 57

Section 6. Littering, Dumping, Refuse Disposal----- 57

Section 7. Malicious Mischief----- 58

Section 8. Misbranding----- 59

Section 9. Open Container----- 59

Section 10. Theft----- 59

Section 11. Trespass----- 60
 Section 12 Slaughtering Livestock----- 60

PART IV. OFFENSES AGAINST ADMINISTRATION AND ORDER-----61

Section 1. Accountability-----61
 Section 2. Bribery----- 61
 Section 3. Carrying a Concealed Weapon----- 62
 Section 4. Contempt----- 62
 Section 5. Disobedience to a Lawful Order of the Court----- 63
 Section 6. Embezzlement----- 63
 Section 7. Escape----- 63
 Section 8. Extortion----- 64
 Section 9. Maintaining a Public Nuisance----- 64
 Section 10. Perjury----- 64
 Section 11. Refusing to Aid an Officer----- 65
 Section 12. Obstruction Justice----- 65
 Section 13. Resisting Arrest----- 66
 Section 14. Threatening a Public Official----- 66
 Section 15. Repealed Sections----- 67
 (1) Aiding and Abetting Criminal Behavior----- 67
 (2) Default----- 67
 (3) Disturbing the Peace----- 67
 (4) False Arrest----- 67
 (5) Indecent Exposure----- 67
 (6) Public Intoxication----- 67
 (7) Criminal Contempt----- 67
 (8) Receiving Stolen Property----- 67
 (9) Violation of an Approved Ordinance----- 67

PART V. OFFENSES INVOLVING DANGEROUS DRUGS----- 68

HISTORY: This ENTIRE Part B was repealed on 01/09/1997 and replaced by the Blackfeet Tribal Ordinance NO. 95. Dangerous Drugs.

TABLE OF CONTENTS

CHAPTER 6

LAW ENFORCEMENT

Section 1. Public Officers----- 69

Section 2. Police Commissioners----- 69

Section 3. Duties of Police----- 69

Section 4. Law Enforcement----- 69

Section 5. Extradition----- 69

Section 6. Removal of Non-Members, Law-Breakers----- 70

Section 7. Method of Arrest----- 70

Section 8. Issuance and Service of Arrest Warrant upon Complaint----- 70

Section 9. Arrest with a Warrant----- 71

Section 10. Procedure when Warrant Defective----- 72

Section 11. Arrest without a Warrant----- 72

Section 12. Time of Making Arrest----- 72

Section 13. Arrest by a Tribal Officer----- 72

Section 14. Assisting a Tribal Officer----- 73

Section 15. Release by Officer of Person Arrested----- 73

Section 16. Arrest by a Private Person----- 73

Section 17. When Summons may be Issued----- 73

Section 18. Effect of Not answering Summons----- 74

Section 19. Notice to Appear----- 74

Section 20. Judge May order Arrest----- 74

Section 21. Road Block----- 75

Section 22. Search and Seizure, when arrested----- 75

Section 23. Scope of Search Warrant without Warrant----- 76

Section 24. Search Warrant Defined----- 77

Section 25. Grounds for Search Warrant----- 77

Section 26. Scope of Search with Warrant----- 77

Section 27. Filing of Application----- 77

Section 28. Service and Execution of Search Warrants----- 77

Section 29. Detention and Search of Persons or Premises----- 78

Section 30. When Warrant may be Executed----- 78

Section 31. Return to Court of things Seized under Search Warrant----- 78

Section 32. Return of Property Seized----- 79

Section 33. Disposition of Unclaimed Property----- 80

| | | |
|-------------|---|----|
| Section 34. | When Search and Seizure not Illegal----- | 80 |
| Section 35. | Admissibility in Other Proceedings----- | 80 |
| Section 36. | Duty of Person Who has Made an Arrest----- | 81 |
| Section 37. | Duty of the Court----- | 81 |
| Section 38. | Purpose of Bail----- | 81 |
| Section 39. | Who May Admit to Bail----- | 81 |
| Section 40. | Setting and Accepting Bail in Minor Offense----- | 81 |
| Section 41. | Setting and Accepting Bail under a Warrant of Arrest----- | 82 |
| Section 42. | Giving Bail before another Court of Judge----- | 82 |
| Section 43. | Release on Own Recognizance----- | 82 |
| Section 44. | Issuance of Warrant----- | 83 |
| Section 45. | Bailable Offenses----- | 83 |
| Section 46. | Bail after Conviction----- | 83 |
| Section 47. | Determining the Amount of Bail----- | 83 |
| Section 48. | Reduction Increase, Revocation or Substitution of Bail----- | 84 |
| Section 49. | How Bail is to be Furnished----- | 84 |
| Section 50. | Surrender of Defendant----- | 85 |
| Section 51. | Conditions of Bail Bond, When Performed-When Not Performed----- | 85 |
| Section 52. | Condition of Bail----- | 86 |

NOTE: THIS CHAPTER 7 HAS BEEN REPEALED BY THE BLACKFEET FAMILY COURT CODE ADOPTED BY THE BLACKFEET TRIBAL BUSINESS COUNCIL ON 10/28/1995

TABLE OF CONTENTS

CHAPTER 7

JUVENILE CODE

| | | |
|-------------|--|----|
| Section 1. | Juvenile Code Definitions----- | 88 |
| Section 2. | Jurisdiction----- | 88 |
| Section 3. | Institution of Proceedings----- | 89 |
| Section 4. | The Petition----- | 89 |
| Section 5. | Notice and Service of Petition----- | 90 |
| Section 6. | Hearing in Juvenile Court----- | 90 |
| Section 7. | Actions of the Juvenile Court----- | 90 |
| | A. General Authority----- | 90 |
| | B. Custody of Juvenile Pending Hearing----- | 90 |
| | C. Medical Examinations and Care----- | 91 |
| | D. Commitments and Control----- | 91 |
| | E. Judgment for Support----- | 91 |
| | F. Removal from Reservation----- | 91 |
| Section 8. | Records of the Juvenile Court----- | 92 |
| Section 9. | Custody of a Juvenile Arrested for Violation of Law----- | 92 |
| Section 10. | Report of Custodian----- | 92 |
| Section 11. | No limitations on Authority----- | 92 |
| Section 12. | Probation and Juvenile Officers----- | 92 |
| Section 13. | Penalty for Improper and Negligent Training of Juvenile----- | 93 |
| Section 14. | Suspension of Sentence; Bond----- | 93 |
| Section 15. | Forfeiture of Bond; Execution of Sentence----- | 94 |
| Section 16. | Citation and Judgment against Surety or Bond----- | 94 |

TABLE OF CONTENTS

CHAPTER 8

TRIBAL COURT PROCEEDINGS

Section 1. Initiation of Proceedings----- 95

Section 2. Docket----- 95

Section 3. Procedure----- 95

Section 4. Formation of Trial Jury----- 97

 A. Number of Jurors----- 97

 B. Formation of Trial Jury----- 97

Section 5. Verdict----- 97

 A. Return----- 97

 B. Several Defendants----- 97

 C. Poll of Jury----- 98

 D. Discharge of Jury----- 98

Section 6. Sentence and Judgment----- 98

Section 7. Execution of Judgment----- 98

Section 8. Appeal----- 99

Section 9. New Trial----- 99

Section 10. Arrest of Judgment----- 100

Section 11. Sentence and Judgment----- 101

Section 12. Pre-Sentence----- 101

 A. Content of Investigation----- 101

 B. Availability of the Report to Defendant and Others----- 101

Section 13. Sentence----- 102

Section 14. Withdrawal of Plea on a Deferred Imposition or Suspended
Execution of Sentence----- 103

Section 15. Statement on the Sentence----- 103

Section 16. Entry of Judgment and Judgment Roll----- 103

 A. Entry----- 103

 B. Information from Courts----- 104

 C. Review of Sentence----- 104

 D. Sentence to be Imposed by Judge----- 104

Section 17. Merger of Sentence----- 104

Section 18. Credit for Time Served----- 104

Section 19. Jail Work Release Program----- 105

CHAPTER 9

RULES OF PROCEDURE, CIVIL AND CRIMINAL

TABLE OF CONTENTS

Part I. General

| | | |
|------------|--|-----|
| Rule 1. | General----- | 107 |
| Rule 2. | Form of Pleadings----- | 107 |
| Rule 3. | Signing of Pleadings----- | 107 |
| Rule 4. | Subpoena----- | 108 |
| | A. Attendance of Witnesses----- | 108 |
| | B. Production of Documentary Evidence----- | 108 |
| | C. Service----- | 108 |
| Rule 5. | Evidence----- | 108 |
| | A. Form and Admissibility----- | 108 |
| | B. Scope of Examination and Cross Examination----- | 108 |
| | C. Record of Excluded Evidence----- | 109 |
| | D. Evidence on Motions----- | 109 |
| | E. Interpreters----- | 109 |
| | F. Proof of Official Records----- | 109 |
| | G. No Record or Entry after diligent Search----- | 109 |
| Rule 6. | Relief from Judgments----- | 109 |
| | A. Motion for New Trial----- | 109 |
| | B. Clerical Mistakes----- | 110 |
| | C. Newly Discovered Evidence, Etc.----- | 110 |
| | D. Harmless Error----- | 110 |
| Rule 7. | Time----- | 111 |
| | A. Computation----- | 111 |
| | B. Extensions of Time----- | 111 |
| Rule 8. | The Record of Proceedings----- | 111 |
| Rule 9. | Clerk of Court----- | 112 |
| | A. Hours of Operation----- | 112 |
| | B. Books and Records Kept by the Clerk----- | 112 |
| | C. Fees, Fines, Forfeitures and Bail----- | 113 |
| | D. Certified copies of Records----- | 114 |
| | E. Power to Issue Process----- | 114 |
| | F. Power to Administer Oaths----- | 114 |
| | G. Preparation of Pleadings----- | 114 |
| | H. Witness and Juror Fees----- | 115 |
| | I. Other Books and Records----- | 115 |
| Rule 10. | Attorneys And Counselors----- | 115 |
| Rule 10-A. | Time For Objecting To Motions----- | 116 |

Part II. Civil

| | | |
|----------|---|-----|
| Rule 11. | Filing Fee----- | 117 |
| Rule 12. | Service of Process----- | 117 |
| Rule 13. | Service by Notice and Publication----- | 119 |
| Rule 14. | Service on the Secretary of The Tribe----- | 121 |
| Rule 15. | Pleadings and Motions----- | 122 |
| | A. Pleadings----- | 122 |
| | B. Motions and Other Papers----- | 122 |
| Rule 16. | General Rules of Pleading----- | 122 |
| | A. Claims for Relief----- | 122 |
| | B. Defenses and Forms of Denials----- | 122 |
| | C. Affirmative Defenses----- | 122 |
| | D. Effect of Failure to Deny or to Raise Affirmative Defense----- | 122 |
| | E. Pleading to be Concise and Direct----- | 123 |
| Rule 17. | Defenses And Objections----- | 123 |
| | A. Answer----- | 123 |
| | B. Defense in Law or Fact----- | 123 |
| | C. Motion for More Definite Statement----- | 124 |
| | D. Motion to Strike----- | 124 |
| Rule 18. | Service of Other Papers----- | 124 |
| Rule 19. | Proof of Service----- | 124 |
| Rule 20. | Amended and Supplemental Pleadings----- | 125 |
| | A. Amendments----- | 125 |
| | B. Amendments to Conform to the Evidence----- | 125 |
| | C. Relation Back of the Amendments----- | 125 |
| | D. Supplemental Pleading----- | 125 |
| Rule 21. | Capacity to Sue or be Sued----- | 126 |
| | A. Real Party and Interest----- | 126 |
| | B. Infant or Incompetent Persons----- | 126 |
| Rule 22. | Substitution of Parties----- | 126 |
| | A. Death----- | 126 |
| | B. Incompetency----- | 126 |
| | C. Transfer of Interest----- | 126 |
| | D. Public Officers----- | 126 |
| Rule 23. | Counterclaims and Crossclaims----- | 127 |
| | A. Counterclaim----- | 127 |
| | B. Crossclaim----- | 127 |
| Rule 24. | Third Party Practice----- | 127 |
| Rule 25. | Joinder of Parties----- | 128 |
| | A. Persons to be Joined if Feasible----- | 128 |
| | B. Dismissal for Failure to Join an Indispensible Party----- | 128 |
| | C. Permissive Joinder----- | 129 |
| | D. Misjoinder of Parties----- | 129 |
| Rule 26. | Intervention----- | 129 |
| | A. Intervention of Right----- | 129 |

| | | |
|----------|--------------------------------------|-----|
| | B. Permissive Intervention----- | 129 |
| | C. Procedure----- | 130 |
| Rule 27 | Discovery----- | 130 |
| | A. Methods----- | 130 |
| | B. Scope of Discovery----- | 130 |
| | C. Insurance Agreements----- | 130 |
| | D. Trial Preparations----- | 131 |
| | E. Expert Witnesses----- | 131 |
| | F. Protective Orders----- | 131 |
| Rule 28. | Masters----- | 132 |
| | A. Appointment and Compensation----- | 132 |
| | B. The Master's Report----- | 132 |
| Rule 29. | Jurors----- | 133 |
| | A. Examination of Jurors----- | 133 |
| | B. Alternate Jurors----- | 133 |
| | C. Special Verdicts----- | 133 |
| | D. Instructions to the Jury----- | 134 |
| Rule 30. | Trials----- | 134 |
| | A. Demand for Jury Trial----- | 134 |
| | B. Advisory Jury----- | 134 |
| | C. Size of Jury----- | 134 |
| Rule 31. | Motion for Directed Verdict----- | 134 |
| Rule 32. | Summary Judgment----- | 135 |
| Rule 33. | Default Judgment----- | 135 |
| Rule 34. | Dismissal----- | 136 |
| | A. Voluntary Dismissal----- | 136 |
| | B. Involuntary Dismissal----- | 136 |
| | C. Consolidation----- | 136 |
| | D. Separate Trials----- | 136 |
| Rule 35. | Deposits in Court----- | 137 |
| Rule 36. | Injunctions----- | 137 |
| | A. Preliminary Injunctions----- | 137 |
| | B. Temporary Restraining Order----- | 137 |
| Rule 37. | Judgment and Costs----- | 138 |
| | A. Demand for Judgment----- | 138 |
| | B. Costs----- | 138 |
| | C. Entry of Judgment----- | 138 |
| | D. Automatic Stay of Judgment----- | 138 |

Part III. Criminal

| | | |
|----------|--|-----|
| Rule 51. | The Complaint----- | 139 |
| Rule 52. | Warrant or Summons upon Complaint----- | 139 |
| | A. Issuance----- | 139 |
| | B. Warrant----- | 139 |
| | C. Summons----- | 139 |

| | | |
|-----------|--|-----|
| Rule 53. | Arraignments----- | 140 |
| Rule 54. | Motions----- | 140 |
| Rule 55. | Joinder----- | 140 |
| Rule 56. | Depositions----- | 140 |
| Rule 57. | Discovery----- | 141 |
| Rules 58. | Trial----- | 142 |
| Rule 59. | Motion for Judgment of Acquittal----- | 142 |
| Rule 60. | Judgment and Sentence----- | 142 |
| Rule 61. | Right to Appeal----- | 142 |
| Rule 62. | New Trial----- | 143 |
| Rule 63. | Correction or Reduction of Sentence----- | 143 |
| Rule 64. | Search and Seizure----- | 143 |

TABLE OF CONTENTS

CHAPTER 10

SMALL CLAIMS COURT

Section 1. Name----- 144

Section 2. Jurisdiction----- 144

Section 3. Venue----- 144

Section 4. Judges----- 145

Section 5. Attorneys----- 145

Section 6. Assignees----- 145

Section 7. Attachment and garnishment----- 145

Section 8. Actions. How commenced----- 145

Section 9. Filing fees----- 146

Section 10. Service of declaration and order----- 146

 A. The Declaration and Order may be served----- 146

 B. Who may be Served----- 146

Section 11. Answer and claim of defendant----- 148

Section 12. Date of trial and time for service----- 148

Section 13. Index and register----- 149

Section 14. Costs----- 149

Section 15. Execution----- 150

Section 16. Appeal----- 150

Section 17. Security to be posted by appellant----- 151

Section 18. Appointment of guardian and litem for minor or incompetent----- 152

Section 19. Request to proceed without cost----- 154

Section 20. Service of declaration and order by certified or registered mail----- 154

Section 21. Subpoenas----- 155

 A. Subpoena----- 155

 B. Subpoena, Peace Officers----- 155

 C. Subpoena Duces Tecum----- 157

 D. Witness beyond 150 miles----- 157

Section 22. Continuances----- 158

Section 23. Off Calendar Cases----- 158

Section 24. Dismissals----- 159

Section 25. Transfer of small claims action to tribal court----- 159

Section 26. Amendment to Declaration----- 160

Section 27. Recording Proceedings in court----- 160

Section 28. Notice of entry of judgment----- 161

Section 29. Default judgment----- 161

Section 30. Satisfaction of judgment----- 162

Section 31. Dismissal of an appeal, or abandonment of appeal----- 162

Section 32. Proceedings against sureties following appeal----- 163

Section 33. Writs of execution-procedure----- 164

Section 34. Writs of execution-duty of tribal police----- 165

| | | |
|-------------|---|-----|
| Section 35. | Writs of Execution – time limit----- | 168 |
| Section 36 | Abstract of judgment----- | 168 |
| Section 37. | Procedure for claim for exemption----- | 168 |
| Section 38. | Counter-affidavit to claim of exemption----- | 169 |
| Section 39. | Exemptions----- | 169 |
| Section 40. | Costs bill after judgment----- | 173 |
| Section 41. | Examination of judgment debtor----- | 174 |
| Section 42. | Court shall prescribe rules of procedure----- | 174 |
| Section 43. | Words used in this chapter----- | 175 |
| Section 44. | Statute of limitations----- | 175 |

CHAPTER 11

APPEAL PROCEDURE, CIVIL AND CRIMINAL

TABLE OF CONTENTS

| | |
|---|---------|
| PART I. GENERAL ----- | 176 |
| Section 1. The Court of Appeals of the Blackfeet Tribe----- | 176 |
| Section 2. Place of Sitting----- | 176 |
| Section 3. Clerk of the Court of Appeals----- | 176 |
| Section 4. Filing and Service----- | 177 |
| A. Filing----- | 177 |
| B. Service of all paper required----- | 177 |
| C. Manner of service----- | 177 |
| D. Proof of service----- | 177 |
| Section 5. Computation and Extension of Time----- | 177 |
| Section 6. Motions----- | 177 |
| Section 7. Cases involving constitutional questions where the Tribe is not a party----- | 178 |
| Section 8. Reserved----- | 178 |
| Section 9. Reserved----- | 178 |
| PART II. CRIMINAL ----- | 179 |
| Section 10. Scope of Part II of this Chapter----- | 179 |
| Section 11. Scope of Appeal; Tribe----- | 179 |
| Section 12. Scope of Appeal; Defendant----- | 179 |
| Section 13. Procedure on Appeal----- | 180 |
| Section 14. Stay of Judgment pending Appeal----- | 180 |
| A. Imprisonment----- | 180 |
| B. Fine----- | 181 |
| C. Probation----- | 181 |
| D. Suspended Sentence----- | 181 |
| E. An appeal taken by the Tribe----- | 181 |
| Section 15. The Record on Appeal----- | 181 |
| Section 16. Transmission of the Record----- | 183 |
| A. Time----- | 183 |
| B. Duty of Clerk to Transmit----- | 183 |
| C. Extension of Time for Transmission----- | 184 |
| D. It is the duty of the appellant----- | 184 |
| Section 17. Docketing the Appeal----- | 184 |
| Section 18. Hearing of the Appeal; Briefs oral arguments----- | 185 |
| A. Upon the filing of a record ----- | 185 |
| B. Briefs----- | 185 |
| (1) Appellant----- | 185 |
| (2) Respondent----- | 185 |
| (3) Reply of Appellant----- | 185 |
| (4) Lengths of briefs----- | 185 |

| | | |
|-----------------------------|---|------------|
| | (5) Time for submission of briefs----- | 186 |
| | (6) Failure to File Brief or Filing a Brief Outside of Required Time--- | 186 |
| | C. Oral Arguments----- | 186 |
| Section 19. | Brief of Amicus Curiae----- | 187 |
| Section 20. | Decision of the Court of Appeals----- | 187 |
| Section 21. | Petition for Rehearing----- | 187 |
| Section 22. | Substantial and insubstantial errors on appeal----- | 188 |
| Section 23. | Determination of Appeal----- | 188 |
| Section 24. | Filing Fee; Transmittal Fee----- | 188 |
| | A. Filing Fee----- | 188 |
| | B. Transmittal Fee----- | 188 |
| Section 25. | Indigent Appeals----- | 188 |
| Section 26. | Habeas Corpus----- | 189 |
| PART III. CIVIL----- | | 191 |
| Section 30. | Scope of Rules----- | 191 |
| Section 31. | What the Court may review on an Appeal from a Judgment----- | 192 |
| Section 32. | How the Appeal is taken----- | 192 |
| | A. Filing of the Notice of Appeal----- | 192 |
| | B. Joint Appeals----- | 192 |
| | C. Content of the Notice of Appeal----- | 192 |
| | D. Service of the Notice of Appeal----- | 192 |
| Section 33. | Time for filing Notice of Appeal----- | 193 |
| Section 34. | Undertaking for costs on Appeal----- | 193 |
| Section 35. | Stay of Judgment or Order pending Appeal----- | 194 |
| Section 36. | Sureties and their Responsibility----- | 196 |
| Section 37. | The Record on Appeal----- | 196 |
| Section 38. | Transmission of the Record on Appeal----- | 196 |
| Section 39. | Docketing the appeal – filing of the record----- | 196 |
| | A. Docketing the Appeal----- | 197 |
| | B. Filing of the Record----- | 197 |
| | C. Dismissal for failure of appellant to cause timely transmission or to Docket Appeals----- | 197 |
| Section 40. | Remedial powers of the Court of Appeals----- | 197 |
| Section 41. | Action by Clerk of Court of Appeals after appeal----- | 198 |
| Section 42. | Appeals In Forma Pauperis----- | 198 |
| Section 43. | Briefs----- | 199 |
| | A. Appellant----- | 199 |
| | B. Respondent----- | 199 |
| | C. Reply Brief----- | 199 |
| | D. Filing Briefs----- | 199 |
| | E. Each party filing a brief----- | 200 |
| | F. No brief filed----- | 200 |
| | G. All briefs filed----- | 200 |
| Section 44. | Rehearing conference----- | 200 |
| Section 45. | Oral argument----- | 200 |

| | | |
|-------------|---------------------------------------|-----|
| Section 46. | Decision on Appeal – Time----- | 201 |
| Section 47. | Interest on Judgments----- | 201 |
| Section 48. | Damages for Appeal without Merit----- | 201 |
| Section 49. | Costs on Appeal----- | 202 |
| | A. Filing fee----- | 202 |
| | B. Other costs----- | 202 |
| | C. Transmission of record----- | 202 |
| Section 50. | Petition for Rehearing----- | 202 |
| Section 51 | Voluntary Dismissal----- | 203 |
| Section 52 | Substitution of Parties----- | 203 |
| | A. Death of party----- | 203 |
| | B. Other reasons----- | 204 |
| | C. Public Officials----- | 204 |
| Section 53. | Appeals from Injunction Orders----- | 204 |

CHAPTER 12

LAND

TABLE OF CONTENTS

PART I. LAND EXCHANGE----- 205

Section 1. Authority to Exchange Tribal Land----- 205

Section 2. Approval of Land Exchange----- 205

Section 3. Classification of Exchanged Land----- 205

Section 4. Restrictions on Alienation, Descent or Devise of Exchange Land----- 205

Section 5. Mineral Rights on Exchange Land----- 207

Section 6. How to Begin Land Exchange, Protest----- 207

Section 7. Appeal from Decision of the Land Board----- 207

Section 8. Procedure after Final Approval of Land Exchange----- 208

Section 9. Governing Principles of Land Exchange----- 208

Section 10. Appraisal of Land to be Exchanged----- 209

Section 11. Regulations made pursuant to this Chapter----- 209

PART II. INTERIM ZONING ORDINANCE----- 210

Section 1.01 Title----- 210

Section 1.02 Authority----- 210

Section 1.03 Purpose----- 210

Section 1.04 Method----- 210

Section 1.05 Scope----- 210

Section 2.01 Zones----- 211

Section 2.02 Extent of Zones----- 211

Section 3.00 "C" Conservation Zone----- 211

Section 3.01 Purpose----- 211

Section 3.02 Permitted Uses----- 211

Section 3.03 Conditional Uses----- 212

Section 3.04 Water, Waterfront----- 212

Section 3.05 Standards----- 212

Section 4.00 "U" Urban Zone----- 212

Section 4.01 Purpose----- 212

Section 4.02 Permitted Uses----- 212

Section 4.03 Prohibited Uses----- 213

Section 4.04 Conditional Uses----- 213

Section 4.05 Standards----- 213

Section 5.00 General Requirements----- 213

Section 5.01 Minimum Requirement----- 213

Section 5.02 Public Hearing, Public Notice----- 214

Section 5.03 Use Permit Required----- 214

Section 5.04 Non-Conforming Uses----- 214

Section 5.05 Appeals----- 214

Section 5.06 Amendment----- 214

Section 5.07 Administration and Enforcement----- 215
Section 5.08 Validity, Effective Date----- 215

CHAPTER I.

ADMINISTRATION OF LAW AND ORDER (TRIBAL COURT)

TABLE OF CONTENTS

| | | |
|-------------|--|----|
| Section 1. | Jurisdiction----- | 1 |
| | Where----- | 1 |
| | Who----- | 1 |
| | What Crimes----- | 1 |
| | Other Cases----- | 2 |
| Section 2. | Appointment of Judges----- | 3 |
| Section 3. | Removal of Judges----- | 3 |
| Section 4. | Court Procedure----- | 3 |
| | A. Real or physical Evidence----- | 4 |
| | B. Oral Testimony of Witnesses----- | 4 |
| | C. Privileged Communications----- | 5 |
| | D. Judicial Knowledge----- | 5 |
| | E. Presumption----- | 6 |
| | F. Documentary Evidence----- | 6 |
| | G. Best and Secondary Evidence----- | 7 |
| | H. Opinion Evidence----- | 7 |
| | I. Tests of Admissibility----- | 7 |
| | (1) Relevancy----- | 7 |
| | (2) Materiality----- | 8 |
| | (3) Competency----- | 8 |
| | J. Evidence of Other Offenses----- | 8 |
| | K. The Hearsay Rule----- | 9 |
| | L. Exceptions to Inadmissibility of Hearsay----- | 10 |
| | (1) Confession----- | 10 |
| | (2) Judicial Confession----- | 10 |
| | (3) Tacit Confession----- | 10 |
| | (4) Admissions----- | 11 |
| | (5) Dying Declaration----- | 11 |
| | (6) Res Gestae----- | 11 |
| Section 5. | Appellate Proceedings----- | 11 |
| Section 6. | Juries----- | 12 |
| Section 7. | Witnesses----- | 12 |
| Section 8. | Professional Attorneys----- | 13 |
| Section 9. | Clerks----- | 13 |
| Section 10. | Records----- | 13 |
| Section 11. | Complaints to be Sworn----- | 14 |
| Section 12. | Warrants to Apprehend----- | 14 |
| Section 13. | Arrest----- | 14 |

Section 14. Search Warrants----- 14
Section 15. Commitments----- 15
Section 16. Bail or Bond----- 16
Section 17. Definition of Signature----- 16
Section 18. Relation with the Court----- 16

CHAPTER 1.

ADMINISTRATION OF LAW AND ORDER (TRIBAL COURT)

SECTION 1. JURISDICTION. (See Clarification of this Section in Preface).

The Blackfeet Tribal Court shall have jurisdiction over all offenses enumerated in Chapter 5, when committed by an Indian (person) as defined by this Section, within the Blackfeet Indian Reservation. With respect to any of the offenses enumerated in Chapter 5, over which federal or state courts may have lawful jurisdiction, the jurisdiction of the Court shall be concurrent and not exclusive. It shall be the duty of said Court to order delivery to the proper authorities of the State or Federal Government or of any other tribe or reservation for prosecution, any offender, there to be dealt with according to law or regulations authorized by law, where such authorities consent to exercise jurisdiction lawfully vested in them over the said offender. The Blackfeet Tribal Court is a court of "limited jurisdiction". This means that the Court can handle certain types of cases, but cannot handle other types. In order to know whether the Court can handle any particular criminal cases, it is necessary first to know where the offense took place, who is said to have committed the offense, and what offense is charged.

Where: The Blackfeet Tribal Court has jurisdiction over matters arising on land within the exterior boundaries of the Blackfeet Indian Reservation. In addition to trust lands belonging to the Tribe or to individual Indians, this includes fee patented lands, townsites, roads and other right-of-ways, and tracts reserved for school, agency or other governmental purposes.

Who: The Blackfeet Tribal Court has jurisdiction over all persons of Indian descent who are members of the Blackfeet Tribe of Montana and over all other American Indians unless its authority is restricted by an Order of the Secretary of the Interior. The Court does not have jurisdiction over non-Indians or over Indians from Canada. An Indian subject to the jurisdiction of the Blackfeet Tribal Court,

including members of the Blackfeet Tribe, who also is employed in the Bureau of Indian Affairs, has a right to appeal from any sentence of the Court to the Secretary of the Interior, and the sentence if so appealed, does not become effective until approved by the Secretary.

What Crimes: The Federal Courts have jurisdiction over the so-called "ten major crimes"; murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, larceny, and carnal knowledge; and the Federal offenses, such as counterfeiting, mail fraud, etc. As a practical matter, the Federal authorities sometimes turn over to Tribal authorities cases of aggravated assault or petty larceny.

The Blackfeet Tribal Court has exclusive jurisdiction over all crimes set forth in Chapter 5 of the Blackfeet Law and Order Code, which are committed by an Indian, as defined above, against another Indian within the Blackfeet Reservation. These crimes may not be tried in any court other than the Tribal Court. The Blackfeet Tribal Court has concurrent jurisdiction over all offenses within the Blackfeet Reservation, other than the ten major crimes, committed by an Indian against a non-Indian or an Indian from Canada. What "concurrent" means, very simply, is that the Federal Court and the Tribal Court both have power to try an offense by an Indian against a non-Indian. Specifically, if the Federal authorities consent to take such a case prior to conviction in the Tribal Court, the Tribal Judge, must deliver the accused to the Government for prosecution and all proceedings in the Tribal Court then stop. If the accused already has been punished in the Tribal Court on the other hand, the Federal authorities are prohibited from prosecuting him again.

Other cases: A non-Indian who commits an offense against an Indian within the boundaries of the Blackfeet Reservation is punishable in Federal Court in accordance with either the general laws of the United States or State Law, depending upon the circumstances. A non-Indian in State Court. A

member of the Blackfeet Tribe who commits a crime of any nature outside the Reservation is subject to the law of the jurisdiction in which the offense occurs.

SECTION 2. **APPOINTMENT OF JUDGES.**

The Court shall consist of one or more judges, one of whom shall be designated as Chief Judge, and the others as associate judges. Each Committee with the approval of the Commissioner of Indian Affairs. Their salary may be fixed and paid by the Commissioner of Indian Affairs or by the Tribe. Each judge shall hold office for an indefinite period of time, unless sooner removed for cause or by reason of the abolition of said office. In the latter case, he shall be eligible for reappointment.

A person shall be eligible to appointment as judge of the Court only if he (1) is a member of the Blackfeet Tribe. and (2) has never been convicted of a felony, or within one year then past, of a misdemeanor. The age limit of judges shall not be less than 21 years of age. He must also have a high school education, and preferable be a commercial law student at the time of the original appointment.

SECTION 3. **REMOVAL OF JUDGES.**

After notice and hearing, any judge of the Court may be suspended, dismissed or removed by the Law and Order Committee and Tribal Business Council, with the approval of the Commissioner of Indian Affairs.

SECTION 4. **COURT PROCEDURE.**

The trial of cases shall be conducted by the Chief Judge, or by such associate Judge, as the Chief Judge, shall designate. The time and place for the trial of cases shall be designated by the Chief Judge.

Rules of Court prepared by the Chief Judge and approved by the Tribal Business Council may be promulgated to govern the procedures and appearances by parties and attorneys before the Court.

Trial procedures involving the introduction of evidence shall be governed by the following procedures.

A. Real or physical evidence: Real or demonstrative evidence is that proof which can be brought into court and exhibited to the court and jury, such as the instruments and devices used in the commission of crime, and the exhibition of the person as well as objects; the use of photographs, moving pictures, and X-rays, and the conducting of experiments and tests either in or out of Court. It is always proper, when a fact in issue may be explained by producing an article or object to which the testimony relates, to bring such articles or objects into Court and exhibit them.

B. Oral testimony of witnesses: Testimony is the evidence of a living witness given under oath at a trial. The general rule with reference to the admissibility of oral testimony of witnesses is that their testimony should be limited to facts of which they have personal knowledge or are personally cognizant, given in open Court.

All persons who, having organs of sense, can perceive, can make known to others their perceptions, and can be witnesses. They must be able to receive and impart TRUE impressions.

The trier of facts, whether the Court or the jury, is the exclusive judge of the credibility of a witnesses. The credibility of a witness may be attacked or impeached by the opposition because of any of the following:

- (1) The manner in which a witness testifies.
- (2) The character or type of testimony being given by the witness.
- (3) The reputation of the witness. Proof may be shown by the opposition of a criminal record of the witness, or of other evidence of unreliability of the witness.
- (4) The witness shows that he has personal motive or prejudice in testifying.
- (5) The witness gives contradictory evidence.

Persons who are insane may not be witnesses. However, a witness who is judged sound of mind at the time of the trial may testify. Children who appear incapable of receiving or imparting true facts

may not be called as witnesses. it is the duty of the Judge to decide if the child is competent. Husband and wife are not competent to testify against each other except by mutual agreement, or in cases of criminal assault of one by the other, and in cases of non-support and desertion.

There is no set number of witnesses who may appear in any trial, except, perjury cases, when there are at least two.

The same witness may not be called by both the defendant and the plaintiff, unless he is called by the opposite side as "an adverse witness". Facts useful to the opposition may be obtained by cross-examination of a witness. IF the rule of exclusion of witnesses is invoked, persons called to testify.

C. Privileged Communications: Public policy prohibits disclosure of information received by one party holding a confidential relationship to another party unless the other party consents. These include:

- (1) Legal representative and client.
- (2) Doctor and patient.
- (3) Clergymen and penitent.
- (4) Husband and wife.

D. Judicial Knowledge: This is evidence of facts of general and common knowledge, which persons of ordinary intelligence are presumed to know. Such facts need not be proved. Courts will take judicial notice of:

- (1) The statutes and ordinances of the United States, the Tribe and the State.
- (2) The boundaries and other geographical features of the State and Reservation.
- (3) The situation of the respective counties.
- (4) The names of the courts.
- (5) The county seat of the county.
- (6) The court's own records on the case.
- (7) The calendar subdivision of the year.
- (8) The system of standard time.
- (9) When the sun rises and sets.
- (10) The changes of the moon.
- (11) That alcohol, whiskey, wine, brandy, rum, gin, beer, and ale are intoxicating liquors.

E. Presumption: In the Law the Courts infer facts exist or do not exist following proof of other facts. There are two types of presumptive evidence:

- (a) Everyone is conclusively presumed to know the law; ignorance of the law is no excuse.
- (b) Children under a certain age conclusively presumed to be incapable of committing a crime.
- (c) Every person charged with a crime is presumed innocent until the contrary is proved by competent evidence beyond a reasonable doubt.

(2) Presumptions of Fact, such as:

- (a) Presumption of death after unaccounted absence of seven years.
- (b) Presumption that a posted letter has reached its destination.
- (c) Presumption of legitimacy of children.
- (d) Presumption of validity of a marriage.
- (e) Presumption of good character, chastity, etc.
- (f) Presumption of sanity.
- (g) Presumption that an officer properly performs his tasks.
- (h) Presumption that one intends the natural consequences of his acts.

F. Documentary Evidence: Records, writing, all kinds of documents are generally divided into two principal classes.

(1) Private writings include contracts, deeds, receipted bills, releases, family records and Bibles, letters and telegrams, maps, plate, and survey, mortality tables of a business company, photographs, etc.

(2) Public writings include public or official records and reports, reports of public administrative officers, official statistical tables, acts of the legislature, judicial records, etc.

G. Best and Secondary Evidence: In presenting documentary evidence, it is an elementary principle of law that the best evidence, such as the original of all documents, must always be produced in proof of every disputed fact. Secondary evidence, or copies and photostats of documents, is never admissible unless the primary evidence is unavailable, where it is shown that the original has been lost or destroyed, is beyond the jurisdiction of the court, or is in the hands of the opposite party, who, on due notice, fails to produce it.

H. Opinion Evidence: It is well established that when it is not possible or practicable to place before the jury all of the primary facts and circumstances in such a way as to enable the jury to form an intelligent conclusion from the facts, witnesses who have had the means of personal observation may state their opinions, conclusions, and impressions formed from such facts and observations as come under their observation.

- (1) Matters of color, weight, size, quantity, light and darkness.
- (2) Matters involving taste, smell and touch.
- (3) Matters of visibility and sound.
- (4) Estimates of a person's age.
- (5) Implications as to a person's race, nationality, or language.
- (6) The state of emotion exhibited by a person.
- (7) The apparent physical condition of a person.
- (8) Identification of a person by his voice.
- (9) Intoxication of a person.
- (10) Footprint resemblance as disclosed by tracks left at scene.
- (11) The speed of trains, motor vehicles, etc.
- (12) The value of property and services.
- (13) The authenticity of another's handwriting.

I. Tests of Admissibility: Objections may be raised in court as to the relevance, materiality and competency of evidence.

(1) Relevancy. evidence is relevant if it relates to the subject, when it touches upon the issues which the parties have made by their pleadings so as to assist in getting at the truth of acts disputed. Evidentiary matters considered relevant are those bearing on:

- A. Intent
- B. Motive for a crime.
- C. Ability of the defendant to commit a crime.
- D. Opportunity to commit a crime.
- E. Threats of expressions of ill will by the accused.
- F. Means of committing the offense.
- G. Conduct and declarations of accused at time of arrest or flight.
- H. Concealment of identity.
- I. Fabrication and destruction of evidence.
- J. Escape and attempted escape.
- K. Possession of property, or sudden possession of money.
- L. Confessions and surrounding circumstances.
- M. Preparations for the Commission of Crime
- N. Presence near scene of crime.
- O. Offers of bribes.

(2) Materiality: Evidence must effect a fact or issue significantly in order for the Court to permit its introduction. It must have probative force or value. The Court uses its sound discretion as to whether the evidence is of consequences. Evidence is immaterial if it is too remote in time, or too conjectural or too uncertain in its nature.

(3) Competency: This generally considers the qualifications of the witness to produce the particular evidence. Evidence may be both relevant and material. But the particular witness may not be qualified to testify to the facts. Affidavits are not considered competent evidence because the affidavit.

J. Evidence of other offenses: The general rule is that in a prosecution for a particular crime, evidence which in any manner shows or tends to show that the accused has committed another crime of the same sort, is irrelevant, and admissible, except;

(1) Where the crimes are inseparably connected so that the proof of one necessarily involves proving the other.

(2) Where the nature of the crime is such that guilty knowledge must be proved, in which case evidence is admissible to prove that at another time and place not too remote, the accused committed or attempted to commit a crime similar to that charge.

(3) Where the commission of a crime is proved, in which case evidence to identify the accused as the person who committed it is not to be excluded solely because it proves to tend to prove that he was guilty of another or independent crime.

(4) Evidence of other crimes similar to that charged becomes relevant and admissible when it shows or tends to show a particular criminal intent which is necessary to constitute the crime charged.

(5) When malice is an element in the crime charged, in which case evidence of another similar act by the accused against the same plaintiff is admissible to show malice.

(6) Evidence to show the motive promoting the commission of the crime. Notwithstanding that it also shows the commission by the accused of another of similar or a dissimilar character.

(7) Where the crime charged is part of a plan or system of criminal action, in which case evidence of other crimes near to it in time and of similar character is relevant and admissible to show the knowledge and intent of the accused and that the act charged was not the result of accident or inadvertence.

(8) Where the offense charged is a continuing one, in which case evidence of other acts than that charged is admissible, to explain or to corroborate the evidence showing the act charged.

K. The Hearsay Rule: The term "hearsay" in evidence includes or signifies everything not founded upon the personal knowledge of the witness. Hearsay is NOT admissible in court except for the type of evidence listed below as exceptions to the rule, Reasons for this general rule on hearsay are;

- (1) The possibility of error is great where information is relayed from one person to another before it is given in court.
- (2) The Defendant has the right to be confronted by his accuser in person.
- (3) The jury and/or the judge are entitled to see and observe the witness to help them in determining the truth of the statements made by the witness.

(4) The defense and the prosecution both have the right to cross-examine the witness who made the original statement. They cannot do this when the information is relayed by another.

L. Exceptions to inadmissibility of Hearsay: No relayed statement of a person not present, including writings and actions, may be received in evidence to prove the truth or falsity of the matter asserted unless it falls within one of the following exceptions to the hearsay rule.

(1) Confession- which is a voluntary admission against interest made by a defendant in a criminal case. It is a voluntary statement or admission by an accused person that he or she committed the offense, or assisted in its commission.

(2) Judicial Confession- which includes all statements or formal pleas of guilt made upon arraignment at a preliminary or during the course of other judicial proceedings in the trial court.

(3) Tacit Confession- A person can incriminate himself not only by his statement, but by his remaining silent when accused. The accusation must be oral and made in the presence of the defendant and understood by him and must not be made by one in authority. In court, the accusation must be presented in its entirety and in the identical language used and must describe the actions of the defendant who remained silent when accused. Conversation which was conducted in the presence of the defendant may be used as a tacit confession, if notes were taken reproducing the conversation and showing the actions of the defendant who remained silent.

(4) Admissions: In the law of evidence, admissions or statements made by a party, or someone identified with him in legal interest, of the existence of a fact against his own interest and relevant to the cause of his adversary are admissible as evidence in the trial.

(5) Dying Declaration: This is a statement concerning the cause of death made by a person who at the time of statement knew he was dying and felt that death was imminent and inescapable. In order to be valid in evidence, a dying declaration must meet these tests:

- (a) The Declarant must be dying at time of statement.
- (b) He must show that he is dying.
- (c) He must have given up all hope of recovery.
- (d) The Declarant has died at time of hearing.
- (e) The declaration is being used at a criminal homicide.

(6) Res Gestae: This legal term refers to spontaneous acts or words, instinctive reactions, usually made in a situation of forethought or deliberated design. Observations and notes made on such evidence by the officers are admissible in court if the acts or words relate to the main event and explain or characterize that event. It shall be the duty of the judges of the court to make recommendations to the Tribal Business Council for the enactment of amendment of such Rules of Court in the interests of improved judicial procedure.

SECTION 5. APPELLATE PROCEEDINGS

History: (Repealed by Ordinance No. 46, adopted December 13, 1974, by the Blackfeet Tribal Business Council. See Chapter 11 of this Code for Appellate Proceedings of the Blackfeet Court System).

SECTION 6. **JURIES.**

In any case where, upon preliminary hearing by the Court, a substantial question of fact is raised, the defendant may demand a jury trial. A list of eligible jurors shall be prepared by the Tribal Business Council each year.

In any case, a jury shall consist of six (6) residents selected from the list of eligible jurors by the judges.

The judge shall instruct the jury in the law governing the case and the jury shall bring a verdict for the complainant or the defendant. The judge shall render judgment in accordance with the verdict and existing law. If the jury is unable to reach a unanimous verdict, verdict may be rendered by a majority vote.

Each juror who serves upon a jury shall be entitled to a fee of Five Dollars (\$5.00) a day for each day his services are required in Court.

All male and female Blackfeet residents of the Reservation between the age of 21 to 65, inclusive, shall be eligible for jury service.

SECTION 7. **WITNESSES.**

The several judges of the Court shall have the power to issue a subpoena of the Police Commissioner or Superintendent or either parties of the case, which subpoena shall bear the signature of the judge issuing it. A limit of five (5) paid witnesses for each side is hereby established. Each witness answering such subpoena shall be entitled to a fee of Two Dollars Fifty Cents (\$2.50) a day for each day his services are required in Court. Failure to obey such subpoena shall be deemed an offense as provided in Chapter 5, Section 33 of these Ordinances. Service of such subpoena shall be by a regularly acting member of the Indian Police or by an Indian appointed by the Court for that purpose.

Witnesses who testify voluntarily shall be paid their reasonable expenses by the party calling them.

SECTION 8. **PROFESSIONAL ATTORNEYS.**

Unless otherwise directed by Congress or this Code, professional attorneys shall not appear in any proceeding before the Court unless Rules of Court have been adopted as set forth in Section 4 of this Chapter, prescribing conditions governing their admission and practice before the Court. The defendant may be represented by lay counsel, who is a member of the Blackfeet Tribe. (See Rule 10, Chapter 9, for update).

SECTION 9. **CLERKS.**

The Law and Order Committee may detail a clerk to act as Clerk of Court. The Clerk of the Court shall render assistance to the Court, to the police force of the Reservation, and to individual members of the Tribe in drafting complaints, subpoenas, warrants, and commitments and any other documents incidental to the lawful functions of the Court. It shall be the further duty of said Clerk to attend and keep a written record of all proceedings of the court, administer oaths of witnesses and jurymen, to collect fines paid and to pay out all fees authorized by these ordinances, and to make an accounting therefore to the Treasurer of the Blackfeet Indian Tribe and to the accounting thereof to the Treasurer of the Blackfeet Indian Tribe, and to the Tribal Business Council. Clerks of Court are to be bonded for not less than One Thousand Dollars (\$1,000.00) by the Tribal Council and Law and Order Committee.

SECTION 10. **RECORDS.**

The Court shall be required to keep, for inspection by duly qualified officials, a record of all proceedings of the Court, which record shall reflect the title of the case, the names of the parties, the substances of the complaint, the names and addresses of all witnesses, the date of hearing or trial, by

whom conducted, the findings of the Court or jury, and the judgment, together with any other facts or circumstances deemed of importance to the case.

SECTION 11. **COMPLAINTS TO BE SWORN.**

No Complaint filed in the Court shall be valid unless it shall bear the signature of the complainant or complaining witness, witnessed by a duly authorized judge of the Court or by an authorized representative.

SECTION 12. **WARRANTS TO APPREHEND.**

The Chief Judge of the Court shall have the authority to issue Warrants to Apprehend and shall have the power to delegate this authority to Associate Judge, said warrant to issue in the discretion of the Court only after a written complaint shall have been filed, bearing the signature of the complaining witness. Service of such warrants shall be made by a duly qualified member of the Indian Police or other police officers of the Blackfeet Tribe or of the United States Indian Service. No Warrant to Apprehend shall be valid unless it shall bear the signature of a duly qualified Judge of the Court.

SECTION 13. **ARREST.**

No member of the Indian Police shall arrest any person for any offense defined by these regulations or Federal Law, except when such offense shall occur in the presence of the arresting officer or he shall have a warrant commanding him to apprehend such person.

SECTION 14. **SEARCH WARRANTS.**

The Judges of the Court shall have authority to issue warrants for search and seizure of the premises and property of any person under the jurisdiction of said Court. However, no warrant of Search and Seizure shall be issued except upon a duly signed and written application by the officer requesting the search warrant, setting out the following under oath.

- (1) The reason for requesting the warrant, The Judge shall insist that the officer set forth facts to establish probable cause for issuing of the warrant. (Mere believe is not enough).
- (2) A description of the property and things to be searched for.
- (3) A description of the property and place to be searched. The place to be searched must be described so that a normal person can find the place. If the officer making application does not have sufficient basis to make the above statement on his own knowledge, he should be permitted to produce witnesses who can make a statement that will substantiate his application. The issuing judge has the responsibility to refuse the issuance of a search warrant if he deems complaint insufficient, or the reasons unwarranted. The warrant must be directed to the officer and served by him. It must be served in the daytime unless sufficient reason is given why it cannot be. If the Judge grants permission to serve the warrant at night, he must so specify in the warrant.

The Warrant must be served in ten (10) days.

After the officer completes service of the warrant a return must be made to the judge. The return will show whether any property was seized, and a list of seized property must be included with the return.

SECTION 15. COMMITMENTS.

No person shall be detained, jailed or imprisoned under those ordinances for a longer period than forty-eight (48) hours, unless there is issued a commitment bearing the signature of a duly qualified Judge of the Court. There shall be issued, for each person held for trial, a Temporary Commitment on the forms prescribed in this Code.

SECTION 16. BAIL OR BOND.

Every person charged with an offense by the Court will be admitted to bail. The bail shall be by cash and the maximum amount of bail shall not exceed Five Hundred Dollars (\$500.00). In exceptional cases and at the discretion of the Court, the person charged may be released on his own recognizance.

HISTORY: *This Section amended February 5, 1971, by the Blackfeet Tribal Business Council, Resolution No. 92-70. (Attached).*

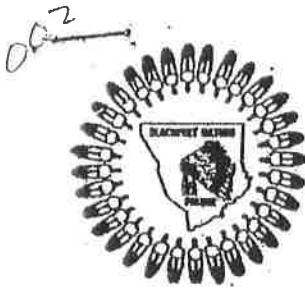
SECTION 17. DEFINITION OF SIGNATURE.

The term "signature" as used in these regulations shall be defined as the written signature, official seal, or the witness, thumbprint or mark of any individual.

SECTION 18. RELATION WITH THE COURT.

The Court may request employees of the Indian Health Service, particularly those who are engaged in social services, health and educational work, to assist in the preparation of the facts in any case and in the proper treatment of individual offenders.

NOTE: Any conflict between this Chapter and Chapter 9 of this Code on Rules of Procedure shall be resolved in favor of Chapter 9.



BLACKFEET NATION

P.O BOX 850 BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

WILLIAM "ALLEN" TALKS ABOUT - CHAIRMAN
PATRICK THOMAS - VICE CHAIRMAN
FRED GUARDIPEE - SECRETARY
JOE GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "ALLEN" TALKS ABOUT
PATRICK THOMAS
FRED GUARDIPEE
JAY ST. GODDARD
JIMMY ST. GODDARD
HUGH MONROE
EARL OLD PERSON
PATRICK SCHILDT
BETTY COOPER

RESOLUTION

No. 241-2004

WHEREAS, the Council is responsible for managing the affairs of the Community, and

WHEREAS, the Council has reviewed the Blackfeet Law and Order Code provisions addressing the appointment of judges, Chapter 1, Section 2 and Section 3 for possible updates/changes, and

WHEREAS, the current language reads as follows:

Section 2: Appointment of Judges.

The Court shall consist of one or more judges, one of who shall be designated as Chief Judge, and the others as Associate Judges. Each Judge shall be appointed by the Tribal Business Council ~~and Law and Order Committee with the approval of the Commissioner of Indian Affairs.~~ Their salary may be fixed and paid by the Commissioner of Indian Affairs or by the Tribe. Each judge shall hold office for an indefinite period of time, unless sooner removed for cause or by reason of the abolition of said office. In the latter case, he shall be eligible for reappointment.

Section 3: Removal of Judges

After notice and hearing, any judge of the Court may be suspended, dismissed or removed by the ~~Law and Order Committee and Tribal Business Council, with the approval of the Commissioner of Indian Affairs.~~

NOW, THEREFORE BE IT RESOLVED, that the Blackfeet Tribal Business Council does hereby approve the following amendment to the Blackfeet Law and Order Code, to be given retroactive effect, and

Code, Chapter 1, Section 2 & Section 3, effective August 1, 2004, to read as follows:

Section 2: Appointment of Judges

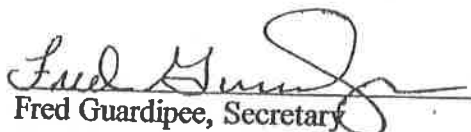
The Court shall consist of one or more judges, one of who shall be designated as Chief Judge, and the others as Associate Judges. Each Judge shall be appointed by the Tribal Business Council. Their salary may be fixed and paid by the Commissioner of Indian Affairs or by the Tribe. Each judge shall hold office for an indefinite period of time, unless sooner removed for cause or by reason of the abolition of said office. In the latter case, he shall be eligible for reappointment, and

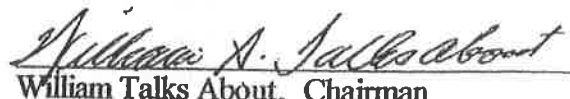
Section 3: Removal of Judges

After notice and hearing, any judge of the Court may be suspended, dismissed or removed by the Tribal Business Council.

BE IT FINALLY RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:


Fred Guardipee, Secretary
Blackfeet Tribal Business Council

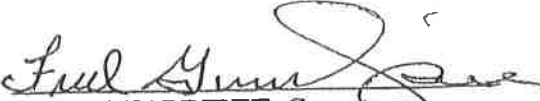

William Talks About, Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I, the undersigned, as Secretary of the Blackfeet Tribal Business Council of the Blackfeet Indian Reservation, Montana, do hereby certify that the Blackfeet Tribal Business Council is composed of 9 members, of whom 7 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 21st day of September, 2004; and that the foregoing Resolution of the Blackfeet Tribal Business Council was duly adopted and approved by the affirmative vote of 7 for; 0 opposed; 0 not voting; 0 temporary absent; 2 absent; and that the said Resolution has not been rescinded in any way.

Resolution # 241-2004

DATE: 9/27/04


FRED GUARDIPEE, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
(406)338-7521 • FAX 338-7530

EXECUTIVE COMMITTEE

WILLIAM "BILL" OLD CHIEF-CHAIRMAN
ROGER RUNNING CRANE-VICE-CHAIRMAN
GEORGE HEAVY RUNNER-SECRETARY
HOWARD DOORE-ACTING SECRETARY
CHERYLE REEVIS-TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "BILL" OLD
ROGER RUNNING CRANE
GEORGE HEAVY RUNNER
HOWARD DOORE
KEN TALKS APOSTOL
BERNARD ST. GOODE
CARL
HUGH MOORE
ROCK B. GOBER

RESOLUTION

NUMBER: 112-99

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council is desirous of amending Resolution #88-92 of Chapter 6, Section 51, Conditions of Bond, When Performed – When Not Performed of the Blackfeet Law & Order Code of 1967, as amended; now

THEREFORE BE IT RESOLVED,

1. That Chapter 6, Section 51, Conditions of Bail Bond, When Performed – When Not Performed of the Blackfeet Law & Order Code of 1967, as amended, is hereby deleted in its entirety.
2. That the new section 51 of Chapter 6 shall read as follows, effective immediately, upon approval of this Resolution:

Section 51, Conditions of Bail Bond, When Performed – When Not Performed.

"Bail Bonding Agencies shall maintain a \$5,000.00 Dollar cash reserve in the Blackfeet National Bank as of June 1, 1999. Bail Bonding Agencies shall be required to submit quarterly financial statements to the Blackfeet Department of Revenue. Failure to report and maintain a \$5,000.00 cash reserve will result in suspension of the Tribal Business License and will terminate the Bail Bonding Agency's right to operate within the exterior boundaries of the Blackfeet Reservation until requirements are satisfied. When conditions of Bail Bond have been performed and the accused has been discharged and/or the charges have been dropped, the court shall release the Bonding Agencies from any surety obligations, deposits of cash, stocks or bonds. If the accused does not comply with the conditions of the Bail Bond with respect to appearances by the accused, the court shall by personal service, notify the Bail Bonding Agency of the accused's failure to appear. After personal notice has been received by the Bail Bonding Agency, the court, before declaring the bond to be forfeited, shall allow thirty (30) calendar days for the accused to surrender to the court or for the accused to be apprehended by a police officer or by the Bail Bond Agencies. This period of time may be extended an additional

ten (10) working days by way of petition for good cause. Failure to surrender the accused within the above-mentioned times shall result in forfeiture of the Ball Bond. The Bail Bonding Agency shall then have five (5) working days to pay the bond forfeiture amount. Failure to do so will result in the suspension of the Bail Bonding Agency's Business License until such time that the bond is paid and the court withdraws suspension against the Bail Bond Agency. If the accused surrenders or is apprehended within the above-mentioned time, the ball bond will be discharged. If the accused does not surrender or is not apprehended, the accused will be charged with failure to appear in addition to the original charges and the bond will be forfeited. Should the court fail to serve said forfeiture to the Ball Bond Agency within ten (10) calendar days the ball bond will effectively be discharged and the sureties exonerated.

If the accused violates any other conditions of the bail bond, the court shall order the arrest or apprehension of the accused and a discharge of the bail bond on the original charge or charges.

All other laws of the Blackfeet Tribal Law and Order Code shall continue to be in effect, unless they conflict with this section, in which case this section shall be given primary effect."

- 3. That the Chairman and Secretary are hereby authorized to sign this resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

George Heavy Runner
GEORGE HEAVY RUNNER
Secretary

Wm Old Chief
WILLIAM OLD CHIEF
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 25th day of March, 1999, with Six (6) members present to constitute a quorum, and with a vote of Six (6) FOR and Zero (0) OPPOSED.

Geo. Heavy Runner
GEORGE HEAVY RUNNER
Secretary

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

FAX 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
BLAINE GUARDIPEE, TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KICKING WOMAN
ROGER RUNNING CRANE
TED WILLIAMSON

RESOLUTION

NO. 79-96

WHEREAS, under the Constitution and By-Laws of the Blackfeet Tribal Business Council, the Council is charged with the duty of protecting the health, security and general welfare of the Blackfeet Tribe, and

WHEREAS, pursuant to the Blackfeet Law and Order Code, Chapter I, Section 1, 1.1 & Section 6, the Blackfeet Tribal Business Council is responsible for establishing Codes, systems and procedures for adjudication of controversies and disputes, and

WHEREAS, the Council has established rules and guidelines in the Blackfeet Tribal Law and Order Code to provide individuals with the opportunity to appeal decisions of the Blackfeet Tribal Court as codified in Chapter 11 of the Blackfeet Law and Order Code, and

WHEREAS, the Appellate system, at present, is in need of revision to more adequately address the judicial needs of the Blackfeet Tribe, and

WHEREAS, there now exists several appeals which need review and resolution, and until a code revision project of the Appellate system is complete, there is a need for these and future appeals to be heard,


NOW, THEREFORE BE IT RESOLVED, that the Blackfeet Tribal Business Council does hereby temporarily suspend all Code provisions preventing the use of outside judges on appeals, and does hereby approve the use of judges from the Montana/Wyoming Tribal Court Judges Association, through its appellate panel, on a trial basis to hear twenty (20) appellate cases now pending, and provided, further use of such judges shall be required to be approved by further vote of the Council, and


BE IT FINALLY RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action;

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION

ATTEST:

By _____


Earl Old Person, Chairman
Blackfeet Tribal Business Council


Secretary, Blackfeet Tribal

Business Council

*

*

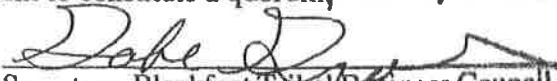
*

*

*

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held on the 20th day of November, 1995 with -6- members present to constitute a quorum, and by a **UNANIMOUS** vote to approve said Resolution.


Secretary, Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
ABE GRANT, SECRETARY
LAINIE GUARDIPEE, TREASURER

EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KICKING WOMAN
ROGER RUNNING CRANE
TED WILLIAMSON

RESOLUTION

No. 206-95

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, Pursuant to Article VI, Section 1(k) of the Blackfeet Constitution, the Blackfeet Tribal Business Council has the enumerated power to, among other things, "establish minor courts for the adjudication of claims or disputes arising amongst members of the Tribe," and that such establishment of minor courts has been effectuated and implemented primarily through the adoption of the Blackfeet Tribal Law and Order Code, in particular Chapter I of the aforementioned Law and Order Code, entitled "Administration of Law and Order", and
- WHEREAS, The Blackfeet Tribal Business Council has reviewed Chapter 1, Section 2 of the Blackfeet Tribal Law and Order Code entitled "Appointment of Judges", and determined that certain amendments are necessary in order that the parties utilizing the services of the Blackfeet Tribal Court may receive qualitative services to which they are entitled in the fair administration of law and justice, and
- WHEREAS, The Blackfeet Tribal Business Council is desirous of expanding the potential pool of judges of the Blackfeet Tribal Court by deleting the requirement that a person must be a member of the Blackfeet Tribe in order to be eligible for appointment as a tribal court judge, and to extend only tribal member preference to persons who are seeking an appointment as a tribal court judge, said amendment being consistent with the Blackfeet Tribal Personnel Policies and Procedures, Chapter 2, Section 4, entitled "Priority of Selections", now

THEREFORE BE IT RESOLVED:

1. That the Blackfeet Tribal Law and Order Code, Chapter 1, Section 2, paragraph 2, clause 1, entitled "Appointment of Judges", is hereby amended to read as follows:


"A person shall be eligible to appointment as a judge of the Blackfeet Tribal Court only if the person has never been convicted of a felony, or within one (1) year then past, of a misdemeanor. Tribal members shall be given preference pursuant to the Blackfeet Personnel Policies and Procedures, Chapter 2, Section 4, entitled "Priority of Selections"."

2. That the aforementioned amendment to the Blackfeet Tribal Law and Order Code shall become effective immediately.

3. That the Chairman and the Secretary are hereby authorized to sign this Resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


GABE GRANT
Secretary


EARL OLD PERSON
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 20th day of March, 1995, with Six (6) members present to constitute a quorum, and with a vote of Six (6) FOR, None (0) OPPOSED.

(SEAL)


GABE GRANT
Secretary

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

TRIBAL COUNCIL

EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J. GALBREATH
ROLAND F. KENNERLY
JOE J. MCKAY
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP, JR.
TOM TAIL FEATHERS

June 12, 1985

NUMBER: E85-120

EXCERPT

1967 LAW & ORDER CODE AMENDMENT: Joe McKay stated that there has been several more incidents involving sexual abuse of children on the Reservation. He stated that there has been several additional reported offenses, but there is no action being taken on these cases. First, because the Federal Government said, in a letter from Mr. Dunbar, U.S. Attorney in Montana, that the cases would be investigated. Mr. McKay stated that these cases are not investigated and children continue to be abused. Also, the Tribal Court System is refusing to get involved as the U.S. Attorney is involved. Mr. McKay asked the Tribal Court System why. The Court System stated that under the Tribal Law and Order Code as it exists, they cannot if the Government is going to be involved. Mr. McKay read from the Law & Order Code, which he is proposing should be amended immediately, Chapter 1, Sec. 1 on Jurisdiction, which states, "Specifically, if the federal authorities consent to take such a case prior to conviction in the Tribal Court," (in such a case, being a case over which the Tribe and the Federal Government would both otherwise have jurisdiction. Child abuse cases are those cases.) In that event, the Tribal Judge must deliver the accused to the Government for prosecution and all proceedings in the Tribal Court must then stop. That the accused has already been punished in the Tribal Court, on the other hand the federal authorities are prohibited from prosecuting him again."

Mr. McKay pointed out to the Council, that this provision is expressly contrary to the current state or federal Indian Law, particularly the case called U.S. vs Wheeler, in which the U.S. Supreme Court held that there is no double jeopardy problem, double jeopardy being where you are tried for the same offense. There is no jeopardy problem where an Indian person, a member of the Tribe commits a crime on the Reservation against another Indian. There is no double jeopardy problem, if that Indian is tried and convicted in both the Tribal and the Federal Court. The reason there is no double jeopardy problem unlike there would be if they were tried in the State Court or Federal Court, is because the Tribe's sovereignty and the federal government's sovereignty stem from different backgrounds. Further discussion continued on this problem.

Joe McKay made a motion by Resolution to amend, Chapter 1, Section 1, of the existing 1967 Law & Order Code, as amended, to eliminate the following language on page 2 of that Code, which states, "Specifically, if the Federal Authorities consent to take such a case prior to conviction in the Tribal Court, the Tribal Judge must deliver the accused to the Government for prosecution and all proceedings in the Tribal Court then stop. If the accused already has been punished in the Tribal Court, on the other hand, the Federal authorities are prohibited from prosecuting him again". Further that eliminating this language will pave the way for our own authorities to act in appropriate cases. Further, that the Tribal Council issue a directive to our Law & Order authorities, both the B. & O. and Tribal, that they conduct a proper investigation of this matter immediately. Seconded by Leonard J. Mountain Chief and carried unanimously. (Joe McKay to draft Resolution)

PUBLIC NOTICE

On January 10, 1985, at a duly convened General Session of the Blackfeet Tribal Business Council, with seven (7) members present, several new code provisions were adopted. These new provisions will have impact on all residents of the Blackfeet Nation.

The following provisions of the Blackfeet Law and Order Code of 1967, As Amended, have been repealed.

| | | |
|-----------|-------------|---|
| Chapter 5 | Section 20: | Adultry |
| Chapter 5 | Section 21: | Illicit Cohabitation |
| Chapter 5 | Section 24: | Failure to Support Dependent Persons |
| Chapter 5 | Section 25: | Failure to Send Children to School |
| Chapter 5 | Section 26: | Contributing to Delin- quency of a Minor |
| Chapter 5 | Section 34: | Attempted Rape |

The following new provisions of the Blackfeet Law and Order Code of 1967, as amended, have been adopted:

CHAPTER 1. Section 15. COMMITMENTS

No person shall be detained, jailed or imprisoned under the provisions of this Code, or of any duly adopted Ordinance of the Blackfeet Nation, for a period longer than seventy-two (72) hours, unless there is issued a commitment bearing the signature of a duly qualified judge of the Blackfeet Tribal Court. There shall be issued, for each person held for trial, a Temporary Commitment on the forms prescribed in this Code.

CHAPTER 5. Section 34. SEXUAL CRIMES

Section 34(A). Definitions: As used in Chapter 5 Sections 34B) and 34(c) the term "without consent" means:

(1) The victim is compelled to submit by force or by threat of imminent death, bodily injury, or kidnapping to be inflicted on anyone; or

(2) The victim is incapable of consent because he/she is: (i) mentally defective or incapacitated; or (ii) physically helpless.

Section 34(B). Sexual Assault:

(1) A person who knowingly and without consent subjects another, not his spouse, to any touching of the sexual or other intimate parts of the body for the purpose

of arousing or gratifying the sexual desires of either party commits the offense of Sexual Assault.

(2) A person convicted of Sexual Assault shall be fined not to exceed Three Hundred Dollars (\$300.00) or be imprisoned for a period not to exceed six (6) months.

Section 34C). Sexual Intercourse Without Consent:

(1) A person who knowingly and without consent has sexual intercourse (either genital, oral or anal), with any other person, commits the offense of Sexual Intercourse Without Consent.

(2) A person who knowingly permits or assists another to commit the offense of Sexual Intercourse Without Consent commits the offense of Sexual Intercourse Without Consent.

(3) A person who is convicted of Sexual Intercourse Without Consent shall be imprisoned for a period of not less than three (3) months or more than six (6) months, and may be fined not more than Five Hundred Dollars (\$500.00).

CHAPTER 5. SECTION 54. CRIMES AGAINST CHILDREN

Section 54(A). Sexual Assault on a Minor:

(1) A person who knowingly subjects any person who is less than sixteen (16) years of age to any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying the sexual desires of either party commits the offense of Sexual Assault on a Minor.

(2) A person over the age of eighteen (18) who knowingly permits or assists another to commit the offense of Sexual Assault on a Minor commits the offense of Sexual Assault on a Minor.

(3) A person convicted of Sexual Assault on a Minor shall be imprisoned for a period of not less than three (3) months but not more than six (6) months and may be fined not more than Three Hundred Dollars (\$300.00).

Section 54(B). Sexual Intercourse with a Minor.

(1) A person who knowingly has sexual intercourse (either genital, anal or oral) with a member of the opposite sex who is less than sixteen (16) years old commits the offense of Sexual Intercourse with a Minor.

(2) A person over the age of eighteen (18) who knowingly permits or assists another to have sexual intercourse with a minor commits the offense of Sexual Intercourse with a Minor.

(3) A person who is convicted of Sexual Intercourse with a Minor, shall be imprisoned for a period of six (6) months and may be fined not more than Five Hundred Dollars (\$500.00).

Section 54(C). Deviate Sexual Conduct:

(1) A person who knowingly subjects a person of the same sex, who is less than sixteen (16) years old to either oral or anal intercourse commits the offense of Deviate Sexual Conduct.

(2) A person over the age of eighteen (18) who knowingly permits or assists another to commit the offense of Deviate Sexual Conduct commits the offense of Deviate Sexual Conduct.

(3) A person who is convicted of Deviate Sexual Conduct shall be imprisoned for a period of six (6) months and may be fined not more than Five Hundred Dollars (\$500.00).

Section 54(D). Endangering the Welfare of Children:

(1)(a) A parent, guardian, or other person supervising the welfare of a child less than eighteen (18) years old, commits the offense of endangering the welfare of children if he knowingly endangers the child's welfare by violating a duty of care, protection or support.

(1)(b) Violation of a duty of care, protection or support includes but is not limited to:

- i. Cruel treatment;
- ii. Mental or physical abuse;
- iii. Infliction of unnecessary and cruel punishment;
- iv. Abandonment;
- v. Mental or physical neglect;
- vi. Failure to provide proper medical care;
- vii. Failure to provide clothing, shelter and/or food;
- viii. Failure to provide adequate supervision;
- ix. Leaving an unattended child, under the age of six (6) in a motor vehicle; or
- x. Failure, without good cause, to send children under the age of sixteen (16) to school.

(2) A parent or guardian or any other person who is eighteen (18) years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a child, who is less than

eighteen (18) years old, by encouraging or aiding the child to: (i) escape from the care, custody and control of his parent or guardian; (ii) engage in sexual misconduct; or (iii) violate any tribal or federal law.

(3) A person convicted of the offense of endangering the welfare of children, as provided under Section 54(d)(1) shall be fined not to exceed One Hundred Dollars (\$100.00), or be imprisoned for a term not to exceed three (3) months, or both.

(4) A person convicted of the offense of Endangering the Welfare of Children, as provided under Section 54(d)(2) shall be fined not to exceed Three Hundred Dollars (\$300.00), or be imprisoned for a term not to exceed six (6) months, or both.

Section 54(E). Non-Support:

(1) A person commits the offense of Non-Support if he fails to provide support which he can provide, and which he knows he is legally obliged to provide, to a child under the age of eighteen (18).

(2) A person commits the offense of Aggravated Non-Support if:

(a) He has left the exterior boundaries of the Blackfeet Indian Nation to avoid the duty of support; or

(b) He has been previously convicted of the offense of Non-Support.

(3) A person convicted of the offense of Non-Support shall be fined not to exceed Three Hundred Dollars (\$300.00) or be imprisoned for any period not to exceed three (3) months. A person convicted of Aggravated Non-Support shall be fined in an amount not less than Two Hundred Dollars (\$200.00) more more than Five Hundred Dollars (\$500.00, or be imprisoned for any period not to exceed six (6) months, or both.

(4) The Court, in its discretion, may order any fine levied or any bond forfeited upon a charge of Non-Support or Aggravated Non-Support to be paid to or before the benefit of the child the offender has failed to support.

These Code provisions are scheduled to become effective upon approval of the Secretary of Indian Affairs, or his duly appointed representative, and will begin to be enforced on February 11, 1985. Until that Date the old Code provisions remain in effect and will be enforced.

The Blackfeet Tribal Business Council has invited interested persons to make comments on these Code provisions and requests that all statements be directed to the Blackfeet Tribal Court Administrator at P. O. Box 1200, Browning, MT.

SGD JOHN BUSTER YELLOW KIDNEY
JOHN "BUSTER" YELLOW KIDNEY
Vice-Chairman
Blackfeet Tribal Business Council

(Please print this statement for three successive weeks beginning January 17, 1985)

*RE-TYPED BY THE BLACKFEET LEGAL DEPARTMENT 2/25/93. TAG

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

TRIBAL COUNCIL

EARL OLD PERSON
 JOHN BUSTER YELLOW KIDNEY
 MYRNA J CALBREATH
 ROLAND F KENNERLY
 JOE J MCKAY
 ARTHUR WELLS
 LEONARD J MOUNTAIN CHIEF
 CARL KIPP, JR.
 TOM TAIL FEATHERS

COMMITTEE
 CHAIRMAN
 SECRETARY
 TREASURER

RESOLUTION

NUMBER: 130-85

REAS: The Blackfeet Tribal Business Council is the duly Constituted Governing Body within the exterior boundaries of the Blackfeet Indian Nation;

REAS: Article VI, Section 1(k) of the Constitution and By-Laws for the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation;

REAS: Chapter 1, Section 15 of the Blackfeet Law and Order Code of 1967 as Amended provides that "No person shall be detained, jailed, or imprisoned under those ordinances for a longer period than forty-eight hours..." unless committed under Order of the Court; and

REAS: It has come to the attention of the Blackfeet Tribal Business Council that, due to the schedule of the Blackfeet Tribal Court, it is often impracticable to meet the forty-eight hour requirement of Chapter 1, Section 15;

WHEREFORE BE IT RESOLVED: That Chapter 1, Section 15 of the Blackfeet Law and Order Code of 1967 as Amended be amended to read as follows:

Commitments:

No person shall be detained, jailed or imprisoned under the provisions of this code, or of any duly adopted Ordinance of the Blackfeet Nation, for a period longer than seventy-two (72) hours, unless there is issued a commitment bearing the signature of a duly qualified Judge of the Blackfeet Tribal Court. There shall be issued, for each person held for trial, a Temporary Commitment on the forms prescribed in this Code.

TEST:

THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN NATION

Myrna J. Calbreath
 Secretary,
 Blackfeet Tribal Business Council

John Buster Yellow Kidney
 Chairman,
 Blackfeet Tribal Business Council



C E R T I F I C A T I O N

I hereby certify that the foregoing Resolution No. #130-85 was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened General Session of the Blackfeet Tribal Business Council, held on the 10th day of January, 1985, with Seven (7) members present to constitute a quorum.


Secretary, Blackfeet Tribal Business Council

O R D I N A N C E 58

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there are certain times when judges of the Blackfeet Tribal Court may be disqualified from sitting on a particular case filed in the Tribal Court, therefore leaving no judge to hear or sit on a case; and

WHEREAS: The Blackfeet Tribal Law and Order Code of 1967, as amended, Chapter I, Section 2 states that only an enrolled member may become eligible to sit as a judge of the Tribal Court; and

WHEREAS: It may become necessary during court proceedings on a case filed before the Tribal Court to obtain a neutral Tribal Judge from another Reservation;

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

That Section 2, Chapter I of the Blackfeet Tribal Law and Order Code of 1967, as amended be amended by including a third paragraph to such section to read:

"Provided that when all Blackfeet Tribal Judges are disqualified from sitting on any case filed in the Blackfeet Tribal Court, the Chief Judge may appoint a presiding Tribal Judge from another Indian Reservation Tribal Court to sit on and hear such case to its conclusion, and such person shall be considered to have the same powers and responsibilities for this case as a Blackfeet Tribal Judge.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

Lee Wilson
Secretary, Blackfeet Tribal Business
Council

[Signature]
Chairman, Blackfeet Tribal Business
Council

* * * * *

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held on the 16th. day of February, 1977 with 7 members present to constitute a quorum.

Lee Wilson
Secretary, Blackfeet Tribal Business Council

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that the Confederated Salish and Kootenai Tribes of the Flathead Reservation have expressed an interest in making an agreement with the Blackfeet Tribe for an exchange of Tribal Judges when the need arises and when there is a disqualification of Blackfeet Tribal Judges; and

WHEREAS: The Blackfeet Tribal Law and Order Code of 1967, as amended has been amended to allow the sitting of Tribal Judge from another Reservation in such cases; and

WHEREAS: An agreement has been discussed by both representatives of the Blackfeet Tribe and of the Confederated Salish and Kootenai Tribes concerning such mutual exchange of Tribal Judges when the need arises; and

WHEREAS: A copy of such proposed agreement is attached hereto and this body finding no objection thereto;

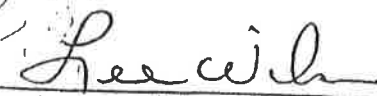
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

That the Agreement attached to this Resolution is hereby agreed to by this Council and that the Chairman or Vice Chairman and the Secretary of the Blackfeet Tribal Business Council are hereby authorized to execute the agreement.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

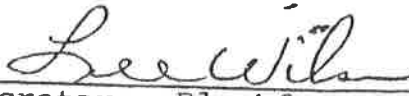

Chairman, Blackfeet Tribal
Business Council


Secretary, Blackfeet Tribal Business
Council

* * * * *

CERTIFICATION

I hereby certify that the forgoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held on the 16th. day of February, 1977 with 7 members present to constitute a quorum.


Secretary, Blackfeet Tribal Business Council

AN ORDINANCE REPEALING SECTION 5, CHAPTER 1,
OF THE BLACKFEET TRIBAL LAW AND ORDER CODE
OF 1967, AS AMENDED

IT IS HEREBY ORDAINED that the Blackfeet Tribal
Business Council this 13TH day of December, 1974 hereby
passes the following ordinance to repeal Section 5, Chapter
1 of the Blackfeet Tribal Law and Order Code of 1967, as
amended due to the fact that the Blackfeet Tribal Business
Council has passed Chapter 11 of said Code under Ordinance
No. _____ which supercedes Section 5, Chapter 1 and referring
to the Appellate Proceedings of the Blackfeet Tribal Judicial
System. THEREFORE BE IT NOW KNOWN that Section 5, Chapter
1 of the Blackfeet Tribal Law and Order Code of 1967, as
amended is hereby repealed.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:



Secretary, Blackfeet Tribal
Business Council




Chairman, Blackfeet Tribal Business
Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was passed and
approved by the Blackfeet Tribal Business Council in a duly
called, noticed and convened regular session assembled on
the 13TH day of December, 1974, with 6 members present
to constitute a quorum.



Secretary, Blackfeet Tribal Business
Council

ORDINANCE NO. 44

AN ORDINANCE TO IMPLEMENT RESOLUTION 92-72
OF THE BLACKFEET TRIBE CONCERNING CONCURRENT
STATE JURISDICTION WITHIN THE EXTERIOR BOUNDARIES
OF THE BLACKFEET RESERVATION

IT IS HEREBY ORDAINED that the Blackfeet Tribal
Business Council this 13TH day of December, 1974 hereby
passes the following ordinance to be added at the beginning
of Section 1, Chapter 1 of the Blackfeet Tribal Law and Order
Code of 1967, As Amended in conformance with Resolution
No. 92-72 of the Blackfeet Tribe, dated February 5, 1971,
to-wit:


"The Blackfeet Tribal Law and Order Code
of 1967, as amended is a Code written by the Blackfeet
Tribe to be administered within the exterior boundaries
of the Blackfeet Indian Reservation of Montana and
under no conditions does the State of Montana have
jurisdiction over this Code, and further that any
portion now in the Blackfeet Tribal Law and Order
Code of 1967, as amended relating to concurrent
jurisdiction with said State of Montana or giving
any jurisdiction to the said State of Montana, be
hereby deleted and such language shall be of no further
force or effect.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



Chairman, Blackfeet Tribal Business
Council

ATTEST:



Secretary, Blackfeet Tribal
Business Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was passed and approved by the Blackfeet Tribal Business Council in a duly called, noticed and convened regular session assembled on the 13TH day of December, 1974 with 6 members present to constitute a quorum.



Secretary, Blackfeet Tribal Business
Council

EXHIBIT "C"

RESOLUTION

NUMBER 22-70

WHEREAS: Certain portions of the Blackfeet Tribal Law and Order Code need to be modified in order to become more effective, now

THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council does hereby modify the Blackfeet Tribal Law and Order Code as follows:


~~Chapter 4, Section 16~~ deleting that portion allowing for a signature bond, but retaining that portion allowing for a cash bond and release on recognizance.


~~Chapter 5, Section 5~~ deleting that portion in its entirety; in that it conflicts to a certain degree with Section 41, Chapter 5.

Adding to the Blackfeet Tribal Law and Order Code, in a suitable place, the following: "The Blackfeet Tribal Law and Order Code is a Code written by the Blackfeet Tribe to be administered within the exterior boundaries of the Blackfeet Indian Reservation of Montana and under no conditions does the State of Montana have jurisdiction over this Code and further, that any portion now in the Blackfeet Tribal Law and Order Code relating to concurrent jurisdiction with said State of Montana be deleted."

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION


Secretary


Chairman

CERTIFICATION

I hereby certify the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened regular session assembled the 5th day of February, 1971, with seven members present to constitute a quorum.


Secretary

Blackfeet Tribal Business Council

TABLE OF CONTENTS

CHAPTER 2.

CIVIL ACTION

Section 1. Jurisdiction----- 17

Section 2. Law Applicable----- 17

Section 3. Judgment in Civil Action----- 17

Section 4. Costs in Civil Action----- 18

Section 5. Payment of Judges from Individual Indian Monies----- 18

Section 6. Period of Limitation Prescribed----- 18

Section 6A. Exemptions; Executions----- 19

Section 7. Imprisonment for Debt----- 19

Section 8. Ownership, Licensing, Inoculation and Control of Dogs----- 19

CHAPTER 2, PART II.

REPOSSESSION OF PERSONAL PROPERTY

Section 1. Jurisdiction-----22

Section 2. Commencing of an Action-----22

Section 3. Service of Process----- 22

Section 4. Procedure before Judgment----- 22

Section 5. Judgment-----23

 A. After a Hearing on the Merits----- 23

 B. On Default of Defendant-----23

Section 6. Assignments----- 23

Section 7. Supplementary Proceedings----- 24

Section 8. Claim of Exemption----- 24

Section 9. Pre-Judgment Attachment, Garnishment and Repossession-----

 25

Section 10. Repossession Order-----25

Section 11. Appeal----- 26

Section 12. Execution----- 27

CHAPTER 2
CIVIL ACTION

SECTION 1. **JURISDICTION**

The Tribal Court and the State shall have concurrent and not exclusive jurisdiction of all suits wherein the defendant is a member of the Tribe which is brought before the Courts. No judgment shall be given on any suit until the defendant has been given ample opportunity to appear in Court in his defense. Evidence of the receipt of notice shall be kept as part of the records in the case. In all civil suits the complainant may be required to deposit with the Clerk of Court a fee or other security in reasonable amount to cover the cost and disbursements in the case.

SECTION 2. **LAW APPLICABLE.**

In all civil cases and in all cases arising under Chapters 3 and 7, the Court shall apply any laws of the United States that may be applicable, any authorized regulations of the Interior Department, and any ordinances or customs of the Tribe, not prohibited by such Federal Law. Where any doubt arises as to the customs and usage of the Tribe, the Court may request the advice of counselors familiar with these customs and usages. Any matters that are not covered by the traditional customs or by ordinances of the Tribal Court according to the law of the State. The Tribal Court shall, in its discretion, turn over to other Courts of Record such cases as it deems necessary.

SECTION 3. **JUDGMENT IN CIVIL ACTION.**

In all civil cases, the judgment shall consist of an order of the Court awarding money damages to be paid to the injured party, or directing the surrender of certain property to the injured party or the performance of some other act for the benefit of the injured party. Where the injury inflicted was the result of carelessness of the defendant, the judgment shall fairly compensate the injured party for the loss he has suffered. Where the injury was deliberately inflicted, the judgment may include ar.

additional penalty upon the defendant, which additional penalty may run either in favor of the injured party or in favor of the Blackfeet Tribe. Where the injury was inflicted as the result of an accident, and where both the complainant and the defendant were at fault, the judgment may nevertheless compensate the injured party but the injured party's damages shall be reduced in proportion to such party's contributory negligence.

SECTION 4. COSTS IN CIVIL ACTION

The Court may assess the costs of a Civil case against the party or parties against whom judgment is given. Such costs shall consist of the expense of voluntary witnesses for which either party may be responsible under Section 7 of Chapter 1, the fees of jurors in those cases where a jury trial is held and such further incidental expense connected with the proceedings before the Court as the Court may direct.

SECTION 5. PAYMENT OF JUDGES FROMO INDIVIDUAL INDIAN MONIES

Whenever the Blackfeet Indian Court shall have ordered payment of money damages to an injured party and the losing party refused to make such payment within the time set for payment by the Court, and when the losing party has sufficient funds to his or her credit at the Tribal Office or the Agency Office to pay all or part of such judgment, the Treasurer of the Tribe or the Superintendent of the Agency Office shall be requested to hold such income from trust property and pay them out upon the order of the Court. Only monies of the individual and not his family may be held to pay such judgments. Accruals may also be held to pay for such charges.

SECTION 6. PERIOD OF LIMITATION PRESCRIBED.

HISTORY: (*This section amended by ordinance 51, passed by the Blackfeet Tribal Council on February 10, 1976*).

ORDINANCE NO. 51

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that the period of limitations prescribed for the commencement of certain civil actions is two years in Chapter II, Part I, Section 6 of the Blackfeet Law and Order Code of 1967 as amended; and

WHEREAS: In certain actions this puts an undue burden upon certain creditors; and

WHEREAS: It is the intent of the Blackfeet Tribal Business Council to encourage the loaning of money to Tribal members in order that they can improve their lives;

NOW THEREFORE BE IT HEREBY ORDAINED:

That Section 6, Chapter II, Part I of the Blackfeet Tribal Law and Order Code of 1967, as amended be hereby amended to read:

Section 6. Period of Limitation Prescribed.

The period prescribed for commencement of civil actions, other than for the recovery of real property, shall be within two (2) years from the date when the obligation becomes due and owing or from the time when the plaintiff was first aware of the cause of action, except when such action is brought to recover a sum of money in the amount of \$10,000.00 or over in which case the action must be commenced within seven (7) years from the date when the obligation becomes due and owing or from the time when the plaintiff was first aware of the cause of action. All actions brought to recover real property or brought on behalf of the Tribe to recover a debt owing to the Tribe in the amount of \$5,000.00 or over shall have no prescribed period of limitations.

SECTION 6A. EXEMPTIONS; EXECUTIONS.

(1) In any judgment against a judgment debtor, such judgment debtor shall have the right to claim certain exemptions. This exemption procedure together with specific exemptions shall follow the procedure laid out in Section 39, of Chapter 10 of this Code under Small Claims, including subsections A through C, and Sections 37 and 38 of Chapter 10 on Small Claims.

(2) Any judgment creditor receiving a judgment against any person under this section, Part I., shall have the right to satisfy such judgment by a Writ of Execution. Such procedure shall be the same as that laid out in Sections 33, 34 and 35 of Chapter 10 of this Code. The judgment creditor may also avail himself or herself of Examination of a Debtor provisions set out in Section 41, Chapter 10 of this Code.

HISTORY: (This Section was added by Ordinance #42, adopted by the Blackfeet Tribal Business Council on December 13, 1974).

SECTION 7. IMPRISONMENT FOR DEBT

Imprisonment for debt in ordinary action has been abolished as a remedy of which debtor may avail himself. However, when it is made to appear to the satisfaction of the Court that a male judgment debtor has been guilty of fraudulent behavior in contracting the obligation on which judgment was rendered, or is about to abscond from the Reservation, or has removed or concealed or is about to remove or conceal his property with the intent to defraud his creditors, he may be held in the Tribal Jail until appropriate bond has been posted.

SECTION 8. OWNERSHIP, LICENSING, INOCULATION AND CONTROL OF DOGS.

Any person owning, maintaining or having in his own possession, any dog or dogs within the exterior boundaries of the Blackfeet Reservation shall cause such dog or dogs to be vaccinated annually for rabies by a veterinarian, licensed under the laws of the State of Montana, provided that dogs

vaccinated with the type serum, which is effective for a period of three (3) years, shall be vaccinated every three (3) years thereafter and the owner or person or persons maintaining or in possession of any dog or dogs within the exterior boundaries of the Blackfeet Reservation shall, at all times display upon each dog a rabies vaccination tag and the person owning, possessing, or maintaining any dog or dogs shall procure and obtain a vaccination certificate issued and signed by a licensed veterinarian. Any dog which shall be within the exterior boundaries of the Blackfeet Reservation after the first (1st) day of July 1967, and which shall not have affixed to its collar such rabies vaccination tag, is hereby declared to be a nuisance, and any police officer or dog catcher appointed by the Blackfeet Tribal Council or the Superintendent of the Blackfeet Reservation shall have the right to capture such dog and, after making reasonable attempt to identify the owner of such dog, shall have the right to destroy such dog in the most humane manner feasible. Any person residing within the exterior boundaries of the Blackfeet Reservation who shall own, possess or maintain any dog or dogs, shall pay a fee of Fifty Cents (\$.50) per year for a dog license for each dog or dogs owned, possessed or maintained. Such fee shall be paid to the Treasurer of the Blackfeet Tribal Business Council.

In return for each fee paid, the owner shall receive a License tag which shall be affixed to the collar of the dog for which the tag is issued. Every dog which shall be within the exterior boundaries of the Blackfeet Reservation after the first day of July, 1967, and which shall not bear and have affixed to its collar, such license tag is hereby declared to be a nuisance, and any police officer or dog catcher appointed by the Blackfeet Tribal Council or the Superintendent of the Blackfeet Reservation shall have the right to capture such dog after an reasonable attempt has been made to identify and notify the owner of such dog, shall have the right to destroy such dog in the most humane manner feasible.

The Treasurer of the Blackfeet Tribal Council is authorized to procure suitable license tags to be issued to all persons who are required to obtain a dog license. All funds paid to the Tribal Treasurer for issuance of such dog license shall be paid into the general fund of the Blackfeet Tribal Council.

NOTE: Any conflict between this Chapter and Chapter 9 of this Code of Rules of Procedure shall be resolved in favor of the provisions of chapter 9.

CHAPTER 2. PART II.

REPOSSESSION OF PERSONAL PROPERTY

SECTION 1. JURISDICTION.

The Tribal Court shall have exclusive jurisdiction over all claims by creditors for return or repossession of personal property of residents of the Blackfeet Reservation when such property is located within the exterior boundaries of said Reservation and said resident has an established resident and/or business within the exterior boundaries of the Blackfeet Reservation.

SECTION 2. COMMENCING OF AN ACTION.

Any creditor desiring to repossess any personal property as described above, from a resident of the Blackfeet Reservation, unless such repossession is with the written consent of the resident-debtor, must file a complaint in the Blackfeet Tribal Court. The creditor may elect to either file a complaint asking for repossession of the property in question, or may file a complaint asking for money damages due on such property, but he may not use both remedies for the same property.

SECTION 3. SERVICE OF PROCESS.

The complaint as described above, together with a summons issued by the Clerk of the Tribal Court shall be served upon the defendant in accordance with Chapter 9, Rules of Civil Procedure in this Code, EXCEPT, that the time for answering by the defendant may be shortened to not less than ten (10) days if the complaint demands repossession of property.

SECTION 4. PROCEDURE BEFORE JUDGMENT.

A plaintiff-creditor and the defendant-debtor in any repossession action shall comply with the Rules of Civil Procedure set out in Chapter 9 of this Code, including all time limitations, discovery procedure and motions. Both parties in such an action have the right to a jury trial upon request provided such request is made at least ten (10) days prior to the trial date.

SECTION 5. **JUDGMENT.**

A. After a Hearing on the Merits. Upon the joining of an issue or issues and the subsequent trial or hearing of the case on the merits of all the pleadings, the judge or the jury shall render judgment in favor of either the plaintiff or the defendant. If judgment is rendered in favor of the plaintiff it must state specifically whether it is for money damages or for return of the personal property in question to the plaintiff.

B. On Default of Defendant. If the defendant has been properly served with the summons and complaint and fails to appear and answer the plaintiff's complaint on file within the time prescribed by law without notifying the Court or asking for a continuance, the plaintiff may ask the Court to order the defendant in default. If it appears to the satisfaction of the Court that the defendant has failed to appear without excuse within the prescribed time period set out in the summons, the Court will enter the default of the defendant and give judgment to the plaintiff, either in money damages or ordering return of property in question to the plaintiff.

The Court, in its discretion, may modify the prayer of the plaintiff in the judgment order if it appears to the Court that return of the property will unjustly enrich the plaintiff due to the amount of equity of the defendant in the property. In this case, wherein the plaintiff has only asked for return of the property, the Court may give judgment for money damages in the alternative, in the amount owed by the defendant to the plaintiff on the property.

SECTION 6. **ASSIGNMENTS.**

Assignments are allowed in a proceeding for repossession of personal property or money damages as an alternative remedy. If an assignment is alleged in the complaint, the assignee must set out the amount of money paid to the original creditor for the assignment of the claim. The amount set out in the pleading must appear to be fair in light of the value of the claim so assigned and no future

agreement between assignee and assignor for a percentage of any recovery on the claim will operate to validate an assignment. The assignment must be completed before the filing of the complaint by the assignee with the sum certain paid for such assignment so stated and verified by the assignee. If an assignment is alleged without the required information set out above, the defendant may move to have complaint amended to show the real party in interest and ask to have the assignee dismissed as the plaintiff.

SECTION 7. **SUPPLEMENTARY PROCEEDINGS.**

If the judgment is rendered in favor of the plaintiff, the plaintiff has all the rights and remedies available to him under Chapter 9, Rules of Civil Procedure of this Code, if he elects a money judgment, including the right to have a Writ of Execution issued out of the Tribal Court against any property of the judgment debtor that is not exempt from execution.

SECTION 8. **CLAIM OF EXEMPTION.**

If the judgment rendered against the defendant in a repossession proceeding is for money damages, the defendant has the right to submit to the court within ten (10) days after judgment, a Claim of Exemption, conforming to the Exemption Schedule set out in Chapter 10, Small Claims Court, Section 39. The Clerk of the Tribal Court shall cause the Claim so filed to be served upon the judgment creditor. The judgment creditor then has five (5) days after service upon him of the claim, to protest anything included in the judgment debtor's claim. If such protest is so filed in Tribal Court, the Clerk shall set a hearing and the Court will determine which of the judgment debtor's property, if any, is exempt from execution. If the judgment creditor does not file a protest to the judgment debtor's Claim of Exemption, the Court shall allow such exemption, except that the Court in its discretion may raise or lower certain amounts contained in such claim.

Thereafter, any Claim of Exemption so approved by the Court shall be entered in the record of the case and no property listed in such claim may be executed upon.

SECTION 9. **PRE-JUDGMENT ATTACHMENT, GARNISHMENT AND REPOSSESSION.**

There shall be no pre-judgment attachment, garnishment or repossession in the Tribal Court upon a claim filed under this Chapter, with the exception that if the plaintiff-creditor can show to the Court that certain property which is the subject matter of the complaint, is in imminent danger of leaving the jurisdiction or being destroyed, the Court may order such property picked up and held in a neutral place under the care and custody of the Tribal Chief of Police, until such time as the issue concerning such property is settled. In order to show such danger to the property, the plaintiff-creditor must submit a written affidavit to the Court stating the facts as he believes them. The Court may then either order the defendant to come into Court or to show cause why the property should not be picked up and held, or may order the property picked up immediately. Any time after such immediate repossession occurs without giving the defendant benefit of a hearing, the defendant may request a hearing on the matter of this emergency repossession and the Court must allow the defendant to appear with notice to the plaintiff of such hearing. If the defendant demonstrates to the satisfaction of the Court that the property is in no danger, the Court may order the Chief of Police to release the property back into the possession of the defendant with attendant orders to the defendant that in the event the property is either destroyed or leaves the jurisdiction of the Court, that the defendant will be held on criminal contempt charges

SECTION 10. **REPOSSESSION ORDER.**

Upon judgment in favor of the plaintiff ordering that the property in dispute be returned to the possession of the plaintiff, the Court shall prepare a judgment order stating that such property is to be returned to the possession of the plaintiff and cause such an order to be served upon the defendant. The defendant has ten (10) days in which to comply with such order. If the defendant has not returned the

property to the judgment creditor within the time allowed, without filing an appeal, the Court shall order the Chief of Police to pick up said property and hold it for the judgment creditor. If the judgment debtor appeals the decision of the Tribal Court within this ten (10) day period, the judgment of the Tribal Court shall be stayed pending such appeal.

SECTION 11. **APPEAL.**

Both the plaintiff and the defendant have the right to appeal the decision of the Tribal Court to the Blackfeet Appeals Board within ten (10) days after judgment is rendered by said Court, unless the judgment is by default, in which case the defendant has no right of appeal. If judgment is rendered against the defendant, he must deposit with the Clerk of the Tribal Court an amount of money equal to the money judgment against him or in the case of a repossession order, an amount of money equal to the present value of the personal property that is the subject of the judgment. In the alternative, a defendant-appellant may procure the signature of a surety or sureties on an undertaking on appeal. The surety or sureties must file an affidavit with the Court stating that he is worth, over and above all his debts and liabilities and exemptions, an amount equal to the money judgment plus costs on appeal, or to the present value of the property in question, that he is a resident of the Blackfeet Reservation, that in the event the judgment is affirmed or the appeal is dismissed and the judgment debtor fails to pay the judgment within twenty (20) days, either the money judgment or the present value of the property in question, after such dismissal or affirmance, the surety will pay the judgment together with any costs, disbursements, interest and/or attorney's fees, as the case may be.

In the event an appeal is dismissed, or the judgment is affirmed and the judgment debtor does not pay the judgment within the time period set out above, the judgment creditor may proceed against the surety or sureties for collection of the judgment.

In the event a cash deposit, if the appeal is dismissed or the judgment affirmed, the judgment creditor may apply to the Tribal Court for payment of the deposit made by the judgment debtor to satisfy the judgment. If the judgment creditor would prefer the personal property returned to him, he may move the Court for such an order.

Upon appeal, if the judgment is for return of the personal property to the judgment creditor, the court shall order the judgment debtor to hold such property in abeyance and neither remove from the jurisdiction or destroy such property pending the outcome of the appeal.

If an appeal is not heard within six (6) months from the time of the application for appeal, the judgment creditor may move the Court for an order vacating the appeal.

Upon granting of such order, the judgment creditor may then proceed to satisfy the Tribal Court Judgment.

SECTION 12. **EXECUTION.**

Execution on a money judgment shall proceed in the same manner as in Chapter 10, Section 33 through 35, Small Claims Court.

HISTORY: *(This Section adopted by the Blackfeet Tribal Business Council by Ordinance No. 27 on the 21st day of August, 1973).*

ORDINANCE NO. 55

AN AMENDMENT TO ORDINANCE NO. 51 on PERIOD
OF LIMITATIONS PRESCRIBED

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that an Ordinance was adopted by the Council on the 10th. day of February, 1976 amending the period of limitations for the commencement of civil actions under Chapter II, Part 1 of the Blackfeet Tribal Law and Order Code of 1967, as amended; and

WHEREAS: Included in this Ordinance is language to the effect that there is no period of limitations on the commencement of debts owed to the Blackfeet Tribe when such debts amount to over \$5,000.00; and

WHEREAS: It is now felt that any debt owed to the Blackfeet Tribe by any person is money due and owing all the members of the Blackfeet Tribe and that it would be a better policy to have no period of limitations on such debts;

NOW THEREFORE BE IT HEREBY RESOLVED as follows:


That the last sentence under Section 6, Chapter II, Part I of the Blackfeet Tribal Law and Order Code of 1967, as amended is hereby amended to read as follows:

". . .All actions brought to recover real property or brought on behalf of the Tribe to recover a debt owing to the Tribe shall have no prescribed period of limitations."

And further, that Ordinance No. 51 (attached hereto) is amended in the same manner as shown directly above.

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION

By


Earl Old Person, Chairman
Blackfeet Tribal Business Council

ATTEST:


Secretary, Blackfeet Tribal
Business Council

*

*

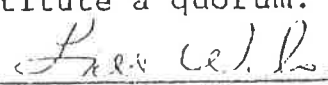
*

*

*

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular session held on the 2nd. day of September, 1976 with eight members present to constitute a quorum.


Secretary, Blackfeet Tribal Business Council

ORDINANCE NO. 51

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that the period of limitations prescribed for the commencement of certain civil actions is two years in Chapter II, Part I, Section 6 of the Blackfeet Law and Order Code of 1967 as amended; and

WHEREAS: In certain actions this puts an undue burden upon certain creditors; and

WHEREAS: It is the intent of the Blackfeet Tribal Business Council to encourage the loaning of money to Tribal members in order that they can improve their lives;

NOW THEREFORE BE IT HEREBY ORDAINED:

That Section 6, Chapter II, Part I of the Blackfeet Tribal Law and Order Code of 1967, as amended be hereby amended to read:

Section 6. Period of Limitation Prescribed.

The period prescribed for commencement of civil actions, other than for the recovery of real property, shall be within two (2) years from the date when the obligation becomes due and owing or from the time when the plaintiff was first aware of the cause of action, except when such action is brought to recover a sum of money in the amount of \$10,000.00 or over in which case the action must be commenced within seven (7) years from the date when the obligation becomes due and owing or from the time when the plaintiff was first aware of the cause of action. All actions brought to recover real property or brought on behalf of the Tribe to recover a debt owing to the Tribe in the amount of \$5,000.00 or over shall have no prescribed period of limitations.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

Richard Linnert
Secretary, Blackfeet Tribal
Business Council

Earl Old Person
EARL OLD PERSON, Chairman
Blackfeet Tribal Business Council

* * * * *

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened special session held on the 10th. day of February, 1976 with 8 members present to constitute a quorum.

Richard Linnert
Secretary, Blackfeet Tribal Business
Council

AN ORDINANCE TO AMEND CHAPTER 2, PART I, ENTITLED CIVIL ACTIONS, OF THE BLACKFEET TRIBAL LAW AND ORDER CODE OF 1967, AS AMENDED TO ADD EXEMPTION TERMS

IT IS HEREBY ORDAINED that the Blackfeet Tribal Business Council this 13TH day of December hereby passes the following ordinance to be an amendment and addition to the Blackfeet Tribal Code, Chapter 2, Part I, concerning an additional section on "Exemptions; Executions" to be known as Section 6A, to-wit:

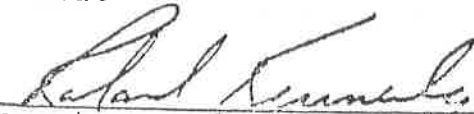
Chapter 2, Part I, Section 6A.

Section 6A. Exemptions; Executions

- (1) In any judgment against a judgement debtor, such judgement debtor shall have the right to claim certain exemptions. This exemption procedure together with specific exemptions shall follow the procedure laid out in Section 39 of Chapter 10, of this Code under Small Claims, including subsections A through C, and Sections 37 and 38 of Chapter 10 on Small Claims.
- (2) Any judgment creditor receiving a judgment against any person under this section, Part I. shall have the right to satisfy such judgment by a Writ of Execution. Such procedure shall be the same as that laid out in Sections 33,34 and 35 of Chapter 10 of this Code. The judgment creditor may also avail himself or herself of Examination of a Debtor provisions set out in Section 41, Chapter 10 of this Code.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:


Secretary, Blackfeet Tribal
Business Council


Chairman, Blackfeet Tribal Business
Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was passed and approved by the Blackfeet Tribal Business Council in a duly called, noticed and convened REGULAR session assembled on the 13th day of December, 1974 with 6 members present to constitute a quorum.


Secretary, Blackfeet Tribal Business
Council

O R D I N A N C E No. 27

AN ORDINANCE ESTABLISHING PROCEDURES FOR REPOSSESSION OF PERSONALTY IN THE POSSESSION OF RESIDENTS OF THE BLACKFEET RESERVATION AND LOCATED WITHIN THE EXTERIOR BOUNDARIES OF THE BLACKFEET RESERVATION.

The following procedure set out below as Chapter 2, Part II. of the Blackfeet Tribal Law and Order Code and governing the repossession of personal property of residents of the Blackfeet Reservation when such property is located within the exterior boundaries of the Blackfeet Reservation was passed by the Blackfeet Tribal Business Council, and henceforth governs all applicable repossessions of such property on the Blackfeet Reservation.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

Chairman

Secretary

CERTIFICATION

I hereby certify the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened special session assembled the 21st. day of August, 1973 with _____ members present to constitute a quorum.

Secretary
Blackfeet Tribal Business Council

*✓ w/bk
A Signed Ord 27*

CHAPTER 3

DOMESTIC RELATIONS

TABLE OF CONTENTS

Section 1. Marriages----- 28

Section 2. Divorce----- 28

Section 3. Determination of Paternity and Support----- 28

Section 4. Determination of Heirs----- 28

Section 5. Approval of Wills----- 29

Section 6. Proceedings for the Termination of Parent-Child Relationships----- 30

 A. Purpose----- 30

 B. Definitions----- 30

 C. Jurisdiction----- 33

 D. Petition and Grounds----- 33

 E. Contents of Petition----- 34

 F. Notice – Waiver – Guardian ad Litem----- 35

 G. Social Study Prior to Disposition----- 36

 H. Hearing----- 36

 I. Decree----- 37

 J. Effect of Decree----- 38

 K. Records----- 38

 L. Construction----- 39

Section 7. Sale of Restricted Real estate Interests on the Blackfeet Reservation

 Owned by minors, Insane or Incompetent Persons----- 39

 A. Appointment of Special Guardians----- 39

 B. Petition for Appointment----- 39

 C. Qualifications of Special Guardian----- 40

 D. Application for Appointment of Special Guardian----- 40

 E. Petition for Sale of Restricted Property----- 40

 F. Order to Show Cause----- 41

 G. Notice of Order to Show Cause----- 41

 H. Hearing----- 41

 I. Order for Sale----- 41

 J. Discharge of Special Guardian----- 42

 K. Removal of Special Guardian----- 42

 L. Vacancy in Position of Special Guardian----- 42

 M. General Guardian may act as Special Guardian hereunder----- 42

 N. Special Guardian may be Appointed Notwithstanding General Guardian----- 42

| | | | |
|------------|----|--|----|
| | O. | Service of Documents----- | 43 |
| | P. | Conduct of Proceedings----- | 43 |
| | Q. | Compensation of Special Guardians----- | 43 |
| | R. | Attorneys may Participate----- | 43 |
| | S. | Conflicting Ordinances Repealed----- | 43 |
| Section 8. | | Adoption----- | 43 |

CHAPTER 3

DOMESTIC RELATIONS

SECTION 1. MARRIAGES.

All members of the Blackfeet Indian Tribe shall hereafter be governed by State Law and subject to State Jurisdiction with respect to marriage hereafter consummated. Common-law marriages and Indian Customs marriage shall not be recognized within the Blackfeet Reservation. (See Preface.)

SECTION 2. DIVORCE.

All divorces must be consummated in accordance with the State Law of Montana. Indian customs divorces are from this time on illegal and will not be recognized as lawful divorces on the Blackfeet Reservation.

SECTION 3. DETERMINATION OF PATERNITY AND SUPPORT.

The Court shall have jurisdiction of all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A judgment of the Court establishing the identity of the father of the child shall be conclusive of that fact in all subsequent determination of inheritance by the Department of the Interior or by the Court.

SECTION 4. DETERMINATION OF HEIRS.

When any member of the Tribe dies leaving property other than trust real estate or other trust property subject to the jurisdiction of the United States, any member claiming to be an heir of the decedent may bring suit in the Tribal Court to have the Court determine the heirs of the decedent. No determination of the heirs shall be made unless all the possible heirs known to the Court, to the Superintendent, and to the claimant have been notified to the suit and given full opportunity to come before the Court and defend their interests. Possible heirs who are not residents of the Reservation

under the jurisdiction of the Court must be notified by Registered Mail and a copy of the notices must be preserved in the record of the case.

In the determination of heirs the Court shall apply the custom of the Tribe as to inheritance if such custom is proved. Otherwise, the Court shall apply State law in deciding that relatives of the decedent are entitled to be his heirs. Where the estate of the decedent includes any interest in restricted allotted lands or other property held in trust by the United States, over which the Examiner of Inheritance would have jurisdiction, the Court may distribute only such property as does not come under the jurisdiction of the Examiner of Inheritance, and determination of heirs by the Court may be reviewed, on appeal, and the judgment of the Court modified or set aside by the Examiner of Inheritance, with the approval of the Secretary of the Interior, if law and justice is required.

The Tribal Court may, in its discretion, turn over the question of determining heirs and distributing a decedent's property to a state court.

SECTION 5. APPROVAL OF WILLS.

When any member of the Tribe dies, leaving a will disposing only of property other than an allotment or other trust property subject to the jurisdiction of the United States, the Tribal Court shall, at the request of any member of the Tribe named in the will or any other interested party, determine the validity of the will after giving notice and full opportunity to appear in Court to all persons who might be heirs of the decedent, as determined under Section 4 of this Chapter. A will shall be deemed to be valid if the decedent had a sane mind and understood what he was doing when he made the will and was not subject to any undue influence of any kind from another person, and if the will was made in writing and signed by the decedent in the presence of a representative or representatives of the Superintendent of the Blackfeet Indian Agency, who has or have signed such will as witness or witnesses: Provided, that if a will is made under circumstances when the attendance of such representative cannot be secured, at

least two other witnesses may serve. If the Court determined the will to be validly executed, it shall order the property described in the will to be given to the persons named in the will or their heirs; but no distribution of property shall be made in violation of a proved tribal custom or law which restricts the privilege of Tribal members to distribute property by will. The Tribal Court may, in its discretion, turn over to State Court or Courts of Records, such cases as come under its jurisdiction under this Section 5.

SECTION 6. PROCEEDINGS FOR THE TERMINATION OF PARENT-CHILD RELATIONSHIPS.

A. **Purpose:** The purpose of this Section 6 is to provide for voluntary and involuntary severance of the parent-child relationship and for substitution of parental care and supervision by judicial process which will safeguard the rights and interests of all parties concerned and promote their welfare. Implicit in this Section, is the philosophy that wherever possible family life should be strengthened and preserved and that the issue of severing the parent-child relationship is of such vital importance as to require a judicial determination in place of attempts at severance by contractual arrangements, express or implied, for the surrender or relinquishment of children. This judicial action is intended primarily for those situations where other judicial remedies appear inappropriate, and is not intended to modify Section 1, 2 and 3 of the Blackfeet Tribal Law and Order Code, dealing with the applicability of State laws of marriage, divorce and the determination of paternity.

B. **Definitions:** When used in this Section 6, unless the text otherwise requires:

- (1) “**Court**” means the Blackfeet Tribal Court.
- (2) “**Child**” or “**Minor**” means an Indian person less than 18 years of age.
- (3) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of the Ordinance.
- (4) “**Neglected**” used with respect to a child refers to a situation in which the child lacks proper parental care necessary for his health, morals and well-being.

(5) “**Legal Custody**” means a status created by Court order embodying the following rights and responsibilities:

- (a) the right to have the physical possession of the child;
- (b) the right and the duty to protect, train and discipline the child, and
- (c) the responsibility to provide the child with food, shelter, education and ordinary medical care.

Provided, that such rights and responsibilities shall be exercised subject to the powers, rights, duties and responsibilities of the guardian of the person and subject to residual parental rights and responsibilities if these have not been terminated by judicial decree.

(6) “**Guardianship of the Person**” with respect to minors means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor, and to be concerned about the general welfare of the minor. It includes but is not necessarily limited to either in number or kind to:

- (a) The authority to consent to marriage, to enlistment in the armed forces of the United States, and to major medical, psychiatric, and surgical treatment, to represent the minor in legal significance;
- (b) The authority and duty of reasonable visitation, except where legal custody has been vested in another individual or in an authorized agency;
- (c) The right and responsibilities of legal custody except to the extent that such rights of visitation have been limited by Court order; and
- (d) When the parent-child relationship has been terminated by judicial decree with respect to the parents, or only living parent, or when

there is no living parent, the authority to consent to the adoption of the child and to make any other decision concerning the child which the child's parents could make.

(7) **"Authorized Agency"** means a public social agency authorized to care for or place children or a voluntary social agency approved for such purposes by the Blackfeet Tribe, and the State through a license, certification or otherwise, or the Bureau of Indian Affairs.

(8) **"Parent"** means:

- (a) the mother;
- (b) a father as to whom a child is legitimate;
- (c) a person as to whom a child is presumed to be a legitimate child; or
- (d) an adoptive parent; but such term does not include a parent as to whom the parent-child relationship has been terminated by judicial decree.

(9) **"Parent-Child Relationship"** include all rights, privileges duties and obligations existing between parent and child, including inheritance rights.

(10) **"Residual Parental Rights and Responsibilities"** means those rights and responsibilities remaining with the parent (where there has not been termination of the parent-child relationship by judicial decree), after the transfer of legal custody and guardianship of the person, including but not necessarily limited to, the right to reasonable visitation, consent to adoption, the right to determine the child's religious affiliation and the responsibility for support.

(11) **"Protective Supervision"** means a legal status created by court order in proceedings, on information of dependency and/or neglect where the legal custody of the child is subject

to change, whereby the child is permitted to remain in his home under the supervision of the Court or an agency designated by the Court and is subject to return to the Court during the period of protective supervision.

(12) "Parties" include the child and the petitioner's.

C. **Jurisdiction:**

The Blackfeet Tribal Court shall have original jurisdiction over petitions to terminate the parent-child relationship when the child involved is present on the Blackfeet Indian Reservation.

D. **Petition and Grounds:**

(1) A petition may be filed by a parent either directly or through an authorized agency. The parent-child relationship may be terminated with respect to the parent by whom or on whose behalf such petition has been filed, where the Court finds such termination is in the best interests of the parent and the child.

(2) A petition for termination of the parent-child relationship with respect to a parent who is not the petitioner may be filed by a petitioner designated in subsection D(3) above.

The petition may be granted where the Court finds that one or more of the following conditions exist:

- (a) That the parent has abandoned the child in that the parent has made no effort to maintain a parental relationship with such child;
 - (b) That the parent has substantially and continuously or repeatedly neglected the child; and
 - (c) That the presumption parent is not a natural parent to the child.
- (3) The petition under subsection D (2) may be filed by the following:

- (a) Either parent when termination of the parent-child relationship is sought with respect to the other parent;
- (b) The guardian of the person or the legal custodian of the child or the person standing in loco parentis to the child;
- (c) An authorized agency; or
- (d) Any other person having a legitimate interest in the matter.

E. Contents of Petition.

The petition for termination of the parent-child relationship should include, to the best knowledge, information, or belief of the petitioner:

- (1) the name and place of residence of the petitioner;
- (2) the name, sex, date and place of birth, and residence of the child;
- (3) the basis for the court's jurisdiction;
- (4) the relationship of the petitioner to the child, or the fact that no relationship exists;
- (5) the names, addresses, and dates of birth of the parents;
- (6) where the child's parent is a minor, the names and addresses of said minor's parents or guardian of the person;
- (7) the names and addresses of the person having legal custody or guardianship of the person or acting in loco parentis to the child or the organization or authorized agency having legal custody or providing care for the child;
- 8) the grounds on which termination of the parent-child relationship is sought; and
- 9) the names and addresses of the persons and authorized agency or officer whereof to whom or to which legal custody or guardianship of the person of the child might be transferred.

F. Notice—Waiver—Guardian ad Litem:

After a petition has been filed, the court shall set the time and place for a hearing, and shall cause notice thereof to be given to the petitioner, the parents of the child, the guardian of the person of the child, the person having legal custody of the child, and any individual standing in loco parentis to the child.

When the child's parent is a minor, notice shall also be given to said minor's parents or guardian of the person unless the court is satisfied, in the exercise of its discretion, that such notice is not in the best interest of said minor and that it would serve no useful purpose.

Notice shall be given by personal service. However, where reasonable efforts to effect personal service have been unsuccessful or where it shall appear impracticable to attempt such service, the court shall order service: (1) by registered or certified mail to the last known address of the person to be notified; and (2) (a) by posting of the notice of hearing on at least three (3) commonly frequented places on the reservation and at the post office or courthouse of the county seat; or (2) (b) by the publication of notice once a week for three (3) consecutive weeks in a newspaper of general circulation in the vicinity of the reservation. The hearing shall take place no sooner than ten (10) days after personal service of notice, or where service is by mail and by posting or by publication, the hearing shall take place no sooner than ten (10) days after the date of mailing or of the last posting or publication, whichever is the latest.

Notice and appearance may be waived by a parent in writing before the court or in the presence of, and witnessed by, a clerk of court or social worker designated by the court, provided that such parent has been apprised by the court or by such person of the meaning and consequences of the termination

action. The parent who has executed such a waiver shall not be required to appear. Where the parent is a minor, the waiver shall be effective only upon approval by the court.

G. **Social Study Prior to Disposition.** Upon the filing of a petition, the court shall request that a social study be made by an authorized agency and that a report in writing of such study be submitted to the court prior to the hearing except that where an authorized agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the social study made by such agency shall accompany the petition. The court may request such additional social study as it deems necessary. The social study should include the circumstances of and occasion for the petition, the social history, the present condition of the child and parents, proposed plans for the child, and such other facts as may be pertinent to the parent-child relationship, and the report submitted shall include a recommendation and the reasons therefore as to whether or not the parent-child relationship should be terminated. Where the parent is a minor if the report does not include a statement of contact with the parents of said minor, the reasons therefore shall be set forth. The purpose of the social study is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

H. **Hearing:**

Cases under this Section 6, shall be heard by the Court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. A record of the hearing shall be made. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under Subsection F, or as the Judge shall find to have a direct interest in the case or in the work of the Court; provided, that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child or parent. In addition, the Court may require the presence of witnesses (including persons making any report, study or examination which is before the Court when such persons are reasonably available) deemed necessary to the

disposition of the petition, except that a parent who has executed a waiver pursuant to Subsection E. shall not be required to appear at the hearing.

I. Decree:

Every order in the Court terminating the parent-child relationship or transferring legal custody or guardianship of the person of the child or providing for protective supervision of the child shall be in writing and shall recite the findings upon which such order is based, including findings pertaining to the Court's jurisdiction. Such order shall be conclusive and binding on all persons from the date of entry.

(1) If the Court finds grounds for the termination of the parent-child relationship, it shall terminate such relationship and:

- (a) appoint an individual as guardian of the child's person;
- (b) appoint an individual as guardian of the child's person and best legal custody in another individual or in an authorized agency; or
- (c) where it is alleged in the petition that the termination is in contemplation of adoption, appoint an official of an authorized agency as guardian of the child's person and vest legal custody in such an agency.

(2) Where the Court does not order termination of the parent-child relationship, it shall dismiss the petition: Provided, however, that where the Court finds that the best interests of the child requires substitution or supplementation of parental care and supervision, it shall make an order placing the child under protective supervision, or vesting temporary custody in an authorized agency, or retain custody in the Court so that supervision may be provided in such manner as appears appropriate to the Court.

J. **Effect of Decree:**

An Order terminating the parent-child relationship shall have the same effect on the legal rights, privileges, duties, and obligations, including rights of inheritance of the parent and the child with respect to each other, as it would have had such action taken place under State Law,

K. **Records:**

The files and records of the Court in any proceedings had under this Section 6, shall be kept in a separate locked file and shall be withheld from public inspection, but shall be open to inspection by persons having a legitimate interest in the case and by an authorized agency to which legal custody of the child has been transferred. Such files and records may, pursuant to rule of Court or special order of the Court, be inspected by other persons and agencies having a legitimate interest in the protection, welfare, or treatment of the child or in research studies. As used in this section, the words "files and records" include the Court docket and entries therein, the petitions and other papers filed in any case, transcripts of testimony taken by the Court, findings, orders, and decrees, and other writings filed in proceedings before the Court, other than social records.

Social records shall be withheld from public inspection except information from such records may be furnished to persons and agencies having a legitimate interest in the protection, welfare or treatment of the child or in research studies, in such manner as the Court determines. As used in this section, the words "social records" include the social service records of the Court, the social studies, and reports referred to in Subsection F, and related papers, and correspondence including, medical, psychological, and psychiatric studies and reports in the possession of the Court.

No person shall be entitled to make copies of such files and records or social records or parts thereof unless the Court so orders. It shall be unlawful, except for purposes for which files and records or social records or parts thereof, or information therefrom have been released pursuant to this section,

or except for purposes permitted by special order of the Court, and in accordance with any applicable rules of the Court, for any person to disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any information concerning any person before the Court directly or indirectly derived from the files and records or communications of the court, or social records or acquired in the course of the performance of official duties .

L. **Construction:**

This Section 6 shall be liberally construed to accomplish the purpose herein sought.

SECTION 7. SALE OF RESTRICTED REAL ESTATE INTERESTS ON THE BLACKFEET RESERVATION OWNED BY MINORS, INSANE OR INCOMPETENT PERSONS.

A. **Appointment of Special Guardians:**

When a minor, or an insane or incompetent person owns restricted real estate interests on the Blackfeet Reservation and such person has no judicially appointed general guardian, and it is to the best interests of such person that such real estate interests or any part thereof be sold, a special guardian shall be appointed by the Tribal Court to represent the minor, insane or incompetent person in such sale.

B. **Petition for Appointment:**

The Tribal Court may appoint such special guardian for the person and estate, or either of them, of minors, insane or incompetent persons, and who are inhabitant or resident of said reservation, or who reside without said reservation and own restricted real estate interests on said reservation. Such appointment may be made on the petition of a relative or other person on behalf of such minor, insane or incompetent person. Before making such appointment, the court must cause such notice as the court deems reasonable to be given to any person having the care of such minor, insane or incompetent person and to such relative of such minor, insane or incompetent person as the court may deem proper.

C. **Qualifications of Special Guardian:**

The Tribal Court shall appoint as guardian a competent person who is an enrolled member of the Blackfeet Tribe over the age of (21) twenty-one years, giving consideration to the personal relationship between such minor, insane or incompetent person, in the following order:

- (1) Father
- (2) Mother
- (3) Brother
- (4) Sister
- (5) Other relatives
- (6) Any other competent person.

D. **Application for Appointment of Special Guardian:**

The Application for letters of guardianship shall be verified and set forth the facts authorizing the appointment and issuance of letters of guardianship. When it is represented to the Court that a person is insane or incompetent to manage his property, and that such person is not then judicially determined insane or incompetent, the Court must cause a notice to be given to the supposed insane or incompetent person of the time and place of hearing the case, not less the five (5) days before the time so appointed, and such person, if able to attend, must be produced at the hearing. If, after a full hearing and examination, it appears to the Court or Judge, that the person in question is incapable of managing his property, the Judge shall appoint a guardian for the purpose provided in this section.

E. **Petition for Sale of Restricted Property:**

To obtain an order for the sale of such restricted land interest on the Blackfeet Reservation, a verified petition shall be presented to the Court or Judge, setting forth the general description of the real estate interest desired to be sold, and that facts showing the sale to be for the advantage, benefit and best interests of the ward, or that sale would alleviate the expense or hardship, or be to the best financial interests of the ward. A failure to set forth the facts will not invalidate the subsequent proceedings, if

the defect be supplied by the proof at the hearing, and the general facts showing such necessity be stated in the order.

F. **Order to Show Cause:**

If it appears to the Court or Judge, from such petition, that a sale is justified for the purpose and reasons mentioned in the proceeding section, or any of them, an order must be made directing all persons interested in the estate, at a time and place, not less than ten (10) days nor more than fifteen (15) days from the making of such order, to show cause why an order should not be granted to the guardian to sell such real estate interest.

G. **Notice of Order to Show Cause:**

Copies of the order to show cause shall be posted in three public places on the reservation, and a copy thereof shall be served on a next of kin of the ward at least ten (10) days before hearing on the petition, and service may be certified mail, pre-paid directed to the person to be served at his place of residence. Service shall be complete by deposit in a U.S. Post Office.

H. **Hearing:**

The Court, at the time and place fixed for the hearing, or such other time to which it is continued, upon proof of service and posting, must hear and examine the proofs and allegations in the petition.

I. **Order for Sale:**

If, after a full examination, it appears necessary, or for the benefit of the ward, that his restricted real estate interest be sold, the Court or Judge may grant an order therefore, specifying the causes or reasons why the sale is necessary or beneficial, and the guardian shall be authorized to sell and convey all such interest or any part thereof at the highest price obtainable, to be negotiated in cooperation with the highest price obtainable, to be negotiated in cooperation with the Superintendent of the Blackfeet

Indian Agency, and the proceeds of the sale shall be deposited with said Superintendent and disbursed, all as provided by Title 25, Code of Federal Regulations, as from time to time lawfully amended.

J. **Discharge of Special Guardian:**

Upon completion of the same, and deposit of the proceeds thereof with the Agency Superintendent, the guardian shall be discharged and released from all further responsibility or liability in the matter.

K. **Removal of Special Guardian:**

Whenever the Judge has reason to believe the guardian is failing to proceed hereunder without good cause, he may cite him, upon notice, to appear and show cause why his letters should not be revoked. If said guardian fails to appear in obedience to citation or if appearing, the Judge is satisfied there is cause for removal, his letters must be removed and letter of guardianship granted anew, as the case may require.

L. **Vacancy in Position of Special Guardian:**

If a vacancy occurs in the guardianship for any reason or cause, a new guardian shall be appointed.

M. **General Guardian may act as Special Guardian hereunder:**

Any duly appointed and acting general guardian may proceed under the provisions of this Section.

N. **Special Guardian may be Appointed Notwithstanding General Guardian:**

Notwithstanding the minor, insane, or incompetent person has a general guardian, a special guardian may be appointed under the provisions of this Section when it is deemed expedient by the Court to do so.

O. **Service of Documents:**

Two copies of each petition, application, notice, citation, affidavit of posting or of service, order and letters made and entered hereunder, certified as correct by the Court or Judge, shall be served upon the Superintendent of the Blackfeet Indian Agency or his delegated agent or agents, in the manner and time provided under this Section.

P. **Conduct of Proceedings:**

All hearings hereunder shall be by examination under oath and witnesses may be subpoenaed and their attendance compelled in the manner and with like effect as in other cases provided in the Law and Order Regulations.

Q. **Compensation of Special Guardians:**

A special guardian shall receive no fee but shall receive his actual costs and expenses when acting hereunder.

R. **Attorneys may Participate:**

Any attorney licensed and admitted to practice before the Supreme Court of Montana or the United States District Court for Montana may appear in the Tribal Court and represent any party to any proceeding authorized or required under this Section.

S. **Conflicting Ordinances Repealed:**

All Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. Adoption

All member of the Blackfeet Indian Tribe shall hereafter be governed by State Law and subject to state jurisdiction with respect to adoptions hereafter consummated. *(See Preface).*

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406)338-7179

1
TRIBAL COUNCIL

...N, CHAIRMAN
...DDARD, VICE CHAIRMAN
...ATHERWAX, SECRETARY
...E C. COBELL, TREASURER

EARL OLD PERSON
ARCHIE ST. GODDARD
MARVIN D. WEATHERWAX
ROLAND F. KENNERLY
LANE KENNEDY
BERNARD ST. GODDARD
LEE WILSON
GEORGE KICKINGWOMAN
TED WILLIAMSON

RESOLUTION

No. 305-87

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been advised that pursuant to Article VI, Section (L) of the Constitution and Bylaws of the Blackfeet Tribe, one of the enumerated powers of the Blackfeet Tribe is "to regulate the inheritance of real and personal property other than allotted lands within the Blackfeet Reservation, subject to review by the Secretary of the Interior, and
- WHEREAS, The Blackfeet Tribal Business Council has been further advised that many of the probate proceedings involving tribal members who are residing on the Blackfeet Indian Reservation for a period of six (6) consecutive months prior to the time of their death and their non-trust real and personal property located within the exterior boundaries of the Blackfeet Indian Reservation have historically occurred in the courts of the State of Montana to the exclusion of the exercise of civil subject matter jurisdiction of the Blackfeet Tribal Court System, and
- WHEREAS, The Blackfeet Tribe is desirous of stating its position that probate proceedings of the aforementioned character are within the exclusive civil subject matter jurisdiction of the Blackfeet Tribe and shall henceforth be brought in an appropriate tribal forum, and
- WHEREAS, The Blackfeet Tribe is cognizant of the fact that probate proceedings of the aforementioned character which have heretofore been brought in the courts of the State of Montana may be subject to concerns of being null and void because of a lack of civil subject matter jurisdiction, and

WHEREAS, The Blackfeet Tribe is desirous that probate proceedings of the aforementioned character be recognized as to legal validity and be given the same degree of enforceability as if the probate proceedings had occurred in the Blackfeet Tribal Court System, now


THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1) That all probate proceedings involving tribal members who resided on the Blackfeet Indian Reservation and their non-trust real and personal property located within the exterior boundaries of the Blackfeet Indian Reservation which have occurred or are now occurring in the courts of the State of Montana be given full legal recognition as to validity and enforceability, provided said probate proceedings are free and clear of any evidence of a want of jurisdiction, want of notice to the parties, collusion, fraud, or clear mistake of law or fact.
- 2) That henceforth all probate proceedings involving tribal members who resided on the Blackfeet Indian Reservation for a period of six (6) consecutive months prior to the time of their death and their non-trust real and personal property located within the exterior boundaries of the Blackfeet Indian Reservation shall be brought in the Blackfeet Tribal Court System, which is the appropriate forum to exercise civil subject matter jurisdiction over probate proceedings of the aforementioned character.
- 3) That henceforth any probate proceedings of the aforementioned character which are not brought in the Blackfeet Tribal Court System shall not be given legal recognition as to validity and enforceability.
- 4) That as a condition of extending full legal recognition to probate proceedings of the aforementioned character which have occurred in the courts of the State of Montana, said probate proceedings shall be registered in the Blackfeet Tribal Court docket and certified as to validity and enforceability by a judge of the Blackfeet Tribal Court, provided said probate proceedings are free and clear of a want of jurisdiction, want of notice to the parties, collusion, fraud, or clear mistake of law or fact.
- 5) That the Blackfeet Tribe shall have ancillary jurisdiction over non-trust real and personal property located within the exterior boundaries of the Blackfeet Indian Reservation where the deceased tribal member was not a resident of the Blackfeet Indian Reservation.
- 6) That the actions contained herein are clear expressions of the exercise of the inherent sovereign

authority of the Blackfeet Tribe and shall become effective immediately.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



MARVIN D. WEATHERWAX
Secretary



EARL OLD PERSON
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened SPECIAL Session, assembled the 8th day of MAY, 1987, with EIGHT (8) members present to constitute a quorum, and with a vote of EIGHT (8) members FOR and NONE (0) members OPPOSED.

(SEAL)



MARVIN D. WEATHERWAX
Secretary


AN ORDINANCE TO IMPLEMENT RESOLUTION 92-72
OF THE BLACKFEET TRIBE CONCERNING CONCURRENT
STATE JURISDICTION WITHIN THE EXTERIOR BOUNDARIES
OF THE BLACKFEET RESERVATION

IT IS HEREBY ORDAINED that the Blackfeet Tribal
Business Council this 13TH day of December, 1974 hereby
passes the following ordinance to be added at the beginning
of Section 1, Chapter 1 of the Blackfeet Tribal Law and Order
Code of 1967, As Amended in conformance with Resolution
No. 92-72 of the Blackfeet Tribe, dated February 5, 1971,
to-wit:

"The Blackfeet Tribal Law and Order Code
of 1967, as amended is a Code written by the Blackfeet
Tribe to be administered within the exterior boundaries
of the Blackfeet Indian Reservation of Montana and
under no conditions does the State of Montana have
jurisdiction over this Code, and further that any
portion now in the Blackfeet Tribal Law and Order
Code of 1967, as amended relating to concurrent
jurisdiction with said State of Montana or giving
any jurisdiction to the said State of Montana, be
hereby deleted and such language shall be of no further
force or effect.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

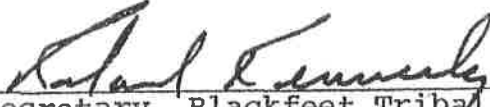

Secretary, Blackfeet Tribal
Business Council


Chairman, Blackfeet Tribal Business
Council

* * * * *

C E R T I F I C A T I O N

hereby certify that the foregoing ordinance was passed and approved by the Blackfeet Tribal Business Council in a duly called, noticed and convened regular session assembled on the 13TH day of December, 1974 with 6 members present to constitute a quorum.


Secretary, Blackfeet Tribal Business
Council

AN ORDINANCE DELETING THE WORD "INDIAN" AND
SUBSTITUTING THE WORD "PERSON" , IN ITS VARIOUS
FORMS, IN THE BLACKFEET TRIBAL LAW AND ORDER
CODE OF 1967, AS AMENDED

Be it hereby ordained by the Blackfeet Tribal
Business Council on this 7TH day of November, 1974
that the word "Indian" as found in the Tribal Law and
Order Code of 1967 as amended is hereby deleted from
the Tribal Code and in its place is substituted and
inserted the word "person" or similar appropriate
pronoun. This change shall include not only the
body of the Tribal Law and Order Code, but also any
uncodified ordinance of the Blackfeet Tribe, except
where such ordinance or section of the Code is set
aside to give Blackfeet members special rights, privileges
or duties as against all other persons.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:

James Baker
Chairman, Tribal Business Council
Richard [unclear]
Secretary, Blackfeet Tribal Business
Council

C E R T I F I C A T I O N

I hereby certify that the foregoing Ordinance was
passed and approved by the Blackfeet Tribal Business Council
in a duly called, noticed and convened regular session
assembled on the 7TH day of November, 1974 with 8 members
present to constitute a quorum.

[Signature]
Secretary, Blackfeet Tribal Business
Council

CHAPTER 4

SENTENCES

TABLE OF CONTENTS

| | | |
|------------|---------------------------------------|----|
| Section 1. | Nature of Sentence----- | 44 |
| Section 2. | Probation----- | 45 |
| Section 3. | Parole----- | 45 |
| Section 4 | Board of Pardons and Parole----- | 45 |
| Section 5 | Deposit and Disposition of Fines----- | 46 |

CHAPTER 4

SENTENCES

SECTION 1. Nature of Sentence.

A. Any Indian who has been convicted by the Tribal Court of a violation of a provision of the Blackfeet Law and Order Code shall be sentenced by the Court to work for the benefit of the Tribe for any period found by the Court to be appropriate but the period fixed shall not exceed the maximum period set for the sentence. During the period of sentence the convicted Indian may be confined in the Tribal Jail or such other place of confinement as shall be directed by the Tribal Court.

B. Whenever any convicted Indian shall be unable or unwilling to work, the Court shall, in its discretion, sentence him to imprisonment for the period of the sentence or to pay a fine equal to Two Dollars (\$2.00) a day for the same period. Such fine shall be paid in cash, or in commodities valued by the Court, or other personal property of the required value as may be directed by the Court.

C. In addition to any other sentence, the Court may require an offender who has inflicted injury upon the person or property of any individual to make restitution or to compensate the party injured, through the surrender of property, the payment of money damages; or the performance of any other act for the benefit of the injured party.

D. In determining the character and duration of the sentence which shall be imposed, the Court shall take into consideration the previous conduct of the defendant, the circumstances under which the offense was committed, and whether the offense was malicious or willful and whether the offender has attempted to make amends, and shall give due consideration to the extent of the defendant's resources and the needs of his dependants. The penalties listed in Chapter 5 of this Code are maximum penalties to be inflicted only in extreme cases.

SECTION 2. PROBATION.

A. Where sentence has been imposed upon any person, the Tribal Court may, in its discretion, suspend the sentence imposed and allow the offender his freedom on probation, upon his signing a pledge of good conduct during the period of the sentence upon the form provided therefore and made a part of this Code.

B. Any person who shall violate his probation pledge shall be required to serve the original sentence plus an additional half of such sentence as penalty for the violation for his pledge.

SECTION 3. PAROLE.

Any person committed by the Tribal Court for a period of sixty (60) days or more to the Tribal Jail, and who shall have served one-half of said sentence imposed by the Court, shall be eligible to parole. Parole shall be granted only after a hearing and subsequent approval by the Board of Pardons and Parole. No person committed to the Tribal Jail for a period of time less than 60 days shall be entitled to apply for parole.

HISTORY: *(This Section amended by Ordinance No. 45, adopted by the Blackfeet Tribal Business Council on December 13, 1974. The Amendment limits any parole application to those persons sentenced to 60 days or more in the Tribal Jail, who have served at least one-half of such sentence).*

SECTION 4. BOARD OF PARDONS AND PAROLE.

The Board of Pardons and Parole shall have the power to pardon or parole persons under court sentence or court conviction, in compliance with Section 3 above and the rules and regulations adopted by the Blackfeet Law Enforcement Commission and approved by the Blackfeet Tribal Business Council. This Board shall consist of three (3) persons, all of whom must be enrolled members of the Blackfeet Tribe, appointed by the Law Enforcement Commission with the approval of the Blackfeet Tribal Business Council. Any pardon or parole granted by this Board must be a majority vote of the members thereof.

HISTORY: (This Section amended by Ordinance 45, adopted by the Blackfeet Tribal Business Council on December 13, 1974. This amendment changes the composition of the Board and adds the provision that the Board will follow procedures laid down by the Law Enforcement Commission).

SECTION 5. DEPOSIT AND DISPOSITION OF FINES.

A. All money fines imposed for the commission of an offense shall be paid to the Clerk of the Tribal Court, and by him paid over to the Treasurer of the Tribe to be held as a special account. The said Treasurer shall pay out of such account, upon the order of the Clerk of the Tribal Court, signed by a Judge of the Court, specified fees to specified jurors or witnesses authorized under the Law and Order Code of the Blackfeet Tribe. The Clerk of the Tribal Court shall keep an accounting of all such deposits and withdrawals for the inspection of any persons interested. Whenever such fund shall exceed the amount necessary with a reasonable reserve for the payment of the Court expenses before mentioned, the Tribal Business Council and Law and Order Committee shall designate further expenses of the work of the Court or other public expenses, which shall be paid from these funds.

B. Whenever a fine is paid in property, the property shall be turned over under the supervision of the Clerk of the Tribal Court to the custody of the Treasurer of the Tribe, to be sold, or if the Tribal Business Council so directs, to be disposed of in other ways for the benefit of the Tribe. The proceeds of any sale of such property shall be deposited and distributed in same manner as money fines.

AN ORDINANCE AMENDING SECTION 3 AND 4,
CHAPTER 4 OF THE BLACKFEET TRIBAL LAW
AND ORDER CODE OF 1967, AS AMENDED

IT IS HEREBY ORDAINED that the Blackfeet Tribal Business Council this 13TH day of December, 1974 hereby passes the following ordinance amending Section 3 and 4 of Chapter 4 of the Blackfeet Tribal Law and Order Code of 1967, as amended, to read:

Section 3. Parole

Any person committed by the Tribal Court for a period of 60 days or more to the Tribal jail, and who shall have served one-half of said sentence imposed by the Court, shall be eligible to parole. Parole shall be granted only after a hearing and subsequent approval by the Board of Pardons and Parole. No person committed to the Tribal jail for a period of time less than 60 days shall be entitled to apply for parole.

(This amendment limits any parole application only to those persons who have been sentenced to imprisonment in the Tribal jail for a period of 60 days or more.)

Section 4. Board of Pardons and Parole.

The Board of Pardons and Parole shall have the power to pardon or parole persons under court sentence or court conviction, in compliance with Section 3 above and the rules and regulations

adopted by the Blackfeet Law Enforcement Commission and approved by the Blackfeet Tribal Business Council. This Board shall consist of three persons, all of whom must be enrolled members of the Blackfeet Tribe, appointed by the Law Enforcement Commission with the approval of the Blackfeet Tribal Business Council. Any pardon or parole granted by this Board must be by a majority vote of the members thereof.

(This amendment changes the composition of the Board from the Chairman of the Law and Order Commission, the Superintendent of the Blackfeet Agency and a member appointed by the Tribal Council to three enrolled members of the Blackfeet Tribe, appointed by the Law Enforcement Commission with approval by the Blackfeet Tribal Business Council. It also adds the provision that the Board follows procedures laid down by the Law Enforcement Commission, which procedures are approved by the Tribal Council and limits its jurisdiction to Section 3 for paroles in that any parole applicant must have at least a .60 day jail sentence)

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:



Secretary, Blackfeet Tribal
Business Council


Chairman, Blackfeet Tribal Business
Council

* * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was passed and approved by the Blackfeet Tribal Business Council in a duly called, noticed and convened regular session assembled on the 13th day of December, 1974, with 6 members present to constitute a quorum.


Secretary, Blackfeet Tribal Business
Council

CHAPTER 5

OFFENSES

TABLE OF CONTENTS

139-96
3/25/1994

Part I. ASSAULT

Section 1. Definitions----- 47

Part II OFFENSES AGAINST PERSONS

Section 2. Abduction----- 49

Section 3. Burglary----- 50

Section 4. Criminal Endangerment----- 50

Section 5. Domestic Abuse----- 50

Section 6. Negligent Endangerment----- 51

Section 7. Nonsupport----- 52

Section 8. Stalking----- 52

Section 9. Sexual Intercourse without consent----- 53

Section 10. Repealed Sections----- 53

(1) Adultery----- 53

(2) Attempted Rape----- 53

(3) Bastardy----- 53

(4) Battery----- 53

(5) Contributing to the Delinquency of a Minor----- 53

(6) Failure to Support Dependent Persons----- 53

(7) Failure to send Child to School----- 54

(8) Illicit Co-Habitation----- 54

(9) Liquor Affecting Minors----- 54

(10) Prostitution----- 54

(11) Slander & Malicious Gossip----- 54

Section 11. Criminal Defamation----- 54

PART III OFFENSES AGAINST PROPERTY----- 56

Section 1. Bad Check----- 56

Section 2. Cruelty to Animals----- 56

Section 3. Disorderly Conduct----- 56

Section 4. Fraud----- 57

Section 5. Forgery----- 57

Section 6. Littering, Dumping, Refuse Disposal----- 57

Section 7. Malicious Mischief----- 58

Section 8. Misbranding----- 59

Section 9. Open Container----- 59

Section 10. Theft----- 59

| | | |
|-----------------|---|-----------|
| Section 11. | Trespass----- | 60 |
| Section 12. | Slaughtering Livestock----- | 60 |
| PART IV. | OFFENSES AGAINST ADMINISTRATION AND ORDER----- | 61 |
| Section 1. | Accountability----- | 61 |
| Section 2. | Bribery----- | 61 |
| Section 3. | Carrying a Concealed Weapon----- | 62 |
| Section 4. | Contempt----- | 62 |
| Section 5. | Disobedience to a Lawful Order of the Court----- | 63 |
| Section 6. | Embezzlement----- | 63 |
| Section 7. | Escape----- | 63 |
| Section 8. | Extortion----- | 64 |
| Section 9. | Maintaining a Public Nuisance----- | 64 |
| Section 10. | Perjury----- | 64 |
| Section 11. | Refusing to Aid an Officer----- | 65 |
| Section 12. | Obstruction Justice----- | 65 |
| Section 13. | Resisting Arrest----- | 66 |
| Section 14. | Threatening a Public Official----- | 66 |
| Section 15. | Repealed Sections----- | 67 |
| | (1) Aiding and Abetting Criminal Behavior----- | 67 |
| | (2) Default----- | 67 |
| | (3) Disturbing the Peace----- | 67 |
| | (4) False Arrest----- | 67 |
| | (5) Indecent Exposure----- | 67 |
| | (6) Public Intoxication----- | 67 |
| | (7) Criminal Contempt----- | 67 |
| | (8) Receiving Stolen Property----- | 67 |
| | (9) Violation of an Approved Ordinance----- | 67 |
| PART V. | OFFENSES INVOLVING DANGEROUS DRUGS----- | 68 |

HISTORY: This ENTIRE Part B was repealed on 01/09/1997 and replaced by the Blackfeet Tribal Ordinance NO. 95. Dangerous Drugs.

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

FAX 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
ELAINE GUARDIPEE, TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL


EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KOOKING WOMAN
ROGER RUNNING GRANT
TED WILLIAMSON

RESOLUTION


NUMBER: 139-96

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
 - WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
 - WHEREAS, The Blackfeet Tribal Business Council is responsible pursuant to the Constitution of the Blackfeet Tribe, Article VI, Section 1 (k) for adopting codes, and ensuring adequate procedures for the function of the Blackfeet Tribal Court, and
 - WHEREAS, The Tribal Council has considered the need to amend the Law and Order Code of the Blackfeet Tribe; and recognizing the need for community input, community meetings were held in Browning, Heart Butte and Seville, and
 - WHEREAS, The Tribal Council concluded that it is in the best interest of the community and best effectuates the sovereignty of the Blackfeet Tribe to update and more definitively define the Criminal Offenses section of the Law and Order Code and to increase the penalties in accordance with the 1986 Amendments to the Indian Civil Rights Act, now
- THEREFORE BE IT RESOLVED,** That the Blackfeet Tribal Business Council does hereby formally adopt the amendments to the Blackfeet Law and Order Code, Criminal Offenses Section, Chapter 5, as attached and by this reference made a part hereof, to be effective as of this date, and
- BE IT FINALLY RESOLVED,** That the Blackfeet Tribal Business Council officers are hereby delegated the authority and responsibility to sign all documents necessary to effectuate this action.

ATTEST:



Gabe Grant, Secretary
Blackfeet Tribal Business
Council

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


Tom Thompson, Acting Chairman
Blackfeet Tribal Business
Council

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened Special Session assembled for business the 25th day of March, 1996, with Six (6) members present to constitute a quorum, and by unanimous vote to approve this Resolution.

(CORPORATE SEAL)



Gabe Grant, Secretary
Blackfeet Tribal Business Council

CHAPTER 5

PART 1

OFFENSES

SECTION 1. DEFINITIONS.

“**Act**” has its usual and ordinary meaning and includes any bodily movement, any form of communication, and when relevant, a failure or omission to take action.

“**Bodily Injury**” means any physical pain, illness, or any impairment of physical condition, includes mental illness or impairment.

“**Consent**” means voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another.

“**Family Member**” means mother, father, former spouse, persons who have a child in common, and other past or present family members. These relationships include those created by adoption, remarriage, stepchildren, stepparents, and in-laws.

“**Indian**” is a person who is either on enrollment book as a member of a tribe or recognized an Indian in the community.

“**Occupied Structure**” means any building, vehicle, or other place suitable for human occupancy or night lodging of person or for carrying on business, whether or not a person is actually present.

“**Knowingly**”, a person acts knowingly with respect to conduct or to a circumstance described by a statute defining an offense when the person is aware of the person’s own conduct or that the circumstances exist. A person acts knowingly with respect to the result of conduct described by a statute defining an offense when the person is aware that it is highly probable that the result will be caused by the person’s conduct.

“Peace Officer” any person who by virtue of the person’s office or public employment is vested by law with a duty to maintain public order or to serve papers or to make arrests while acting within the scope of the person’s authority.

“Possession” is a knowing control of anything for a sufficient time to be able to terminate control.

“Purposely” a person acts purposely with respect to a result or to conduct described by a statute defining an offense if it is the person’s conscious object to engage in that conduct or to cause that result.

“Serious Bodily Injury” means bodily injury that creates a substantial risk of death; causes serious permanent disfigurement or protracted loss or impairment of the function or process of any bodily member or organ; or at the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or the process of any bodily member or organ.

“Weapon” means any instrument, article, or substance that, regardless of its primary function is readily capable of being used to produce death or serious bodily injury.

PART II

OFFENSES AGAINST PERSONS

SECTION 1. ASSAULT.

(1) Any person commits the offense of assault if he or she knowingly causes one of the following:

(A) Threatens or attempts to inflict bodily injury upon another;

(B) Inflicts bodily injury upon another; or

(C) Inflicts serious bodily injury upon another; or

(D) Inflicts bodily injury upon a peace officer or judge.

(2) Any person convicted of assault under A or B shall be sentenced to a fine not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for a term not to exceed six (6) months, or both.

(3) Any person convicted of assault under C and D shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00) and imprisoned for a minimum term of thirty (30) days but not to exceed one (1) year, or both.

History: Enacted 1967, amended 3/25/96 Tribal Resolution (#139-96)

SECTION 2. ABDUCTION.

(1) Any person who shall knowingly or purposely take away or detain another person against his or her will shall be guilty of the offense of abduction.

(2) Any person convicted of the charge of abduction shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted 1967, amended 3/25/96 Tribal Resolution (#139-96)

SECTION 3. BURGLARY.

(1) Any person commits the offense of burglary if he or she knowingly enters or remains unlawfully in an occupied structure with the purpose to commit an offense.

(2) Any person convicted of Burglary shall be fined an amount not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 4. CRIMINAL ENDANGERMENT.

(1) Any person who knowingly or purposely engages in conduct that creates a substantial risk of serious bodily injury.

(2) Any person convicted of the offense of Criminal Endangerment shall be sentenced to a fine not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for a term not to exceed nine (9) months, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 5. DOMESTIC ABUSE.

(1) Any person commits the offense of Domestic Abuse if he or she:

(a) Purposely or knowingly causes bodily injury to a family member or household member; or

(b) Purposely or knowingly causes apprehension of bodily injury to a family member or household member; or

(c) Whenever a peace officer arrests an Indian for domestic abuse, if the victim is present, the officer shall advise the victim of the availability of a shelter or other services in the community and give the victim immediate notice of any legal rights and remedies available.

(d) Whenever a law enforcement officer is called to the scene of a reported incident of domestic violence, but he does not make an arrest, he shall file a written report with his supervisor setting forth the reason or reasons for this decision.

(e) An arrest is the preferred response in domestic abuse cases which involve:

- (1) injury to the victim; or
- (2) the use or threatened use of a weapon; or
- (3) violation of a restraining order; or
- (4) imminent danger to the victim.

(2) Any person convicted of a first or second offense of domestic abuse shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed six (6) months. The defendant is also required to complete a minimum of twenty (20) hours of counseling.

(3) Any person convicted of a third or subsequent offense shall be fined an amount not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one year (1), or both. The defendant is also required to complete a minimum of forty (40) hours of counseling.

History: Enacted n 1987 (10/1/1987, Ord. #82), amended in 3/25/96, Tribal Resolution (#139-96)

SECTION 6. NEGLIGENT ENDANGERMENT.

(1) Any person who negligently engages in conduct that creates a substantial risk of death or serious bodily injury.

(2) Any person convicted of negligent endangerment shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed nine (9) months, or both.

History: Enacted in 1967, amended in 3/25/96, Tribal Resolution (#139-96)

SECTION 7. NONSUPPORT.

(1) Any person commits the offense of non-support if he or she fails to provide support, within a reasonable amount of time, when able, and they know he or she is legally obliged to provide, for a child under the age of eighteen years (18).

(2) Any person convicted of non-support shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 3/25/96, Tribal Resolution (# 139-96)

SECTION 8. STALKING.

(1) Any person commits the offense of stalking if he or she purposely or knowingly causes another person substantial emotional distress or reasonable apprehension of bodily injury or death by repeatedly:

(a) Following the stalked person; or

(b) Harassing, threatening, or intimidating the stalked person, in person or by phone, by mail, or by other action, device, or method.

(2) This section does not apply to a constitutionally protected activity.

(3) For the first offense, a person convicted of stalking shall be imprisoned in the tribal jail for a term not to exceed six (6) months or fined an amount not to exceed One Thousand Dollars (\$1,000.00) or both. For a second or subsequent offense or for a first offense against a victim who was under the protection in the Blackfeet Tribal Jail, for a term not to exceed one (1) year or fined an amount not to exceed Five Thousand Dollars (\$5,000.00) or both. A person convicted of stalking may be sentenced to pay all medical, counseling, and other costs incurred by or on behalf of the victim as a result of the offense.

(4) Upon reasonable presentation of credible evidence of violation of this Section, an order may be granted restraining a person from engaging in the activity described in subsection (1).

History: Enacted 1993 (10/14/1993, Ord. #89), amended 3/25/96, Tribal Resolution (#9-94)

SECTION 9. SEXUAL INTERCOURSE WITHOUT CONSENT.

(1) Any person who knowingly has sexual intercourse without consent with another person commits the offense of sexual intercourse without consent.

(2) Any person convicted of sexual intercourse without consent shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00) or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 10. REPEALED SECTIONS.

(1) ADULTERY

History: Enacted in 1967 as Section 20; Repealed 1/10/85 (See Ordinance #71)

(2) ATTEMPTED RAPE

History: Enacted in 1967 as Section 34; Repealed on 1/10/85 (See Resolution 139-96)

(3) BASTARDY

History: Enacted in 1967 as Section 39, Repealed on 3/25/1996 . (See Resolution 139-96)

(4) BATTERY

History:-Enacted in 1967 Section 2, Repealed 3/25/96 (See Resolution 139-96)

(5) CONTRIBUTING TO THE DELINQUENCY OF A MINOR

History: Enacted in 1967 as Section 26 Repealed 1/10/1985.

(6) FAILURE TO SUPPORT DEPENDENT PERSONS

History: Enacted in 1967 as Section 24 Repealed 1/10/1985 (Ord. #71)

(7) FAILURE TO SEND CHILD TO SCHOOL

History: Enacted in 1967 as Section 25 Repealed 1/10/1985 (Ord. #71).

(8) ILLICIT CO-HABITATION

History: Enacted in 1967 as Section 21 Repealed 1/10/1985 (Ord. #70).

(9) LIQUOR AFFECTING MINORS

History: Enacted in 1967 as Section 18, Repealed 3/25/96. (See Resolution 139-96)

(10) PROSTITUTION

History: Enacted in 1967 as Section 21 Repealed in 3/25/96, see Resolution (139-96)

(11) SLANDER & MALICIOUS GOSSIP

History: Enacted in 1967, Repealed 3/25/96, see Resolution (139-96)

SECTION 11. CRIMINAL DEFAMATION.

(1) Defamatory matter is anything that exposes a person or a group, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society or injury to the person's right or its business or occupation.

(2) Whoever, with knowledge of its defamatory character, orally, in writing, or by any other means communicates any defamatory matter to a third person without the consent of the person defamed commits the offense of criminal defamation and may be sentenced to imprisonment for not more than six (6) months or a fine of not more than One Thousand Dollars (\$1,000.00), or both.

(3) Subsection (2) is not violated if:

- (a) the defamatory matter is true;
- (b) the communication is absolutely privileged;
- (c) the communication consists of a fair and true report or a fair summary of any judicial, legislative, or other public or official proceedings; or
- (e) the communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with the purpose to further the interest or duty.

(4) A person may not be convicted on the basis of an oral communication of defamatory matter except upon the testimony of at least two other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty or nolo contendere.

HISTORY: (This Section 11 adopted by the Blackfeet Tribal Business Council on July 3, 2000 and referred to as Ordinance No. 97).

PART III**OFFENSES AGAINST PROPERTY****SECTION 1. BAD CHECK.**

(1) Any person who, for himself or herself, or as the agent or representative of another, or as an officer of a corporation, willfully, with the intent to defraud, shall make or draw or utter or deliver any check, draft or order for the payment of money upon any bank or depository, or person, or firm, or corporation, when making, drawing, uttering, or delivering that the maker or drawer has no funds or insufficient funds in or credit with such draft, or order in full upon its presentation, although no express representation is made with reference thereto.

(2) Any person convicted of the offense of Bad Check shall be sentenced to a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed six (6) months, or both

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 2. CRUELTY TO ANIMALS.

(1) Any person who shall without justification, knowingly or negligently subject an animal to mistreatment shall be deemed guilty of the offense of cruelty to animals.

(2) Any person convicted of cruelty to animals shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 3. DISORDERLY CONDUCT.

(1) Any person who shall within the confines of the Blackfeet Reservation engage in fighting in a public place, disturb or annoy any public or religious assembly; or appear in a public or private

place in an intoxicated and disorderly condition, or who shall engage in any other act of public immorality or other disorderly conduct, shall be deemed guilty of an offense.

(2) Any person convicted of Disorderly Conduct shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 4. FRAUD.

(1) Any person who shall by purposely or knowingly make a misrepresentation or by false interpretation, or by the use of false weights or measures, obtain any money or other property, shall be deemed guilty of fraud.

(2) Any person convicted of Fraud shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 5. FORGERY.

(1) Any person who shall, defraud, falsely sign, execute, or alter a written instrument, shall be deemed guilty of forgery.

(2) Any person convicted of Forgery shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00) or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 6. LITTERING, DUMPING, REFUSE DISPOSAL.

(1) Definitions. "Approved Refuse Sites" as used in this section refer to all solid waste or land fill site that meets all applicable regulations of the United States Public Health Service and may be closed under the authority of the Blackfeet Tribe if environmental hazards exists. "Approved

Containers” as used in this section refers to a container that is adequate to hold garbage and refuse and must be emptied regularly and be protected from animal depredations and wind disposition.

(2) Illegal dumping and littering. It shall be unlawful for any person to deposit, dump, or dispose of any refuse or garbage in any location on the Blackfeet Reservation, unless approved refuse sites or containers are utilized. Approved refuse sites and containers as defined above in subsection (1) are to assure that all garbage is handled in a proper manner so as not to disturb the health and safety of persons living on or passing through the Blackfeet Reservation.

(3) Regulations of dumping vehicles. Every commercial dumping vehicle or garbage truck shall be fully enclosed so as not to permit garbage, paper or other refuse to fall therefrom while either hauling in the vehicle. Any other vehicle, not commercial, which hauls garbage, paper or other refuse, shall be under the regulations as set out in subsection (2) above and the driver thereof shall be responsible to see that any refuse or garbage falling from such vehicle is immediately picked up and dumped in the proper place.

(4) Failure to comply with any of the provisions of this section shall subject the violator, upon conviction, to a fine of not less than \$25.00 no more than \$500.00 or a jail sentence of not more than 25 days, or both the foregoing.

History: Enacted in 1967, as section 52 amended 3/25/96, Tribal Resolution (#139-96)

SECTION 7. MALICIOUS MISCHIEF.

(1) Any person who shall knowingly or purposely damage, injure, or destroy, any property of another, or public property without consent, shall be deemed guilty of malicious mischief.

(2) Any person convicted of Malicious Mischief shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

(3) A person convicted of malicious mischief must be ordered to pay restitution in an amount and manner to be set by the court.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 8. MISBRANDING.

(1) Any person who shall knowingly or purposely misbrand or alter any brand or mark on any livestock of another person, shall be deemed guilty of an offense.

(2) Any person convicted of Misbranding shall be sentenced to a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed six (6) months, or both

History: Enacted 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 9. OPEN CONTAINER.

(1) No person shall use, drink, or consume beer, wine, or other intoxicating liquor, while such person is on a street, sidewalk, alley, or highway, or in any public park, provided, however, that any beer, wine or intoxicating liquor purchased at any place on the Reservation from a person selling the same lawfully, in accordance with a special license therefore may be consumed at such place.

(2) Any person convicted of open container shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 3/25/96, Tribal Resolution 139-96.

SECTION 10. THEFT.

(1) Any person commits the offense of theft when the person purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) Has the purpose of depriving the owner of the property.

(b) Purposely or knowingly uses, conceals, or abandons the property in a manner that deprives the owner of the property; or

(c) Uses, conceals, or abandons the property knowing that the use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when the person purposely or knowingly obtains by threat or deception control over property of the owner;

(3) A person convicted of theft where the value of the property does not exceed Five Hundred Dollars (\$500.00) shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), of six (6) months in jail, or both.

If property value is Five Hundred Dollars (\$500.00) or more, said person shall be fined Five Hundred Dollars (\$500.00) or one (1) year in jail, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 11.

TRESPASS.

(1) Any person who shall go upon or pass over land or enter a dwelling or enclosed structure without permission to do so, of the rightful owner, and shall refuse to go immediately therefrom on the request of the owner or occupant thereof, or who shall knowingly or purposely allow livestock to occupy or graze on the cultivated or enclosed lands, shall be deemed guilty of an offense.

(2) Any person convicted of Trespass shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 12.

SLAUGHTERING LIVESTOCK.

(1) Any person who shall slaughter livestock for sale or use shall be required upon demand to produce hide to cover said carcass or give satisfactory proof as to where the meat was obtained.

(2) Any person convicted shall be sentenced to a fine not to exceed One Thousand Dollars (\$1,000.00) or to be imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

PART IV.**OFFENSES AGAINST ADMINISTRATION AND ORDER****SECTION 1. ACCOUNTABILITY.**

(1) Any person is responsible for conduct of another when either before or during the commission of an offense with the purpose to promote or facilitate such commission, he solicits, aids, abets, agrees, or attempts to aid such other person in the planning or commission of the offense.

(2) Any person convicted of the offense shall be sentenced to a fine not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 2. BRIBERY.

(1) Any person who shall give or offer to give any money, property or services or anything else of value to another person with corrupt intent to influence another in the discharge of his public duties or conduct, and any person who shall accept, solicit or attempt any bribe, as above defined, shall be deemed guilty of an offense.

(2) Any person convicted of the offense of bribery shall be fined an amount not to exceed Five Thousand Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

(3) A member of the Blackfeet Tribal Council convicted of bribery shall be subject to expulsion from the Business Council, as in Article V. Section 2, of the Constitution of the Blackfeet Tribe. Any other Tribal officer convicted of bribery shall be deprived of his office by the order of the Court.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 3. CARRYING A CONCEALED WEAPON.

(1) Any person who shall go about in public places armed with a dangerous weapon concealed upon his or her person, unless he shall have a permit approved by the Law and Order Commission, shall be deemed guilty of the offense of carrying a concealed weapon.

(2) Any person convicted of carrying a concealed weapon shall be sentenced to a fine no to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 4. CONTEMPT.

(1) A person commits the offense of criminal contempt when he or she knowingly engages in any of the following conduct:

(a) disorderly, contemptuous or insolent behavior committed during the sitting of a court in its immediate view and presence and directly tending to interrupt proceedings and to impair the respect due its authority;

(b) breach of peace, noise or other disturbance directly intending to interrupt a court's proceedings;

(c) purposely disobeying or refusing any lawful process or other mandate of a court;

(d) refusing to answer any legal and proper interrogation;

(e) purposely failing to obey any mandate, process or notice relative to a jury subpoena.

(2) A person convicted of such an offense shall be fined not to exceed Five Hundred Dollars (\$500.00) or be imprisoned for a term not to exceed six (6) months, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 5. DISOBEDIENCE TO A LAWFUL ORDER OF THE COURT.

(1) Any person who shall willfully disobey any order, subpoena, warrant, or command duly issued, made or given by the Tribal Court of the Blackfeet Reservation or any officer thereof, shall be deemed guilty of an offense.

(2) Any person convicted of the offense of Disobedience to a Lawful Order shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 6. EMBEZZLEMENT.

(1) Any person who shall, having lawful custody of property not his own, appropriate the same to his or her own use with intent to deprive the owner thereof, shall be deemed guilty of embezzlement.

(2) Any person convicted of the offense of Embezzlement shall be fined an amount not to exceed Three Thousand Dollars (\$3,000.00), or imprisoned for a term not to exceed nine (9) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 7. ESCAPE.

(1) Any person who being in lawful custody for any offense, shall escape or attempt to escape or who shall permit or assist another person to escape from lawful custody, shall be deemed guilty of an offense.

(2) Any person convicted of the offense of Escape shall be sentenced to a fine not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 8. EXTORTION.

(1) Any person who shall knowingly or purposely make false charges against another person or by any other means whatsoever, extort or attempt to extort any monies, goods, property, or anything else of any value, shall be deemed guilty of extortion.

(2) Any person convicted of extortion shall be sentenced to a fine not to exceed Five Hundred Dollars (\$5,000.00), or imprisoned for a term not to exceed one (1) year, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 9. MAINTAINING A PUBLIC NUISANCE.

(1) Any person commits the offense of maintaining a public nuisance if he knowingly creates, conducts or maintains a public nuisance.

(2) Public nuisance is defined as a condition which endangers safety or health, or is offensive to the senses, or obstructs the free use of property.

(3) Any person convicted of the offense of Maintaining a Public Nuisance shall be sentenced to a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 10. PERJURY.

(1) Any person commits the offense of perjury if upon oath he or she knowingly or purposely makes a false statement, when the statement is material and he or she does not believe it to be true.

(2) Any person convicted of Perjury shall be sentenced to a fine not to exceed Five Hundred Dollars (\$500.00) or imprisoned for a term not to exceed ninety (90) days, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 11. REFUSING TO AID AN OFFICER.

(1) Any person who shall fail to cooperate where it is reasonable for the police officer to enlist the cooperation, to assist in the arrest of any person charged with or convicted of any offense or in securing such offender when apprehended, or in conveying such offender to the nearest place of confinement shall be deemed guilty of an offense.

(2) Any person convicted of Refusing to Aid an Officer shall be fined an amount not to exceed Five Hundred Dollars (\$500.00), or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 12. OBSTRUCTING JUSTICE.

(1) Any person commits the offense of obstructing if, knowing a person is an offender, he or she purposely;

(a) harbors or conceals an offender;

(b) warns an offender of impending discovery or apprehension;

(c) provides an offender with money, transportation, weapons, disguise, or other means of avoiding discovery or apprehension;

(d) prevents or obstructs by means of force, deception, or intimidation anyone from performing an act that might aid in the discovery or apprehension of an offender;

(e) suppresses by act of concealment, alteration, or destruction any physical evidence that might aid in the discovery or apprehension of an offender;

(2) Any person convicted of the offense of Obstructing Justice shall be fined an amount not to exceed One Thousand Dollars (\$1,000.00), or imprisoned for a term not to exceed nine (9) months, or both.

History: Enacted 3/25/96, Tribal Resolution (#139-96)

SECTION 13 RESISTING ARREST

(1) Any person commits the offense of resisting arrest if he or she knowingly prevents or attempts to prevent a peace officer from effecting an arrest by:

(a) Using or threatening to use physical force or violence against the peace officer or another;

(b) Using any other means which creates a risk of causing physical injury to the peace officer or another.

(2) It is no defense to a prosecution under this section that the arrest was unlawful, provided the peace officer was acting under color of his official authority.

(3) Any person convicted of the offense of Resisting Arrest shall be fined not to exceed Five Hundred Dollars (\$500.00) or imprisoned for a term not to exceed six (6) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 14 THREATENING A PUBLIC OFFICIAL

(1) Any person commits the offense of obstructing a peace officer or public servant if he knowingly obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a government function.

(2) It is no defense to a prosecution under this section that the peace officer was acting in an illegal manner, provided he was acting under color of his official authority.

(3) Any person convicted of the offense of threatening a peace officer or other public servant shall be fined not to exceed One Thousand Dollars (\$1,000.00) or be imprisoned for a term not to exceed nine (9) months, or both.

History: Enacted in 1967, amended 3/25/96, Tribal Resolution (#139-96)

SECTION 15 REPEALED SECTIONS

(1) AIDING AND ABETTING CRIMINAL BEHAVIOR

History: Enacted 1/15/86, Repealed 3/25/1996

(2) DEFAULT

History: Enacted in 1967, Repealed 3/25/1996

(3) DISTURBING THE PEACE

History: Enacted in 1967, Repealed 3/25/1996

(4) FALSE ARREST

History: Enacted in 1967, Repealed 3/25/1996

(5) INDECENT EXPOSURE

History: Enacted in 1967, Repealed 3/25/1996

(6) PUBLIC INTOXICATION

History: Enacted 1/15/86, Repealed 3/25/1996

(7) CRIMINAL CONTEMPT

History: Enacted in as Chapter 5, Section 40, Repealed 5/16/85

(8) RECEIVING STOLEN PROPERTY

History: Enacted in 1967, Repealed 3/25/1996

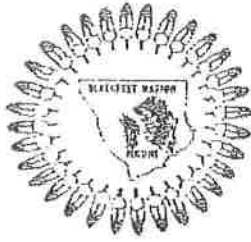
(9) VIOLATION OF AN APPROVED ORDINANCE

History: Enacted in 1967, Repealed 3/25/1996

PART V.

OFFENSES INVOLVING DANGEROUS DRUGS

HISTORY: *(This entire Part V, Chapter 5, was repealed on 01/09/1997 and replaced by Blackfeet Tribal Ordinance No. 95, Dangerous Drugs.)*



BLACKFEET NATION

P.O. BOX 850, BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

Executive Committee

Terry J. Show, Chairman
Peter "Rusty" Tatsey, Vice-Chairman
Reis Fisher, Secretary
Kenneth Augare, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

Terry J. Show
Peter "Rusty" Tatsey
Reis Fisher
Henry Butterfly
Paul McEvers
Willie Sharp Jr.
Jesse "Jay" St. Goddard
Shannon J. Augare
Woodrow "Jay" Wells

RESOLUTION

No. 15-2012

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituting governing body within the exterior boundaries of the Blackfeet Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS,** It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Law and Order Code has codified two laws as the same section under Chapter 5. "Retaliation Against Tribal Employees and Other Persons and False Reporting" and "Public Intoxication were both codified as Chapter 5, Part IV, Section 16. This codification occurred based upon both laws being passed in the same time period.
- WHEREAS,** The Blackfeet Tribal Business Council shall correct this action and codify the Public Intoxication Law after the Retaliation Against Tribal Employees and Other Persons and False Reporting, based upon the dates each law came into effect.

THEREFORE BE IT RESOLVED,

1. That the Public Intoxication Law passed by BTBC Resolution #113-2011 and Ordained as Ordinance #107 shall be codified under the Blackfeet Law and Order Code, Chapter 5, Part IV, Section 17.
2. The Chairman and Secretary are authorized to sign this Resolution and Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



Reis Fisher, Secretary
Blackfeet Tribal Business Council



Terry J. Show, Chairman
Blackfeet Tribal Business Council

10-27-11

Certification

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called and convened ~~Special~~ Session, assembled the 24th day of October, 2011, with (6) members present to constitute a quorum, and with a voice vote of (6) FOR, (0) OPPOSED, and (0) ABSTAINING, that being at least two-thirds (2/3) of the members voting for the Resolution.
(SEAL) ROLL CALL VOTE



Reis Fisher, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850, BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

Executive Committee

Terry J. Show, Chairman
Peter "Rusty" Tatsey, Vice-Chairman
Reis Fisher, Secretary
Kenneth Augare, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

Terry J. Show
Peter "Rusty" Tatsey
Reis Fisher
Henry Butterfly
Paul McEvers
Wille Sharp Jr.
Jesse "Jay" St. Goddard
Shannon J. Augare
Woodrow "Jay" Wells

RESOLUTION

No. 20-2012

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituting governing body within the exterior boundaries of the Blackfeet Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS,** It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Law and Order Code lacks a criminal offense for consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).
- WHEREAS,** It has also come to the attention, that the Blackfeet Tribal Court has received a substantial number of defendants wrongfully charged with other offenses resulting in case dismissal. This statistic represents a large number of people consuming or possessing alcohol under the legal age limit of twenty-one (21), but over the age of eighteen (18).
- WHEREAS,** It is the desire that the Blackfeet Tribal Business Council implement a new ordinance under the Blackfeet Law and Order Code Title 5 to criminalize consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).

THEREFORE BE IT RESOLVED,


1. That the Blackfeet Tribal Business Council hereby adopts the ordinance criminalizing consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).
2. That this new ordinance shall be codified in the Blackfeet Law and Order Code of 1967, as amended under Chapter 5, Part IV Offenses Against Administration and Order, Section 18. That a copy of the Ordinance is attached hereto and made a part of this Resolution by reference. The Ordinance shall be codified as 112.
3. The Chairman and Secretary are authorized to sign this Resolution and Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



Reis Fisher, Secretary
Blackfeet Tribal Business Council




Terry J. Show, Chairman
Blackfeet Tribal Business Council

Certification

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called and convened special session, assembled the 24th day of October, 2011, with (6) members present to constitute a quorum, and with a voice vote of (6) FOR, (0) OPPOSED, and (0) ABSTAINING, that being at least two-thirds (2/3) of the members voting for the Resolution.

(SEAL)

SPECIAL SESSION



Reis Fisher, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

1

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

RESOLUTION

No. 113-2011

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS,** It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Community is deeply concerned with the problems of public intoxication, public loitering and the safety of the public; and
- WHEREAS,** On July 7, 2005, the Blackfeet Tribal Business Council adopted Executive Resolution No. EX217-2005 which decriminalized public intoxication but permitted such intoxicated person or incapacitated person to be taken into protective custody by law enforcement officers.
- WHEREAS,** It has again come to the attention of the Blackfeet Tribal Business Council that there is no provision in the Blackfeet Law and Order Code of 1967, as amended, which specifically relates to public intoxication and public loitering; and

Resolution No. 113-2011

Page 2

WHEREAS, It is the desire of the Blackfeet Tribal Business Council to rescind Resolution No. EX217-2005 and implement a new ordinance on Public Intoxication and Public Loitering following the requirements set out in Article V, Section 3 of the By-Laws of the Blackfeet Tribe.

THEREFORE BE IT RESOLVED as follows:

1. That the Blackfeet Tribal Business Council hereby rescinds Resolution No. EX217-2005 dated July 7, 2005 in its entirety, pursuant to Section Article V, Section 3 of the By-Laws of the Blackfeet Tribal Business Council.

2. That a copy of the new ordinance on public intoxication and public loitering, referred to as Chapter 5, Part IV, Offenses Against Administration and Order, Section 16, Blackfeet Law and Order Code of 1967, as amended. That a copy of the Ordinance is attached hereto and made a part of this Resolution by this reference.

3. The Chairman and Secretary are authorized to sign this Ordinance on behalf of the Blackfeet Tribal Business Council

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


T. J. SHOW, Secretary


WILLIE A. SHARP, JR., Chairman

CERTIFICATION

I hereby certify that the foregoing Rescinding Resolution was adopted by the Blackfeet Tribal Business Council in a duly called and convened Regular Session, assembled the 6th day of January, 2011, with Nine (9) members present to constitute a quorum, and with a voice vote of Nine (9) FOR, Zero (0) OPPOSED, and Zero (0) ABSTAINING, that being at least two-thirds (2/3) of the members voting for rescission.
(SEAL) ROLL CALL VOTE


T. J. SHOW, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

ORDINANCE

No. 107

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Reservation; and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Community is deeply concerned with the problems of public intoxication, public loitering and the safety of the public; and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that there is no provision in the Blackfeet Law and Order Code of 1967, as amended, which specifically relates to public intoxication and public loitering; and
- WHEREAS, There is now a need to amend the Blackfeet Law and Order Code to define and set forth the penalty for public intoxication and public loitering; now

ORDINANCE No: 107

Resolution No. 113-2011

Page 2

THEREFORE BE IT ORDAINED as follows:

1. That the Blackfeet Tribal Business Council hereby amends Chapter 5, Part IV, Offenses Against Administration and Order, by adding a new Section 16, as follows: (the language within the quotation marks (" ") shall be the language included in the Blackfeet Law and Order Code of 1967, as amended.)

"PART IV. OFFENSES AGAINST ADMINISTRATION AND ORDER.

Section 16. PUBLIC INTOXICATION AND LOITERING.

(1) DEFINITIONS:

A. "Public place" shall include any occupied structure, abandoned structures accessible by the public, public street or alley open to the ways and means of the public. Places where the public has an interest as affecting the safety, health, morals, and welfare of the community.

B. "Loitering" means an individual physically occupying the outside perimeter (within 100 feet) of a business or publicly occupied structure when not allowed by the premises.

C. "Intoxicated Person" means a person whose mental or physical functioning is substantially impaired as result of the use of alcohol.

(2) PUBLIC INTOXICATION

A. Any intoxicated person who is observed, in any public place, either under the influence of alcohol or other intoxicating substances, commits the crime of public intoxication. This law excludes consumption of alcohol in designated liquor establishments and sanctioned events by the Blackfeet Tribe.

B. The penalty for public intoxication shall be the following:

i. 1st Offense: Fifty Dollar (\$50.00) fine (credit for time served – discretionary) or ten (10) days incarceration (available for suspension upon conditions).

ORDINANCE No: 107

Resolution No. 113-2011

Page 3

ii. 2nd Offense: Five (5) days mandatory incarceration and One Hundred Dollars (\$100.00) fine. Fine may be available to be worked off with various tribal programs and organizations.

iii. 3rd Offense: Thirty (30) days incarceration, ten (10) days mandatory. The remainder may be suspended on conditions and probation and a Two Hundred Fifty Dollar (\$250.00) fine. Fine may be available to be worked off with various tribal programs and organizations.

iv. 4th Offense: Sixty (60) days mandatory incarceration (One half (1/2) may be suspended on conditions and probation) and a Five Hundred Dollar (\$500.00) fine (fine available to be worked off with various tribal programs and organizations).

v. 5th and Consecutive Offenses: Mandatory six (6) months incarceration (remaining one-third (1/3) may be suspended on conditions and probation) and a Seven Hundred Fifty Dollar (\$750.00) fine. Fine available to be worked off with various tribal programs and organizations.

D. Offenders/defendants must complete a mandatory drug and alcohol assessment within thirty (30) days of conviction and must follow the recommendations of assessment.

(3) LOITERING

Any person who is observed, in any public place, loitering in front of a public business or service, or who solicits or harasses a patron of the business or client of the service commits the crime of public loitering.

i. 1st Offense: One Hundred Dollar (\$100.00) fine. Fine available to be worked off with various tribal programs and organizations.

ii. 2nd Offense: Two Hundred Fifty Dollar (\$250.00) fine. Fine available to be worked off with various tribal programs and organizations.

iii. 3rd Offense: Ten (10) days mandatory incarceration and Three Hundred Fifty Dollar (\$350.00) fine. Fine available to be worked off with various tribal programs and organizations.

ORDINANCE NO: 107

Resolution No. 113-2011

Page 4

iv. 4th Offense: Thirty (30) days mandatory incarceration and Four Hundred Fifty Dollar (\$450.00) fine. Fine available to be worked off with various tribal programs and organizations.

v. 5th and Consecutive Offenses: Mandatory six (6) months incarceration and Five Hundred Fifty Dollar (\$550.00) fine. Fine available to be worked off with various tribal programs and organizations." *(end of language to be put into the Blackfeet Tribal Law and Order Code of 1967, as amended.)*

2. This Ordinance shall be published in *The Glacier Reporter* for four (4) consecutive weeks and posted in public places by the Blackfeet Tribal Documents Office, after which time it shall be in full force and effect.

3. Business owners throughout the Blackfeet Indian Reservation are encouraged to post "No Loitering" signs in and around their place of business as a means of giving public notice.


5. The Chairman and Secretary are authorized to sign this Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T. J. SHOW, Secretary



WILLIE A. SHARP, JR., Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called and convened Regular Session, assembled the 6th day of January, 2011, with Nine (9) members present to constitute a quorum, and with a vote of Nine (9) FOR, Zero (0) OPPOSED, and Zero (0) ABSTAINING.

(SEAL)



T. J. SHOW, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

AMENDED ORDINANCE

No. 106A

WHEREAS, The Blackfeet Tribal Business Council has adopted Resolution No. 41-2011A and has stated its action should be added as an offense to Chapter 5, Criminal Code of the Blackfeet Tribal Law and Order Code of 1967, as amended, now

THEREFORE, BE IT ORDAINED as follows:

That the Criminal Code of the Blackfeet Tribe found in Chapter 5 of the Blackfeet Tribal Law and Order Code of 1967, as amended is hereby amended to include the following criminal offense as the last number of that Chapter and shall be entitled "Retaliation Against Tribal Employees and Other Persons and False Reporting", as follows:

Section IV, 16, Retaliation Against Tribal Employees and Other Persons and False Reporting.

- A. Any person directly associated with the Blackfeet Tribal government who knowingly engages in any harassment, retaliation, threat, either verbal or physical, or any conduct which causes bodily injury against any Tribal employee or any other person directly associated with the Blackfeet Tribal Government when such employee or person has, in good faith, reported a violation of Tribal or Federal law to the proper authorities, shall be guilty of an offense and fined the sum of up to \$5,000.00, or jailed for a period not to exceed three (3) years, or both. In addition, any person, if employed by the Blackfeet Tribe as a Director or Supervisor, if found guilty of this offense, shall be immediately terminated from employment with the Blackfeet Tribe and shall be barred from further such employment for a period of four (4) years and from being a Director or Supervisor for a period of an additional two (2) years. Any member of the Blackfeet Tribal Council found guilty of this offense shall be removed from the Tribal Council and barred from holding office for the next succeeding term pursuant to the provisions of the Blackfeet Constitution, Article V, Section 3. Any other person so convicted shall be barred from tribal employment for four (4) years.

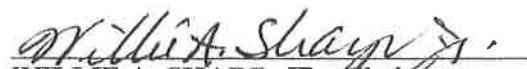
- B. Any person who falsely report a crime to the authorities, with the intent to have another person falsely accused of a crime shall be guilty of an offense and subject to the same penalties as set forth in subsection A above.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR., Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing Amended Ordinance was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened General Session held on the 4th. Day of November, 2010, with Nine (9) members present to constitute a quorum and by a vote of Nine (9) FOR and Zero (0) OPPOSED and Zero (0) ABSTAINING.

(SEAL)



T.J. Show, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

BE
- CHAIRMAN
VICE CHAIRMAN
ETARY
RE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

AMENDED RESOLUTION

No. 41-2011A

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation; and
- WHEREAS,** According to Article I of the Constitution of the Blackfeet Tribe, the jurisdiction of the Blackfeet Tribe extends to the territory within the confines of the Blackfeet Reservation boundaries as defined in the Agreement of September 26, 1895; and
- WHEREAS,** The Blackfeet Tribal Council is empowered pursuant to Article VI, Section 1(k), to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation; and
- WHEREAS,** That the Blackfeet Tribal Business Council has enacted a Whistleblowers Ordinance in its last regularly scheduled Council meeting and that there is now a need to amend that Ordinance to conform to the Blackfeet Constitution; now

THEREFORE, BE IT RESOLVED as follows:

1. That section 4 of Whistleblowers Resolution and the ordinance of the Blackfeet Tribe be hereby amended to read as follows:

“Any elected Tribal Council member, found guilty of engaging in any of the conduct listed above, shall not only be subject to the same penalties as set forth above in paragraph 3, but shall face removal from the Blackfeet Tribal Business Council pursuant to the removal provision of the Blackfeet Tribal Constitution Article V, Section 3 and shall be ineligible to run for a seat on the Blackfeet Tribal Council for next succeeding term.”

2. That Section 5 of Resolution No. 41-2011 and the Blackfeet Tribal Ordinance be amended to read as follows:

“Any Director or supervisor of any Tribal entity or program, if found guilty of an offense under this Whistle Blower Ordinance shall be immediately removed from office and shall be barred from working for the Blackfeet Tribe or any of its programs or entities or in a contract position for a period of four (4) years and shall be barred from being hired as a Supervisor or Director in any Tribal program, entity or under any Blackfeet governmental contract for an additional period of Two (2) years. Any other person, not a Director or Supervisor, who is found guilty under this Ordinance shall be terminated from employment with the Blackfeet Tribe or any of its programs or entities following the Blackfeet Personnel Policies and Procedures and shall thereafter be barred from employment with the Blackfeet Tribe or any of its entities or programs or contracts for a period of Four (4) years.”

3. That the Chairman and Secretary of the Blackfeet Tribal Business Council shall sign this Resolution and subsequent Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR., Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing Amended Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened General Session held on the 4th. Day of November, 2010, with (9) members present to constitute a quorum and by a vote of Nine (9) FOR, and Zero (0) OPPOSED, and Zero (0) ABSTAINING.

(SEAL)



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

RESOLUTION

No. 41-2011

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation; and

WHEREAS, According to Article I of the Constitution of the Blackfeet Tribe, the jurisdiction of the Blackfeet Tribe extends to the territory within the confines of the Blackfeet Reservation boundaries as defined in the Agreement of September 26, 1895; and

WHEREAS, The Blackfeet Tribal Council is empowered pursuant to Article VI, Section 1(k), to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation; and

WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that there is a need to protect employees and other persons associated directly with the government of the Blackfeet Tribe from any acts of harassment, retaliation or threats which may occur to such employees or persons who report any violations of the law to the proper authorities; and

WHEREAS, That this protection should be in the form of a Whistle Blowers Ordinance taking into account the culture and traditions of the Blackfeet Tribe, which intends that any Tribal employee or person associated directly with the government of the Blackfeet Tribe, who in good faith reports a violation of Tribal or Federal law to the proper authorities of the Blackfeet Tribe shall be protected from any act of harassment, retaliation or any threat either verbal or physical, and any act resulting in injury to such Tribal employee or other person; and

WHEREAS, The Blackfeet Tribal Council desires to set the penalties for a violation of this Whistle Blowers Ordinance to reflect the seriousness of such violation; and

WHEREAS, The Blackfeet Tribal Business Council desires to enact this Whistle Blowers Ordinance as a criminal Ordinance to be added as a section to Chapter 5, Criminal Offenses, of the Blackfeet Tribal Law and Order Code of 1967, as amended with penalties attached thereto and to the Blackfeet Personnel Policies and Procedures; and

WHEREAS, The Blackfeet Tribal Business Council desires to also add to this Whistle Blowers Ordinance a prohibition against any person falsely accusing any person of a crime and falsely reporting such crime to the authorities of the Blackfeet Tribe, such prohibition also being added to the criminal code of the Blackfeet Tribe with an appropriate penalty; now

THEREFORE, BE IT RESOLVED as follows:

1. That there is hereby enacted an Ordinance hereinafter known as the "Whistle Blowers Ordinance" which will become part of the Blackfeet Tribal Law and Order Code of 1967, as amended;

2. That the Blackfeet Tribal Business Council hereby states that any Tribal employee or any other person associated directly with the government of the Blackfeet Tribe who reports, in good faith, a violation of Tribal or Federal law to the proper authorities shall be protected from any act of harassment, retaliation or any threat, either verbal or physical or from any act resulting in bodily injury to such employee or person.

3. That whoever knowingly engages in any harassment, retaliation, threat, either verbal or physical, or any conduct which causes bodily injury to any Tribal employee or any person directly associated with the government of the Blackfeet Tribe, when such employee or person, has in good faith, reported a violation of Tribal or Federal law to the proper authorities, shall be guilty of an offense and fined the sum of up to Five Thousand Dollars (\$5,000.00) per occurrence and/or jailed for a period not to exceed three (3) years.

4. Any elected Tribal Council member, found guilty of engaging in any of the conduct listed above, shall not only be subject to the same penalties as set forth above in paragraph 3, but shall face removal from the Blackfeet Tribal Business Council pursuant to the removal provision of the Blackfeet Tribal Constitution and shall be ineligible to run for a seat on the Blackfeet Tribal Council for a period of two (2) consecutive terms under the terms of the Blackfeet Constitution.

5. Any Director or supervisor of any Tribal entity or program, if found guilty of an offense under this Whistle Blower Ordinance shall be immediately removed from office and shall be barred from working for the Blackfeet Tribe or any of its programs or entities or in a contract position for a period of five (5) years and shall be barred from being hired as a Supervisor or Director in any Tribal program, entity or under any Blackfeet governmental contract for a period of Eight (8) years. Any other person, not a Director or Supervisor, who is found guilty under this Ordinance shall be terminated from employment with the Blackfeet Tribe or any of its programs or entities following the Blackfeet Personnel Policies and Procedures and shall thereafter be barred from employment with the Blackfeet Tribe or any of its entities or programs or contracts for a period of Five (5) years.

6. Any person, including any Tribal employee or any person associated with the government of the Blackfeet Tribe who falsely reports a crime to either Tribal or Federal authorities with the intent to have another person falsely accused of a crime shall be subject to the same penalties as set out above in Paragraph 5.

7. That this Resolution shall be reduced to Ordinance form and added to Chapter 5, Criminal Offenses, of the Blackfeet Tribal Law and Order Code of 1967, as amended and shall also be added to the Blackfeet Personnel Policies under the disciplinary provisions.

8. That notice of this Resolution shall be sent to all Blackfeet Tribal programs and entities as well as published twice in the Glacier Reporter, and the costs of such publication shall be paid for by the Blackfeet Personnel Department.

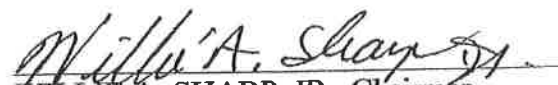
9. That the Chairman and Secretary of the Blackfeet Tribal Business Council shall sign this Resolution and Subsequent Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR., Chairman
Blackfeet Tribal Business Council

Resolution No. 41-2011
Page 4

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the **Blackfeet Tribal Business Council** in a duly called, noticed, and convened General Session held on the 14th Day of October, 2010, with nine (9) members present to constitute a quorum and by a vote of nine (9) FOR, and zero (0) OPPOSED, and zero (0) ABSTAINING.

(SEAL)



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

ORDINANCE

No. 106

WHEREAS, The Blackfeet Tribal Business Council has adopted Resolution No. 41-2011 and has stated its action should be added as an offense to Chapter 5, Criminal Code of the Blackfeet Tribal Law and Order Code of 1967, as amended, now

THEREFORE, BE IT ORDAINED as follows:

That the Criminal Code of the Blackfeet Tribe found in Chapter 5 of the Blackfeet Tribal Law and Order Code of 1967, as amended is hereby amended to include the following criminal offense as the last number of that Chapter and shall be entitled "Retaliation Against Tribal Employees and Other Persons and False Reporting", as follows:

Section IV, 16, Retaliation Against Tribal Employees and Other Persons and False Reporting.


- A. Any person directly associated with the Blackfeet Tribal government who knowingly engages in any harassment, retaliation, threat, either verbal or physical, or any conduct which causes bodily injury against any Tribal employee or any other person directly associated with the Blackfeet Tribal Government when such employee or person has, in good faith, reported a violation of Tribal or Federal law to the proper authorities, shall be guilty of an offense and fined the sum of up to \$5,000.00, or jailed for a period not to exceed three (3) years, or both. In addition, any person, if employed by the Blackfeet Tribe as a Director or Supervisor, if found guilty of this offense, shall be immediately terminated from employment with the Blackfeet Tribe and shall be barred from further such employment for a period of five (5) years and from being a Director or Supervisor for a period of eight (8) years. Any member of the Blackfeet Tribal Council found guilty of this offense shall be removed from the Tribal Council and barred from holding office for two (2) terms pursuant to the provisions of the Blackfeet Constitution. Any other person so convicted shall be barred from tribal employment for five (5) years.

Ordinance No. 106
Page 2


- B. Any person who falsely report a crime to the authorities, with the intent to have another person falsely accused of a crime shall be guilty of an offense and subject to the same penalties as set forth in subsection A above.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR., Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened General Session held on the 14th. Day of October, 2010, with nine (9) members present to constitute a quorum and by a vote of nine (9) FOR and zero (0) OPPOSED and zero (0) ABSTAINING.

(SEAL)



T.J. Show, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T. J. SHOW
PAUL McEVERS
RONALD "SMILEY" KITTSOON
RODNEY "FISH" GERVAIS
ROGER "SASSY" RUNNING CRANE
REIS FISHER
HENRY BUTTEFLY

RESOLUTION

NUMBER 07-2010

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council is empowered pursuant to Article VI, Section 1(k), to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation; and

WHEREAS, Ordinance 67, adopted by the Blackfeet Tribal Council in 1983 was enacted to give due respect to the elected members of the Blackfeet Tribal Council and established penalties for threatening, assaulting, intimidating or interfering with Blackfeet Tribal Council members when such members are engaged in performing their official duties; and

WHEREAS, There is a need to amend such ordinance to include penalties for defamatory communication that harms the reputation or integrity of members of the Blackfeet Tribal Council which lowers the respect that such individuals have in the estimation of the community, now

THEREFORE BE IT RESOLVED as follows:

1. That the Blackfeet Tribe hereby adopts an amendment to Blackfeet Ordinance Number 67 which creates penalties for certain acts against an elected member of the Blackfeet Tribal Business Council, including the use of loud or profane language which disrupt Council meetings, harassment without merit, the distribution of false or misleading documents or writings, the making of slanderous or libelous statements, false innuendoes or misleading statements made to harm, injure, discredit or causing the Member to be exposed to hatred, ridicule or contempt. That the penalties shall increase to one (1) year in jail and/or a \$5,000.00 fine.

2. That upon approval of this Resolution this law shall go into immediate effect and shall become the law of the Blackfeet Tribe

3. That the Chairman and Secretary of the Blackfeet Tribal Business Council are authorized to sign this Resolution on behalf of the Blackfeet Tribal Business Council

ATTEST

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T.J. SHOW, SECRETARY
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR., CHAIRMAN
Blackfeet Tribal Business Council

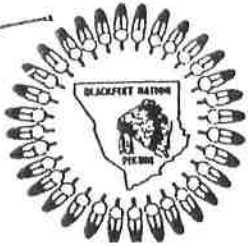
CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened Regular Session assembled for business on the 8th. day of October, 2009 with eight (8) members present to constitute a quorum and by a vote of 8 members FOR 0 members AGAINST and 0 members ABSTAINING.

(Corporate Seal)



T.J. SHOW, SECRETARY
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O BOX 850 BROWNING, MONTANA 59417

(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

WILLIAM "ALLEN" TALKS ABOUT - CHAIRMAN
PATRICK THOMAS - VICE CHAIRMAN
FRED GUARDIPEE - SECRETARY
JOE GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "ALLEN" TALKS ABOUT
PATRICK THOMAS
FRED GUARDIPEE
JAY ST. GODDARD
JIMMY ST. GODDARD
HUGH MONROE
EARL OLD PERSON
PATRICK SCHILDT
BETTY COOPER

EXECUTIVE RESOLUTION

No. EX217-2005

WHEREAS, the Blackfeet Tribal Business Council is the duly constituted governing body within the boundaries of the Blackfeet Indian Reservation, and

WHEREAS, the Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, in accordance with Article VI, Section 1(k) of the Constitution for the Blackfeet Tribe, the Blackfeet Tribal Business Council is empowered to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation and others who may temporarily be present on the Blackfeet Indian Reservation, and

WHEREAS, the Blackfeet Tribal Business Council recognizes that alcoholism is an illness and that alcoholics or intoxicated persons should not be subject to criminal prosecution because of their mere consumption of alcohol but should be offered treatment services or other appropriate alternatives, and

WHEREAS, the Blackfeet Law and Order Code at Chapter 5 relating to criminal offenses does not provide for the non-criminal treatment alcoholic, intoxicated or incapacitated persons who are publicly intoxicated, and

WHEREAS, the Office of the Prosecutor and law enforcement agencies serving the Blackfeet Indian Reservation have been required under Chapter 5 to charge those who are publicly intoxicated with the criminal offense of disorderly conduct, and

WHEREAS, the Office of the Prosecutor and law enforcement agencies serving the Blackfeet Indian Reservation have expressed to the members of the Blackfeet Tribal Business Council of their concern of unnecessarily charging one who is publicly intoxicated with a criminal offense, and

WHEREAS, the Blackfeet Tribal Business Council believes that it is in the best interest of the Blackfeet Nation and affected persons that the Blackfeet Law and Order Code be

amended to provide for the decriminalization of those persons who are publicly intoxicated and who have been charged with the criminal offense of disorderly conduct, and

WHEREAS, the Blackfeet Tribal Business Council believes that non-criminal treatment of intoxicated persons should be effective immediately as part of the law enforcement plan for the North American Indian Days Celebration, 2005, and the Heart Butte Society Celebration, 2005, now

THEREFORE, BE IT RESOLVED that the Blackfeet Tribal Business Council does hereby authorize the Blackfeet Legal Department to prepare an amendment to the Blackfeet Law and Order Code which will decriminalize public intoxication but will permit such intoxicated or incapacitated person to be taken into protective custody by law enforcement officers.

BE IT FURTHER RESOLVED that until such time as the Blackfeet Tribal Business Council adopts the above-referred amendment, the Blackfeet Tribal Business Council immediately authorizes for enforcement the following:

1. "Intoxicated person" is defined as a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol.
2. "Incapacitated person" is defined as a person who, as a result of the use of alcohol, is unconscious or has judgment so impaired that the person is incapable of realizing and making a rational decision with respect to his or her health, safety or need for medical treatment.
3. "Alcoholic" is defined as a person who has a chronic illness or disorder of behavior characterized by repeated drinking of alcoholic beverages to the extent that it endangers the health, interpersonal relationships, or economic function of the individual or endangers the public health, welfare, or safety.
4. A person who appears to be intoxicated or incapacitated by alcohol in public does not commit a criminal offense solely by reason of being in such condition of intoxication or incapacity but a law enforcement officer may, for the safety and protection of the person, detain the intoxicated or incapacitated person.
5. A person who appears to be intoxicated in a public place and who appears to be in need of help may be assisted by a law enforcement officer to the person's home, treatment facility or health facility upon the consent of the person.
6. A person who appears incapacitated by alcohol use must be taken into protective custody by a law enforcement officer and must be taken to an emergency medical service facility.
7. Alternatively, a law enforcement officer may detain the intoxicated or incapacitated person in jail until the person is no longer a risk to himself, herself, or others when such intoxication or incapacity is the result of alcohol use.

- 8. A law enforcement officer taking an intoxicated or incapacitated person into protective custody must make every reasonable effort to protect the person's health and safety.
- 9. The detaining law enforcement officer may take reasonable steps for the officer's own protection when taking a person into protective custody.
- 10. No entry or other record may be made which indicates that the detained person taken into protective custody has been arrested or charged with a criminal violation.
- 11. A detaining law enforcement officer, acting within the scope of this authority when taking a person into protective custody, shall not be personally liable for his actions.

BE IT FURTHER RESOLVED that the above authority shall take effect immediately upon the adoption of this resolution and shall remain in effect until such time as the Blackfeet Tribal Business Council takes further action.

BE IT FURTHER RESOLVED that this authority shall not be applicable to persons who are seventeen (17) years of age or younger.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**

Betty N Cooper

BETTY COOPER
 Secretary

Patrick Thomas Acting

PATRICK "PAT" THOMAS
 Acting Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Executive Session assembled the 7TH day of July, 2005, with four (4) members present to constitute a quorum and with a vote of 4 FOR, 2 OPPOSED and 2 ABSTAINING.

(SEAL)

Betty N. Cooper

BETTY COOPER
 Secretary



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "ALLEN" TALKS ABOUT - CHAIRMAN
PATRICK THOMAS - VICE CHAIRMAN
FRED GUARDIPEE - SECRETARY
JOE GERVAIS - TREASURER

WILLIAM "ALLEN" TALKS ABOUT
PATRICK THOMAS
FRED GUARDIPEE
JAY ST. GODDARD
JIMMY ST. GODDARD
HUGH MONROE
EARL OLD PERSON
PATRICK SCHILDT
BETTY COOPER

R_E_S_O_L_U_T_I_O_N

Number #37-2005

WHEREAS, the Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, the Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation; and

WHEREAS, Article VI, Section 1 (k) of the Constitution, Bylaws and Charter of the Blackfeet Tribe empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation, and

WHEREAS, the Council has heretofore considered the request of the Blackfeet Tribal Court to readdress the bond schedule for Drug related offenses to establish reasonable bonds which fit the crime charged, now

THEREFORE BE IT RESOLVED, that the Blackfeet Tribal Business Council does hereby amend Tribal Ordinance #95 - Bond Schedule, as follows:

CHAPTER 1 -

- A. Criminal Sale of Dangerous Drugs
(1) Cash bond of \$5,000.00

- B. Criminal Possession of Dangerous Drugs**
(1) Discretion of the Judge, using the old Blackfeet Tribal Court Bond Schedule as guidance.
- C. Criminal Possession of Dangerous Drugs with Intent to Deliver or Sell.**
(1) Cash bond of \$5000.00
- D. Fraudelently Obtaining Drugs**
(1) Cash bond of \$4,000.00
- E. Criminal Sale of Imitation Dangerous Drugs**
(1) Cash bond of \$4,000.00
- F. Criminal Possession of imitation Dangerous Drugs with Intent to Sell.**
(1) Cash bond of \$5,000.00
- G. (A) Criminal Possession of Toxic Substance**
(1) Discretion of the Judge, using the old Blackfeet Tribal Court Bond Schedule as guidance.
- G. (B) Criminal Sale of Dangerous Drugs to a Minor**
(1) Cash bond of \$10,000.00
- H. Possession of Drug Paraphenalia**
(1) Discretion of the Judge, using the old Blackfeet Tribal Court Bond Schedule as guidance.

BE IT FINALLY RESOLVED, that the Blackfeet Tribal Business Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

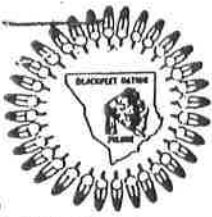
Betty N. Cooper
Fred Guardipee, Secretary ACTING
Blackfeet Tribal Business Council

William A. Talks About
William Talks About, Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened in a special session assembled for business the 12th day of November, 2004, with members present to constitute a quorum and by a vote of Seven members for and zero members opposed.

Betty N. Cooper
Fred Guardipee, Secretary ACTING
Blackfeet Tribal Business Council



BLACKFEET NATION

7-2-00
RECEIVED

P.O. Box 850 • BROWNING, MONTANA 59417
(406) 338-7521 • FAX 338-7530

JUL 12 2000

BLACKFEET LEGAL DEPT.

EXECUTIVE COMMITTEE

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "BILL" OLD CHIEF - CHAIRMAN
ROGER RUNNING CRANE - VICE CHAIRMAN
GEORGE HEAVY RUNNER - SECRETARY
HOWARD DOORE - ACTING SECRETARY
JOE A. GERVAIS - TREASURER

WILLIAM "BILL" OLD CHIEF
ROGER RUNNING CRANE
GEORGE HEAVY RUNNER
HOWARD DOORE
KEN TALKS ABOUT
BERNARD ST. GODDARD
CARL KIPP
HUGH MONROE
ROCK B. GOBERT, JR.

Ordinance No. #97

WHEREAS: The Blackfeet Tribal Business Council is the Duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interest, education and resources of the Blackfeet Indian reservation, and

WHEREAS, Article VI, Section 1(K) of the Constitution and By-Laws of the Blackfeet Indian Reservation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purposes of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation, and

WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that numerous individuals have been harmed by slanderous, defamatory public statements , and

WHEREAS, The Blackfeet Tribal Business Council has met and addressed the harm to individuals impacted by the slanderous and defamatory statements, and

WHEREAS, The Blackfeet Tribal Business Council determined that a criminal law must be imposed to criminally sanction individuals who issue slanderous and defamatory public statements, now

THEREFORE BE IT RESOLVED THAT Chapter 5, Part II, of the Blackfeet Law and Order Code of 1967 as amended, be again amended to include "Section 11: Criminal Defamation."

BE IT FURTHER RESOLVED that Chapter 5, Part II, Section 11 shall read as follows:

RECEIVED

JUL 1 2000

CRIMINAL DEFAMATION


BLACKFEET LEGAL DEPT

- (1) Defamatory matter is anything that exposes a person or a group, class, or association to hatred, contempt, ridicule, degradation, or disgrace in society or injury to the person's or its business or occupation.
- (2) Whoever, with knowledge of its defamatory character, orally, in writing, or by any other means communicates any defamatory matter to a third person without the consent of the person defamed commits the offense of criminal defamation and may be sentenced to imprisonment for not more than 6 months or a fine of not more than \$1000.00 or both.
- (3) Subsection (2) is not violated if:
 - (a) the defamatory matter is true;
 - (b) the communication is absolutely privileged;
 - (c) the communication consists of fair comment made in good faith with respect to persons participating in matters of public concern;
 - (d) the communication consists of a fair and true report or a fair summary of any judicial, legislative, or other public or official proceedings; or
 - (e) the communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with the purpose to further the interest or duty.
- (4) A person may not be convicted on the basis of an oral communication of defamatory matter except upon the testimony of at least two other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty or nolo contendere.

ATTEST:

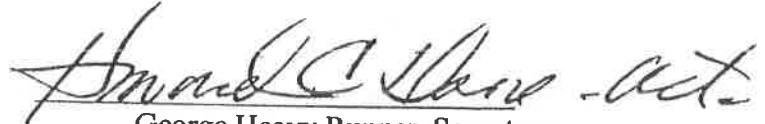
THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION


George Heavy Runner, Secretary


William Old Chief, Chairman

Certification

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council on July 3, 2000, with a vote of Six for, and None opposed, and Three absent, pursuant to the authority vested in it by the Blackfeet Tribal Constitution, By-Law, and Charter.


George Heavy Runner, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
BERNARD ST. GODDARD, VICE-CHAIRMAN
ROLAND KENNERLY, SECRETARY
LAINE GUARDIPEE, TREASURER

EARL OLD PERSON
BERNARD ST. GODDARD
ROLAND KENNERLY
MARLENE BEAR-WALTER
TED WILLIAMSON
ARCHIE ST. GODDARD
JIMMY ST. GODDARD
GABE GRANT
CARL KIPP

MAY 27, 1997

E-X-C-E-R-P-T

NUMBER: E97-74

AMENDMENT TO ORDINANCE #95/BOND SCHEDULE: Kathleen Fleury, Tribal Attorney presented an amendment to Drug Ordinance #95 for Council review and approval. The amendment would add the following Bond Schedule:

CHAPTER 1

- A. Criminal Sale of Dangerous Drugs
(1) Cash bond of \$5,000.00
- B. Criminal Possession of Dangerous Drugs
(1) Cash Bond of \$5,000.00
- C. Criminal Possession of Dangerous Drugs with intent to deliver or sell.
(1) Cash bond of \$5,000.00
- D. Fraudulently obtaining Dangerous Drugs
(1) Cash Bond/Bondsman \$4,000.00
- E. Criminal Sale of imitation Dangerous Drugs.
(1) Cash Bond of \$4,000.00
- F. Criminal Possession of Imitation Dangerous Drugs with intent to sell.
(1) Cash Bond of \$5,000.00
- G. (A) Criminal Possession of Toxic Substance.
(1) Cash Bond/Bondsman \$2,000.00
- G. (B) Criminal Sale of Dangerous Drugs to a minor.
(1) Cash Bond of \$10,000.00
- H. Possession of Drug Paraphernalia.
(1) Cash Bond/Bondsman of \$3,500.00


AMENDMENT TO ORDINANCE #95/BOND SCHEDULE (Cont'd): Ms. Fleury advised of one bond which may be challengeable as according to the Indian Civil Rights Act, there are limits on what Tribes can impose.

Roland Kennerly made a motion to amend Drug Ordinance #95, with the above listed Bond Schedule. as presented. Seconded by Tod Williamson and carried unanimously.

CERTIFICATION

I hereby certify that the foregoing Excerpt is a true copy taken from the Minutes of the Blackfeet Tribal Business Council during a duly called, noticed and convened Special Session held the 23rd day of May, 1997 with Six (6) members present to constitute a quorum.

(CORPORATE SEAL)



Roland Kennerly, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

FAX 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
ELAINE GUARDIPEE, TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL


EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KOOKING WOMAN
ROGER RUNNING CRANK
TED WILLIAMSON

R E S O L U T I O N

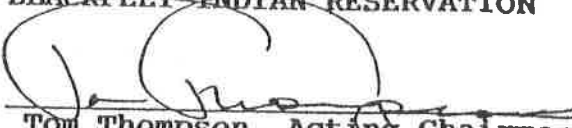
NUMBER: 139-96

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council is responsible pursuant to the Constitution of the Blackfeet Tribe, Article VI, Section 1 (k) for adopting codes, and ensuring adequate procedures for the function of the Blackfeet Tribal Court, and
- WHEREAS, The Tribal Council has considered the need to amend the Law and Order Code of the Blackfeet Tribe; and recognizing the need for community input, community meetings were held in Browning, Heart Butte and Seville, and
- WHEREAS, The Tribal Council concluded that it is in the best interest of the community and best effectuates the sovereignty of the Blackfeet Tribe to update and more definitively define the Criminal Offenses section of the Law and Order Code and to increase the penalties in accordance with the 1986 Amendments to the Indian Civil Rights Act, now
- THEREFORE BE IT RESOLVED, That the Blackfeet Tribal Business Council does hereby formally adopt the amendments to the Blackfeet Law and Order Code, Criminal Offenses Section, Chapter 5, as attached and by this reference made a part hereof, to be effective as of this date, and
- BE IT FINALLY RESOLVED, That the Blackfeet Tribal Business Council officers are hereby delegated the authority and responsibility to sign all documents necessary to effectuate this action.

ATTEST:



Gabe Grant, Secretary
Blackfeet Tribal Business
Council


THE BLACKFEET TRIBE OF THE
~~BLACKFEET~~ INDIAN RESERVATION


Tom Thompson, Acting Chairman
Blackfeet Tribal Business
Council

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened Special Session assembled for business the 25th day of March, 1996, with Six (6) members present to constitute a quorum, and by unanimous vote to approve this Resolution.

(CORPORATE SEAL)



Gabe Grant, Secretary
Blackfeet Tribal Business Council

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
ELAINE GUARDIPEE, TREASURER

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KICKING WOMAN
ROGER RUNNING CRANE
TED WILLIAMSON

RESOLUTION

No. 232-95

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been advised and informed that there currently exists three different curfew laws which are found in the Blackfeet Tribal Law and Order Code, the Blackfeet Juvenile Code and the Blackfeet Tribal Family Court Code, and

WHEREAS, The Blackfeet Tribal Business Council is desirous of adopting a uniform curfew law which applies throughout the Blackfeet Indian Reservation, now

THEREFORE BE IT RESOLVED:

1. That the Blackfeet Tribal Business Council hereby amends Chapter 5, Section 44 of the Blackfeet Tribal Law and Order Code, entitled "Curfew" as follows:
 - a. Insert after "11:00 p.m.", "- 6:00 a.m."
 - b. Insert after "10:00 p.m.", "- 6:00 a.m."
 - c. Delete the language after 10:00 p.m. on line four through the end of the clause.
 - d. Insert on line twelve the word "civil" after "an", which word is then changed to "a".
 - e. Delete beginning on line twelve with the word "be" the rest of this clause.

*Repealed
by new Ch 5*

f. Insert after "shall" beginning on line twelve "pay a civil fine of up to one hundred dollars (\$100.00)".

2. The Blackfeet Tribal Juvenile Code is amended to likewise adopt the amendments to Chapter 5, Section 44 with respect to the curfew times and also the age of the minor children who shall be subject to these laws.

3. The aforementioned Section 44 shall be removed from the Chapter of the Blackfeet Tribal Law and Order Code entitled Criminal Offenses and placed in the Civil Laws Chapter of said Law and Order Code.

4. That notice of the aforementioned laws and these amendments shall be sent to the School Boards at Browning, East Glacier and Heart Butte, and also to the Bureau of Indian Affairs, the Blackfeet Tribal Court and Family Court, the Blackfeet Juvenile Department and KSEN Radio.

5. That these laws shall become effective immediately and copies of the aforementioned changes are hereby attached to this Resolution.

6. That the Chairman and Secretary are hereby authorized to sign this Resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

151
GABE GRANT
Secretary

151
EARL OLD PERSON
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session, assembled the 8 day of May, 1995, with Seven (7) members present to constitute a quorum, and with a vote of 7 FOR and 0 OPPOSED.

(SEAL)

151
GABE GRANT
Secretary

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
BERNARD ST. GODDARD, VICE-CHAIRMAN
ROLAND KENNERLY, SECRETARY
ELAINE GUARDIPEE, TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
BERNARD ST. GODDARD
ROLAND KENNERLY
MARLENE BEAR-WALTER
TED WILLIAMSON
ARCHIE ST. GODDARD
JIMMY ST. GODDARD
GABE GRANT
CARL KIPP

ORDINANCE # 95

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, Article VI, Section 1 (k) of the Constitution and By-Laws of the Blackfeet Indian Reservation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purposes of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation, and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that there is increasing incidents of reported drug use and abuse within the exterior boundaries of the Blackfeet Reservation, and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that the present laws related to Dangerous Drugs are incapable of being enforced due to their complexities and lack of relationship to the problems present on the Blackfeet Reservation, and
- WHEREAS, For a period of one (1) year from the date this Ordinance is adopted there shall be "Zero Tolerance" on the Blackfeet Indian Reservation, and
- WHEREAS, "Zero Tolerance" may be extended by a motion to, and approved by the Blackfeet Tribal Business Council, now
- THEREFORE BE IT HEREBY ORDAINED, That Ordinance 77 and Chapter 5 Part V, Offenses Involving Dangerous Drugs of the Blackfeet Indian Reservation are hereby repealed and that the attached set of laws, entitled "Offenses Involving Dangerous Drugs" be adopted as Chapter 5, Section V of the Blackfeet Law and Order Code of 1967, as amended.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


Roland Kennerly, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session assembled for business on the 9th day of January, 1997 with Six (6) members present to constitute a quorum and by a unanimous vote of said members present.

(CORPORATE SEAL)


Roland Kennerly, Secretary
Blackfeet Tribal Business Council

OFFENSES INVOLVING DANGEROUS DRUGS

DEFINITIONS:

- (1) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser of dangerous drugs; for the purpose of this section, includes a common or contract carrier, public warehouseman or employee of the carrier or warehouseman who possesses a dangerous drug in the usual course of his legal business or employment.
- (2) "Compound" means any process in which two or more chemicals substances are mixed together to form a dangerous drug.
- (3) "Conveyance" means anything that may be used for the purpose of transporting dangerous drugs: such term includes, but is not limited to, motor vehicles, airplanes, boats, livestock, and any container.
- (4) "Dangerous Drug" means any substance which is included in the Federal Schedules of Controlled Substances, found at Title 21 U.S.C. Section 812.
- (5) "Forfeiture" means the legal process by which the Blackfeet Tribal Court System shall take control of any property used in the manufacture, transport, or sale of any dangerous drug.
- (6) "Imitation Dangerous Drugs" means a substance that is not a dangerous drug, but that is expressly or impliedly represented to be a dangerous drug or to simulate the effect of a dangerous drug and the appearance of which, including the color, shape, size and markings, could lead a reasonable person to believe that the substance is a dangerous drug.
- (7) "Manufacture" means any act which would result in the creations of a dangerous drug.
- (8) "Practitioner" means a physician, dentist, pharmacist, nurse, veterinarian, or other person licensed, registered or otherwise permitted to distribute, dispense or administer dangerous drugs in the course of a professional practice.
- (9) "Prepare" means any act which would tend to make a dangerous drug ready for sale.
- (10) "Prescription" means a written direction for the preparation, distribution, and therapeutic use of a medicine.

- (11) "Prescribed Medication" means a medication that is obtained through a prescription prepared by a practitioner.
- (12) "Process" means any act or series of acts which is intended to produce a dangerous drug.
- (13) "Possession" means the knowing control of a dangerous drug or drug paraphernalia for a sufficient period of time to be able to terminate control.
- (14) "Ultimate User" means a person who lawfully possesses a dangerous drug for his/her own use, for the use of a member of his/her household, or for administration to an animal owned or controlled by him/her or by a member of his/her household.
- (15) "Zero Tolerance" shall mean that possession or sale of any amount, no matter how small, of any dangerous drug within the exterior boundaries of the Blackfeet Reservation is a violation of this Ordinance.

CHAPTER 1

A. CRIMINAL SALE OF DANGEROUS DRUGS

- (1) A person commits the offense of Criminal Sale of Dangerous Drugs if he/she sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away, or manufactures, prepares, cultivates, compounds or processes any dangerous drug no matter how small of an amount.
- (2) A person convicted of the Criminal Sale of Dangerous Drugs shall be imprisoned for a mandatory minimum term of six (6) months, not to be suspended or deferred, and shall be fined One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.
- (3) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

B. CRIMINAL POSSESSION OF DANGEROUS DRUGS

- (1) A person commits the offense of Criminal Possession of Dangerous Drugs if he/she possesses any amount of a dangerous drug.
- (2) A person convicted of Criminal Possession of Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and shall be fined in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). The minimum fine must be imposed as a condition of a suspended or deferred sentence. Fine to be paid after sentence term or served at a rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Ultimate Users, Practitioners, and Agents, acting in the lawful usual course of their professional practice or business are exempt from this subsection.

C. CRIMINAL POSSESSION OF A DANGEROUS DRUG WITH INTENT TO DELIVER OR SELL

(1) A person commits the offense of Criminal Possession with Intent to Deliver or Sell if he/she possesses with intent to sell any dangerous drug. No person commits the offense of Criminal Possession with Intent to Sell Marijuana unless he/she possesses fourteen (14) grams of marijuana or more.

(2) A person convicted of the offense of Criminal Possession with Intent to Deliver or Sell shall be imprisoned for a mandatory term of one (1) year, not to be suspended or deferred, and shall be fined in an amount of One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at a rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

D. FRAUDULENTLY OBTAINING DANGEROUS DRUGS

- (1) A person commits the offense of Fraudulently Obtaining Dangerous Drugs if he/she obtains or attempts to obtain a dangerous drug by:
 - (a) fraud, deceit, misrepresentation, or subterfuge:
 - (b) the use of a forged, altered or fictitious prescription:
 - (c) the use of a false name or address on a prescription:
 - (d) the concealment of a material fact; or
 - (e) the representation that he/she is a manufacturer, wholesaler, distributor, or dispenser of dangerous drugs.
- (2) A person convicted of Fraudulently Obtaining Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and a fine of at least Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

E. CRIMINAL SALE OF IMITATION DANGEROUS DRUGS

- (1) A person commits the offense of Criminal Sale of Imitation Dangerous Drugs if he/she knowingly or purposely sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away any imitation dangerous drugs.

(2) A person convicted of Criminal Sale of Imitation Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and fined in an amount of at least Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

F. CRIMINAL POSSESSION OF IMITATION DANGEROUS DRUGS WITH INTENT TO SELL

(1) A person commits the offense of Criminal Possession of Imitation Dangerous Drugs with Intent to Sell if he possesses with intent to sell any imitation dangerous drugs.

(2) A person convicted of Criminal Possession of Imitation Dangerous Drugs with Intent to Sell shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence or served at the rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

G. CRIMINAL POSSESSION OF TOXIC SUBSTANCES

- (1) A person commits the offense of Criminal Possession of Toxic Substances if he/she inhales, ingests, or possesses with the intent to inhale or ingest, for the purpose of altering his/her mental state, any substance with toxic effects that is not manufactured for human consumption or inhalation; including, but not limited to, rubbing alcohol, gasoline, fingernail polish, paint and paint thinners, acetone, aerosol propellants, and chemical solvents.
- (1) A person convicted of the offense of Criminal Possession of Toxic Substances shall be imprisoned for a mandatory term of not less than one (1) month nor more than three (3) months and be fined in an amount not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Fine to be paid after sentence or served at the rate of Twenty-Five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months

G. CRIMINAL SALE OF DANGEROUS DRUGS TO A MINOR

- (1) A person commits the offense of Criminal Sale of Dangerous Drugs to a Minor if he/she knowingly or should have known that the person receiving the Dangerous Drug, was under the age of Eighteen (18) years of age.
 - (a) Sale shall mean if he/she sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away, any amount of a Dangerous Drug.

(2) A person convicted of Criminal Sale of Dangerous Drugs to a Minor shall be imprisoned for a mandatory sentence of One (1) year and fined in the amount of One Thousand Dollars (\$1,000.00) not to be suspended or deferred. Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

H. POSSESSION OF DRUG PARAPHERNALIA

- (1) A person commits the offense of Possession of Drug Paraphernalia if he/she has any equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:
- (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous drug can be derived.
 - (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs.
 - (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a dangerous drug.
 - (d) Testing equipment used, intended for use in identifying or in analyzing the strength, effectiveness, or purity of dangerous drugs.
 - (e) Scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs.

- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, dextrose, and lactose, used, intended for use, or designed for use in "cutting" dangerous drugs.
 - (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
 - (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding dangerous drugs.
 - (i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of dangerous drugs.
 - (j) Containers and other objects used, intended for use, or designed for use in storing or concealing dangerous drugs.
 - (k) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashishoil, or other dangerous drugs as defined by Title 21 U.S.C. Section 812, into the human body, such as:
 - (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) water pipes or carburetor tubes and devices;
 - (iii) smoking and carburetor masks;
 - (iv) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (v) miniature cocaine spoons and cocaine vials;
 - (vi) chamber, carburetor, electric, or air-driven pipes;
 - (vii) chillums
 - (viii) bongs
 - (ix) ice pipes or chillers;
- (2) Words or phrases used in this part that are not defined by this Section have the meaning given them by the definitions contained in this Ordinance unless the usage clearly indicates a different intent.
- (3) In determining whether an object is drug paraphernalia, the following shall be considered, in addition to all other logically relevant factors:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
 - (b) Prior convictions, if any, of an owner or of anyone in control of the object, under any tribal, state, or federal law relating to any controlled substance or dangerous drug.
 - (c) The proximity of the object, in time and space, to a direct violation of this ordinance.
 - (d) The proximity of the object to dangerous drugs.
 - (e) The existence of any residue of dangerous drugs on the object.
 - (f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he/she knows, or should reasonably know, intends to use the object to facilitate a violation of this Ordinance. The innocence of any owner or of anyone in control of the object as to a direct violation of this Ordinance does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
 - (g) Instructions, oral or written, provided with the object concerning its use.
 - (h) Descriptive materials accompanying the object which explain or depict use.
 - (i) National or local advertising concerning its use.
 - (j) The manner in which the object is displayed for sale.
 - (k) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer, of tobacco products.
 - (l) Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
 - (m) The existence and scope of legitimate uses for the object in the community.
 - (n) Expert testimony concerning its use.
- (3) A person convicted of the offense of Possession of Drug paraphernalia shall be imprisoned for not less than forty-five (45) days nor more than six (6) months and shall be fined in an amount not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00). The minimum fine must be imposed as a condition of a suspended or deferred sentence. Fine to be paid after sentence term or served at a rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

I. ALTERNATE SENTENCING AUTHORITY

A person convicted under subsections A, B, C, D, E, F, G, or H above, if shown to be an excessive or habitual user of dangerous drugs or toxic substances, either from the face of his/her record or by a presentation of evidence to the sentencing judge, may after the offender has served at least one (1) month of the sentence and at the discretion of the Court, be committed to the custody of any institution for rehabilitative treatment for a term of not less than three (3) months and then returned to complete the rest of the sentence. Payment for such treatment shall be arranged by the offender or his/her family and shall not be borne by the Blackfeet Nation or the Blackfeet Tribal Court.

I. SEIZURES AND FORFEITURE RELATED TO DANGEROUS DRUGS

(1) The following Property is subject to forfeiture to the Blackfeet Tribal Court:

(a) All dangerous drugs seized pursuant to this Ordinance;

(b) All money, raw materials, products, and equipment of any kind that is used or intended for use in manufacturing, preparing, cultivating, compounding, processing, delivering, importing, or exporting any dangerous drug in violation of this Ordinance.

(c) All property used or intended for use as a container for anything listed in (a) or (b) above.

- (d) All conveyances which are used or intended for use in unlawfully transporting or in any manner facilitating the transportation of anything listed in (a) or (b) above.
- (e) All conveyances in which a dangerous drug is unlawfully kept, deposited, or concealed.
- (f) All books, records, and research products and materials, including formulas, microfilm, tapes, and data, that are used or intended for use in violation of this Ordinance.
- (g) All equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug.
- (h) Everything of value furnished or intended to be furnished in exchange for a dangerous drug in violation of this Ordinance; all proceeds traceable to such an exchange; and all money, negotiable instruments; and securities used or intended to be used to facilitate any violation of this Ordinance.

(2) Exceptions to Forfeiture:

- (a) No conveyance used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this subsection unless it appears that the owner or other person in charge of the conveyance is a consenting party to or knowledgeable of a violation of this Ordinance.
- (b) No conveyance is subject to forfeiture under this subsection because of any act or omission established by the owner of the conveyance to have been committed or omitted without his/her knowledge or consent.
- (c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he/she neither had knowledge of nor consented to any violation of this Ordinance.

(3) When Property may be seized:

- (a) A law enforcement officer who has probable cause to make an arrest for a violation of this Ordinance, probable cause to believe that a conveyance has been used or is intended to be used to unlawfully transport a dangerous drug, or probable cause to believe that a conveyance has been used to keep, deposit, or conceal a dangerous drug shall seize the conveyance so used or intended to be used. The Officer shall immediately deliver a conveyance that is sized to the Bureau of Indian Affairs, Law Enforcement Services, Blackfeet Indian Agency, Browning, Montana, to be held as evidence until forfeiture is declared or release is ordered.
- (b) All property subject to forfeiture under this Ordinance, may be seized by a law enforcement officer under a search warrant issued by the Blackfeet Tribal Court. Seizure without a warrant may be made if:
 - (i) The seizure is made incident to an arrest or a search under a search warrant issued for another purpose or an inspection under an administrative inspection warrant;
 - (ii) The property subject to seizure has been the subject of a prior judgment in favor of the Blackfeet Nation in a criminal proceeding or a forfeiture proceeding based on this Ordinance.
 - (iii) The law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety.
 - (iv) The law enforcement officer has probable cause to believe that the property was issued or is intended to be used in violation of the criminal provisions of this Ordinance.
 - (v) The law enforcement officer has probable cause to believe that the property will be removed from the Blackfeet Reservation jurisdiction if not seized at that time.

(4) Forfeiture of Property:

(a) Petition to Institute Forfeiture Proceedings:

(i) Any law enforcement officer or agency that seizes any property pursuant to this Ordinance shall, within forty-five (45) days, file a petition to institute forfeiture proceedings with the Clerk of the Blackfeet Tribal Court. The Clerk shall issue a summons at the request of the petitioning party who shall cause the same to be served upon all owners or claimants of the property.

(b) Answer to Allegations Concerning the Use of Property.

(i) Within twenty (20) days after the service of the petition and summons, the owner or claimant of the property shall file an answer to the allegations. No extension of time for filing the answer may be granted, and failure to answer within the specified time bars the owner or claimant from presenting any evidence at any subsequent hearing.

(c) Procedure Following Answer or Expiration of Time for Answering:

(i) There is a rebuttable presumption of forfeiture of property.

(ii) If an answer to the petition is not filed within twenty (20) days after the service of the petition and summons, the Court, upon motion, shall order the property forfeited to the Blackfeet Nation.

(iii) If an answer is timely filed, the forfeiture proceeding shall be set for hearing, without a jury, not more than sixty (60) days after the answer is filed.

(d) Proof Required or Permitted at Hearing to Rebut the Presumption of Forfeiture.

(i) An owner of the property, who has an answer on file, must prove that the conveyance was not used for the purpose charged.

(ii) An owner of the property, who has an answer on file, must prove, in the alternative, that the use of the property occurred without his/her knowledge or consent.

(iii) A claimant of a secured interest in the property, who has an answer on file, must prove that his/her interest in bona fide and that it was created without the knowledge that the property was being used or was to be used for the purpose charged.

(e) Disposition of Property Following Hearing.

(i) If the Court finds that the property was not used for the purpose charged or that the property was used without the knowledge or consent of the owner, it shall order the property released to the owner of record as of the date of the seizure.

(ii) If the Court finds that the property was used for the purpose charged and that the offender is a daughter or son of the owner, the property shall be forfeited.

(iii) If the Court finds that the property was used for the purpose charged and that it was with the knowledge or consent of the owner, the property shall be disposed of as follows:

(A) If proper proof of his/her claim is presented at the hearing by the holder of a security interest, the Court shall order the property released to the holder of the security interest with all title, right and interest to the owner extinguished. If the value of the property is more than the security interest, the additional value shall be returned to the Blackfeet Tribal Court.

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406)338-7179

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
ARCHIE ST. GODDARD, VICE CHAIRMAN
MARVIN WEATHERWAX, SECRETARY
ELOUISE C. COBELL, TREASURER

TRIBAL COUNCIL

EARL OLD PERSON
ARCHIE ST. GODDARD
MARVIN D. WEATHERWAX
ROLAND F. KENNERLY
LANE KENNEDY
BERNARD ST. GODDARD
LEE WILSON
GEORGE KICKINGWOMAN
TED WILLIAMSON

ORDINANCE NO. 52, as amended

NUMBER: 265-88

- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that serious problems are developing on the Blackfeet Reservation concerning the littering of paper, garbage and other debris, and
- WHEREAS: The Blackfeet Tribe has adopted Ordinance No. 52 concerning the littering problem and garbage disposal, and
- WHEREAS: There now exists a need to amend this ordinance to include the serious problem of requiring vehicles carrying garbage to dumping grounds to either be enclosed or to pick up any garbage falling or dropped from such vehicles, now
- THEREFORE BE IT RESOLVED: That Ordinance No. 52 is hereby amended to read as follows below and that such ordinance shall be codified in the Blackfeet Tribal Law and Order Code under Section Section 51, Chapter 5:

Section 52, Chapter 5. Littering, Dumping; Refuse Disposal.

(a) Definitions. "Approved Refuse Sites" as used in this section refer to all solid waste or land fill site that meets all applicable regulations of the United States Public Health Service and may be closed under the authority of the Blackfeet Tribe if environmental hazards exist.

"Approved Containers" as used in this section refers to a container that is adequate to hold garbage and refuse and must be emptied regularly and be protected from animal depredations and wind desposition.

(b) Illegal dumping and littering. It shall be unlawful for any person to deposit, dump or dispose of any refuse or garbage in any location on the Blackfeet Reservation, unless approved refuse sites or containers are utilized. Approved refuse sites and containers as defined above in subsection (a) are to assure that all garbage is handled in a proper manner so as not to disturb the health and safety of persons living on or passing through the Blackfeet Reservation.

(c) Regulation of dumping vehicles. Every commercial dumping vehicle or garbage truck shall be fully enclosed so as not to permit garbage, paper or other refuse to fall therefrom while either hauling such garbage, paper or refuse or while standing still with such load in the vehicle. Any other vehicle, not commercial, which hauls garbage, paper or other refuse shall be under the regulations as set out in subsection (b) above and the driver thereof shall be responsible to see that any refuse or garbage falling from such vehicle is immediately picked up and dumped in the proper place.

(d) Failure to comply with any of the provisions of this section shall subject the violator, upon a finding of civil liability, to a civil fine ff not less than \$15.00 nor more than \$500.00, and in addition, for the first civil offense shall be required to perform 8 hours of community service cleaning trash sites, and for the second or subsequent civil offense, twenty hours of such service.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN NATION

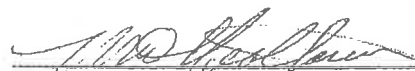

Marvin D. Weatherwax, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing amended Ordinance was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Special Session assembled for business the 26th day of April, 1988, with Eight (8) members present to constitute a quorum and by a vote of Eight (8) members For and None (0) Opposed.

(CORPORATE SEAL)


Marvin D. Weatherwax, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179

EXECUTIVE COMMITTEE

EARL OLD PERSON CHAIRMAN
JOHN 'BUSTER' YELLOW KIDNEY VICE-CHAIRMAN
MYRNA J GALBREATH, SECRETARY

ELOUISE C COBELL, TREASURER
EX-OFFICIO MEMBER

ORDINANCE NUMBER 74

1-15-84
TRIBAL COUNCIL
EARL OLD PERSON
JOHN 'BUSTER' YELLOW KIDNEY
MYRNA J GALBREATH
ELOUISE C COBELL
LEONARD J. MOUNTAIN CHIEF
EARL RIPP
TOM PAUL FEATHER

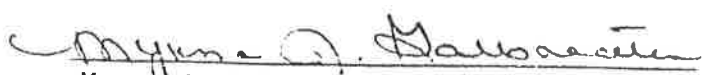
- WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation; and
- WHEREAS: Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet community, is deeply concerned with the the problems of public intoxication and the safety of those intoxicated persons; and
- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there is no provisions in the Blackfeet Law and Order Code of 1967 as Amended which specifically relates to public intoxication; and that
- WHEREFORE: Intoxicated persons are routinely charged with the offense of 12-5, Disorderly Conduct, even when no disorderly conduct has occurred in order to provide for that persons safety; now
- THEREFORE BE IT HEREBY ORDAINED: Chapter 5 of the Blackfeet Law and Order Code of 1967 as Amended be hereby amended to read as follows:


SECTION 55 : PUBLIC INTOXICATION

1. Any person who is observed, in any public place, in an obviously intoxicated condition, either under the influence of alcohol or other intoxicating substances, commits the crime of Public Intoxication.
2. A person who is convicted of Public Intoxication may be imprisoned for a period of time not to exceed twenty four (24) hours or to be fined not to exceed ten (\$10) dollars, or both.

ATTEST:

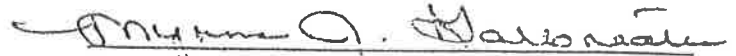
THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN NATION


Myrna J. Galbreath, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council during a duly called, noticed, and convened Regular Session held the 15th day of January, 1986, with Six (6) members present to constitute a quorum, and by a vote of Five (5) For and One (1) Opposed.



Myrna V. Galbreath, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN BUSTER YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J. GALBREATH, SECRETARY

ELOUISE C. COBELL, TREASURER
EX-OFFICIO MEMBER

TRIBAL COUNCIL

EARL OLD PERSON
JOHN BUSTER YELLOW KIDNEY
MYRNA J. GALBREATH
ROLAND F. KENNER
JOE J. NICK
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP
TOM TAIL FEATHER

ORDINANCE NUMBER 75

WHEREAS: The Blackfeet Tribal Business Council is the duly Constituted governing body within the exterior boundaries of the Blackfeet Indian Nation; and

WHEREAS: Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there is no provision in the Blackfeet Law and Order Code of 1967 as Amended, that provides for punishment of those persons who assist others in the commission of Criminal Offense: now


THEREFORE BE IT HEREBY ORDAINED: That Chapter 5 of the Blackfeet Law and Order Code of 1967 as Amended be hereby Amended to read as follows:

SECTION 56 : AIDING AND ABETTING CRIMINAL BEHAVIOR

1. Any person who purposely aids or abets another to commit any crime cognizable in the Blackfeet Tribal Court commits the Crime of Aiding and Abetting Criminal Behavior.
2. A person convicted of the Offense of Aiding and Abetting Criminal Behavior shall be punished not to exceed the maximum sentence and/or fine provided for the offense committed by such other person.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN NATION


Myrna J. Galbreath, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council during a duly called, noticed, and convened Regular Session held the 15th day of January, 1986 with Six (6) members present to constitute a quorum and by a vote of Six (6) For and None (0) Opposed.


Myrna J. Galbreath, Secretary

1-15-82

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN "BUSTER" YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J. GALBREATH, SECRETARY

ELOUISE C. COBELL, TREASURER
EX OFFICIO MEMBER

TRIBAL COUNCIL

EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J. GALBREATH
ROLAND F. KENNERLY
JOE J. MCKAY
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP, JR.
TOM TAIL FEATHERS

ORDINANCE NUMBER 76

WHEREAS: The Blackfeet Tribal Business Council is the duly Constituted governing body within the exterior boundaries of the Blackfeet Indian Nation; and

WHEREAS: Article VI, Section 1 (k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that persons who have engaged in or attempted to commit criminal acts but who not completed such acts, cannot be held criminally liable for their behavior; now

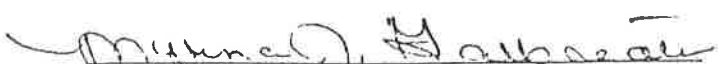
THEREFORE BE IT HEREBY ORDAINED: That Chapter 5 of the Blackfeet Law and Order Code of 1967 as Amended be amended to read as follows:


SECTION 57 : ATTEMPT

1. A person commits the offense of attempt when, with the purpose to commit a specific offense as listed in the Blackfeet Law and Order Code of 1967 as Amended, or in any duly enacted Ordinance of the Blackfeet Nation, he does any act toward the commission of that offense.
2. A person convicted of the offense of attempt shall be punished not to exceed the maximum sentence and/or fine provided for the offense.
3. Proof of the completed offense does not bar conviction for the attempt.

ATTEST:


THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN NATION


Myrna J. Galbreath, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council during a duly called, noticed, and convened Regular Session held the 15th day of January, 1986, with Six (6) members present to constitute a quorum, and by a vote of Six (6) For and None (0) Opposed.


Myrna J. Galbreath, Secretary
Blackfeet Tribal Business Council

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN "BUSTER" YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J. GALBREATH, SECRETARY
ELOUISE C. COBELL, TREASURER

TRIBAL COUNCIL

5-10-85
EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J. GALBREATH
ROLAND F. KENNEDY
JOE J. MCKAY
ARTHUR WELL
LEONARD J. MOUNTAIN CHIEF
CARL [unclear]
TOM TAIL FEATHER

ORDINANCE NO. 72

- WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation, and
- WHEREAS: Article VI, Section 1 (k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowered the Blackfeet Tribal Business Council to establish the Blackfeet Tribal Court, and
- WHEREAS: Article VI, Section 1 (q) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to develop and adopt procedures to regulate the functioning of Tribal agencies, and
- WHEREAS: Chapter 9, Rule 10 of the Blackfeet Law and Order Code of 1967 as Amended permits non-member Indian and non-Indian attorneys and lay advocates to practice in the Blackfeet Tribal Court, and
- WHEREAS: Chapter 1, Section 1 provides that the Blackfeet Tribal Court has no criminal jurisdiction over non-Indians, and
- WHEREAS: Contempt of Court is only punishable under Chapter 5, Section 40, as a criminal offense and therefore is not enforceable against non-Indians, and
- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that it has become more common for non-Indians to act as attorneys and lay advocates and to be involved in litigation as parties and witnesses before the Blackfeet Tribal Court, now
- THEREFORE BE IT RESOLVED: That the Blackfeet Law and Order Code of 1967 as Amended be amended to read as follows:

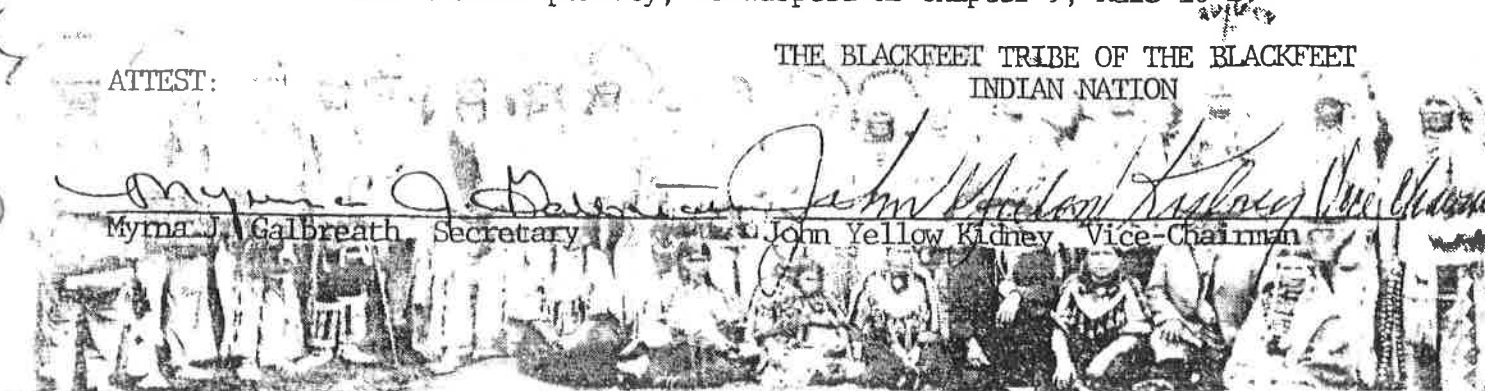
- (1) Chapter 5, Section 40 - Contempt of Court - is repealed;
- (2) Chapter 9, Rule 65 - Criminal Contempt - is repealed; and
- (3) The attached Rule entitled "Contempt of Court", which provides for a Civil penalty, be adopted as Chapter 9, Rule 10-B.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN NATION

Myrna J. Galbreath, Secretary

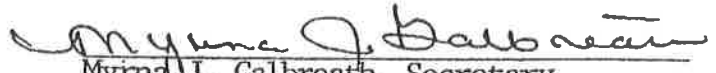
John Yellow Kidney, Vice-Chairman



CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Regular Session assembled for business the 16th day of May, 1985 with Six (6) members present to constitute a quorum and by a vote of Five (5) members For and One (1) Opposed.

(CORPORATE SEAL)


Myrna J. Galbreath, Secretary
Blackfeet Tribal Business Council

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN "BUSTER" YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J CALBREATH, SECRETARY
ELOUISE C. COBELL, TREASURER

TRIBAL COUNCIL

EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J CALBREATH
ROLAND F. KENNERLY
JOE J. MCKAY
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP, JR.
TOM TAIL FEATHERS

ORDINANCE NO. #71

- WHEREAS: The Blackfeet Tribal Business Council is the duly Constituted Governing Body within the exterior boundaries of the Blackfeet Indian Nation;
- WHEREAS: Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation;
- WHEREAS: The children of the Blackfeet Indian Nation are one of its most important assets and must therefore be protected; and
- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that Chapter 5 of the Blackfeet Law and Order Code of 1967 as Amended does not adequately protect the rights of children;

NOW THEREFORE BE IT HEREBY ORDAINED: That Chapter 5 of the Blackfeet Law and Order Code of 1967 as Amended as follows:

- (1) Chapter 5, Section 24 - Failure to Support Dependent Persons - is repealed.
- (2) Chapter 5, Section 25 - Failure to Send Children to School - is repealed.
- (3) Chapter 5, Section 26 - Contributing to the Delinquency of a Minor - is repealed.
- (4) The attached set of laws, entitled "Crimes Against Children" be adopted as Chapter 5, Section 54.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN NATION

Myrna J. Calbreath
Secretary,
Blackfeet Tribal Business Council

John "Buster" Yellow Kidney
Chairman,
Blackfeet Tribal Business Council



54(A) Sexual Assault on a Minor:

1. A person who knowingly subjects any person who is less than sixteen (16) years of age to any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying the sexual desires of either party commits the offense of Sexual Assault on a Minor.
2. A person over the age of eighteen (18) who knowingly permits or assists another to commit the offense of Sexual Assault on a Minor commits the offense of Sexual Assault on a Minor.
3. A person convicted of Sexual Assault on a Minor shall be imprisoned for a period of not less than three (3) months but not more than six (6) months and may be fined not more than three hundred dollars (\$300).

54(B) Sexual Intercourse with a Minor:

1. A person who knowingly has sexual intercourse (either genital, anal or oral) with a member of the opposite sex who is less than sixteen (16) years old commits the offense of Sexual Intercourse with a Minor.
2. A person over the age of eighteen (18) who knowingly permits or assists another to have sexual intercourse with a minor commits the offense of Sexual Intercourse with a Minor.
3. A person who is convicted of Sexual Intercourse with a Minor, shall be imprisoned for a period of six (6) months and may be fined not more than five hundred dollars (\$500).

54(C) Deviate Sexual Conduct:

1. A person who knowingly subjects a person, of the same sex, who less than sixteen (16) years old to either oral or anal intercourse commits the offense of Deviate Sexual Conduct.
2. A person over the age of eighteen (18) who knowingly permits or assists another to commit the offense of Deviate Sexual Conduct commits the offense of Deviate Sexual Conduct.
3. A person who is convicted of Deviate Sexual Conduct shall be imprisoned for a period of six (6) months and may be fined not more than five hundred dollars (\$500).

54(D) Endangering the Welfare of Children

1. (a) A parent, guardian, or other person supervising the welfare of a child less than eighteen (18) years old commits the offense of endangering the welfare of children if he knowingly endangers the child's welfare by violating a duty of care, protection or support.

(b) Violation of a duty of care, protection or support includes but is not limited to:

- i. cruel treatment;
- ii. mental or physical abuse;
- iii. infliction of unnecessary and cruel punishment;
- iv. abandonment;
- v. mental or physical neglect;
- vi. failure to provide proper medical care;
- vii. failure to provide clothing, shelter and/or food;
- viii. failure to provide adequate supervision;
- ix. leaving an unattended child, under the age of six (6) in a motor vehicle; or
- x. failure, without good cause, to send children under the age of sixteen (16) to school.

2. A parent or guardian or any other person who is eighteen (18) years of age or older, whether or not he is supervising the welfare of the child, commits the offense of endangering the welfare of children if he knowingly contributes to the delinquency of a child, who is less than eighteen years old, by encouraging or aiding the child to:

- i. escape from the care, custody and control of his parent or guardian;
- ii. engage in sexual misconduct; or
- iii. violate any Tribal or Federal law.

3. A person convicted of the offense of endangering the welfare of children, as provided under Section 54(D)-1, shall be fined not to exceed one hundred dollars (\$100), or be imprisoned for a term not to exceed three (3) months, or both.

4. A person convicted of the offense of Endangering the Welfare of Children, as provided under Section 54(D)-2, shall be fined not to exceed three hundred dollars, or be imprisoned for a term not to exceed six (6) months, or both.

54(E) Non-Support

1. A person commits the offense of Non-Support if he fails to provide support which he can provide, and which he knows he is legally obliged to provide, to a child under the age of eighteen (18).

2. A person commits the offense of Aggravated Non-Support if:

- (a) he has left the exterior boundaries of the Blackfeet Indian Nation avoid the duty of support; or
- (b) he has been previously convicted of the offense of Non-Support.

3. A person convicted of the offense of Non-Support shall be fined not to exceed three hundred dollars (\$300), or be imprisoned for any period not to exceed three (3) months. A person convicted of Aggravated Non-Support shall be fined in an amount not less than two hundred dollars (\$200) or more than five hundred dollars (\$500), or be imprisoned for any period not to exceed six (6) months, or both.

4. The Court, in its discretion, may order any fine levied or any bond forfeited upon a charge of Non-Support or Aggravated Non-Support to be paid to or for the benefit of the child the offender has failed to support.

C E R T I F I C A T I O N

I hereby certify that the foregoing Ordinance No. #71 was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened General Session of the Blackfeet Tribal Business Council, held on the 10th day of January, 1985, with Seven (7) members present to constitute a quorum and adopted by unanimous vote.


Secretary, Blackfeet Tribal Business Council

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

TRIBAL COUNCIL

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN "BUSTER" YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J. GALBREATH, SECRETARY
ELOUISE C. COBELL, TREASURER

EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J. GALBREATH
ROLAND F. KENNERLY
JOE J. MCKAY
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP, JR.
TOM TAIL FEATHER

ORDINANCE NO. #70

WHEREAS: The Blackfeet Tribal Business Council is the duly Constituted Governing Body within the exterior boundaries of the Blackfeet Indian Nation;

WHEREAS: Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that the offenses of Adultry (Chapter 5, Section 20) and Illicit Cohabitation (Chapter 5, Section 21) are essentially crimes without victims which tend to be unenforcable;

NOW THEREFORE BE IT HEREBY ORDAINED: That Chapter 5, Section 20 and Chapter 5, Section 21 are hereby repealed.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN NATION

Myrna J. Galbreath
Secretary,
Blackfeet Tribal Business Council

Earl Old Person
Chairman,
Blackfeet Tribal Business Council

C E R T I F I C A T I O N

I hereby certify that the foregoing Ordinance No. #70 was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened General Session of the Blackfeet Tribal Business Council, held on the 10th day of January, 1985, with Seven (7) members present to constitute a quorum and adopted by unanimous vote.

Myrna J. Galbreath
Secretary, Blackfeet Tribal Business Council



PUBLIC NOTICE

On January 10, 1985, at a duly convened General Session of the Blackfeet Tribal Business Council, with seven (7) members present, several new code provisions were adopted. These new provisions will have impact on all residents of the Blackfeet Nation.

The following provisions of the Blackfeet Law and Order Code of 1967, As Amended, have been repealed.

| | | |
|-----------|-------------|---|
| Chapter 5 | Section 20: | Adultry |
| Chapter 5 | Section 21: | Illicit Cohabitation |
| Chapter 5 | Section 24: | Failure to Support Dependent Persons |
| Chapter 5 | Section 25: | Failure to Send Children to School |
| Chapter 5 | Section 26: | Contributing to Delin- quency of a Minor |
| Chapter 5 | Section 34: | Attempted Rape |

The following new provisions of the Blackfeet Law and Order Code of 1967, as amended, have been adopted:

CHAPTER 1. Section 15. COMMITMENTS

No person shall be detained, jailed or imprisoned under the provisions of this Code, or of any duly adopted Ordinance of the Blackfeet Nation, for a period longer than seventy-two (72) hours, unless there is issued a commitment bearing the signature of a duly qualified judge of the Blackfeet Tribal Court. There shall be issued, for each person held for trial, a Temporary Commitment on the forms prescribed in this Code.

CHAPTER 5. Section 34. SEXUAL CRIMES

Section 34(A). Definitions: As used in Chapter 5 Sections 34B) and 34(c) the term "without consent" means:

(1) The victim is compelled to submit by force or by threat of imminent death, bodily injury, or kidnapping to be inflicted on anyone; or

(2) ~~The~~ The victim is incapable of consent because he/she is: (i) mentally defective or incapacitated; or (ii) physically helpless.

Section 34(B). Sexual Assault:

(1) A person who knowingly and without consent subjects another, not his spouse, to any touching of the sexual or other intimate parts of the body for the purpose

of arousing or gratifying the sexual desires of either party commits the offense of Sexual Assault.

(2) A person convicted of Sexual Assault shall be fined not to exceed Three Hundred Dollars (\$300.00) or be imprisoned for a period not to exceed six (6) months.

Section 34C). Sexual Intercourse Without Consent:

(1) A person who knowingly and without consent has sexual intercourse (either genital, oral or anal), with any other person, commits the offense of Sexual Intercourse Without Consent.

(2) A person who knowingly permits or assists another to commit the offense of Sexual Intercourse Without Consent commits the offense of Sexual Intercourse Without Consent.

(3) A person who is convicted of Sexual Intercourse Without Consent shall be imprisoned for a period of not less than three (3) months or more than six (6) months, and may be fined not more than Five Hundred Dollars (\$500.00).

CHAPTER 5. SECTION 54. CRIMES AGAINST CHILDREN

Section 54(A). Sexual Assault on a Minor:

(1) A person who knowingly subjects any person who is less than sixteen (16) years of age to any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying the sexual desires of either party commits the offense of Sexual Assault on a Minor.

(2) A person over the age of eighteen (18) who knowingly permits or assists another to commit the offense of Sexual Assault on a Minor commits the offense of Sexual Assault on a Minor.

(3) A person convicted of Sexual Assault on a Minor shall be imprisoned for a period of not less than three (3) months but not more than six (6) months and may be fined not more than Three Hundred Dollars (\$300.00).

Section 54(B). Sexual Intercourse with a Minor.

(1) A person who knowingly has sexual intercourse (either genital, anal or oral) with a member of the opposite sex who is less than sixteen (16) years old commits the offense of Sexual Intercourse with a Minor.

(2) A person over the age of eighteen (18) who knowingly permits or assists another to have sexual intercourse with a minor commits the offense of Sexual Intercourse with a Minor.

eighteen (18) years old, by encouraging or aiding the child to: (i) escape from the care, custody and control of his parent or guardian; (ii) engage in sexual misconduct; or (iii) violate any tribal or federal law.

(3) A person convicted of the offense of endangering the welfare of children, as provided under Section 54(d)(1) shall be fined not to exceed One Hundred Dollars (\$100.00), or be imprisoned for a term not to exceed three (3) months, or both.

(4) A person convicted of the offense of Endangering the Welfare of Children, as provided under Section 54(d)(2) shall be fined not to exceed Three Hundred Dollars (\$300.00), or be imprisoned for a term not to exceed six (6) months, or both.

Section 54(E). Non-Support:

(1) A person commits the offense of Non-Support if he fails to provide support which he can provide, and which he knows he is legally obliged to provide, to a child under the age of eighteen (18).

(2) A person commits the offense of Aggravated Non-Support if:

(a) He has left the exterior boundaries of the Blackfeet Indian Nation to avoid the duty of support; or

(b) He has been previously convicted of the offense of Non-Support.

(3) A person convicted of the offense of Non-Support shall be fined not to exceed Three Hundred Dollars (\$300.00) or be imprisoned for any period not to exceed three (3) months. A person convicted of Aggravated Non-Support shall be fined in an amount not less than Two Hundred Dollars (\$200.00) more more than Five Hundred Dollars (\$500.00, or be imprisoned for any period not to exceed six (6) months, or both.

(4) The Court, in its discretion, may order any fine levied or any bond forfeited upon a charge of Non-Support or Aggravated Non-Support to be paid to or before the benefit of the child the offender has failed to support.

These Code provisions are scheduled to become effective upon approval of the Secretary of Indian Affairs, or his duly appointed representative, and will begin to be enforced on February 11, 1985. Until that Date the old Code provisions remain in effect and will be enforced.

The Blackfeet Tribal Business Council has invited interested persons to make comments on these Code provisions and requests that all statements be directed to the Blackfeet Tribal Court Administrator at P. O. Box 1200, Browning, MT.

SGD JOHN BUSTER YELLOW KIDNEY
JOHN "BUSTER" YELLOW KIDNEY
Vice-Chairman
Blackfeet Tribal Business Council

(Please print this statement for three successive weeks beginning January 17, 1985)

*RE-TYPED BY THE BLACKFEET LEGAL DEPARTMENT 2/25/93. TAG

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE

Lian Hogg, Chairman
Stan Juneau, Vice-Chairman
Dorothy Dragonfly, Secretary
Elouise C. Cabell, Treasurer

TRIBAL COUNCIL

Don Boyen
Stan Juneau
Dorothy Dragonfly
Earl Old Person
Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magee
Pat Schilder

RESOLUTION

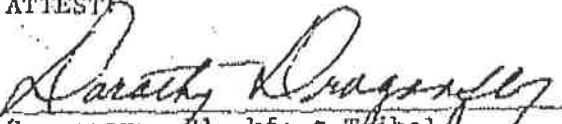
NO. 57-80

- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there currently exists on the Blackfeet Indian Reservation a problem with residents turning in false reports to Law Enforcement Authorities; and
- WHEREAS: The Blackfeet Tribe at the present time has no law respecting the filing of such reports; and
- WHEREAS: There is a need for a law governing this problem;
- NOW THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council hereby enact the following Ordinance:
- BE IT FURTHER RESOLVED: That said Ordinance shall be placed in the official Blackfeet Law and Order Code.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

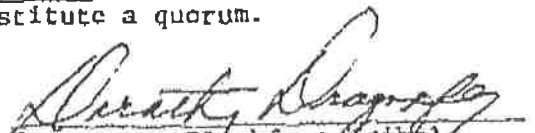

Chairman, Blackfeet Tribal
Business Council

ATTEST:


Secretary, Blackfeet Tribal
Business Council

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session held on the 5th day of March, 1980 with Seven members present to constitute a quorum.


Secretary, Blackfeet Tribal
Business Council

AN ORDINANCE OF THE BLACKFEET INDIAN RESERVATION FOR THE BLACKFEET TRIBE FOR TURNING IN FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES AND PENALTIES FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AS FOLLOWS:

FALSE REPORTS TO LAW ENFORCEMENT AUTHORITIES:

- (1) A person commits an offense under this section if he knowingly:
 - a. Gives false information to any law enforcement officer with the purpose to implicate another: or
 - b. Reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur: or
 - c. Pretends to furnish such authorities with information relating to an offense or incident when he knows he has no information relating to such offense or incident.

- (2) A person convicted under this section shall be fined not to exceed \$100 or to be sentenced to imprisonment in the Blackfeet Tribal Jail for a term not exceeding 30 days, or both such fine and imprisonment.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

Chairman, Blackfeet Tribal
Business Council

ATTEST:

Sarah Drago

Secretary, Blackfeet Tribal
Business Council

C E R T I F I C A T I O N

I hereby certify the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened regular session held on the 5th day of March, 1980 with Seven members present to constitute a quorum.

Sarah Drago

Secretary, Blackfeet Tribal
Business Council

APPROVED: _____

SUPERINTENDENT
Blackfeet Indian Agency

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE
Dan Boggs, Chairman
Stan Juneau, Vice-Chairman
Dorothy Dragonfly, Secretary
Earl Old Person
Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magoo
Pat Schildt

TRIBAL COUNCIL
Dan Boggs
Stan Juneau
Dorothy Dragonfly
Earl Old Person
Lee Wilson
Archie St. Goddard
Floyd Gervais
Don Magoo
Pat Schildt

R E S O L U T I O N

113
No. _____ 79

WHEREAS, The Blackfeet Tribal Business Council, by resolution has adopted Ordinance No. 55A and Ordinance No. 19, both of which relate to the regulation of motor vehicles on highways within the Blackfeet Reservation boundaries; that since that time the State of Montana has adopted the Montana Code Annotated which recodifies and recompiles all of the laws of the State of Montana including those laws adopted by the Blackfeet Tribal Business Council, as heretofore stated, and

WHEREAS, The Blackfeet Tribal Business Council has not at this time adopted the new sections of the Montana Code so as to create conformity with the Montana Code Annotated sections, and

WHEREAS, It is in the best interest of the Blackfeet Tribe to adopt the new sections of the Montana Code Annotated,

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

That the Blackfeet Tribal Business Council does hereby adopt the new sections of the Montana Code Annotated set out in Chapter 9 of the proposed Blackfeet Law and Order Code, attached hereto as Exhibit "A".

FURTHER, the Blackfeet Tribal Business Council hereby directs that the adoption of these new sections of Montana Code Annotated be deemed immediate and that said sections be implemented immediately.

ATTEST:


THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


DOROTHY DRAGONFLY, Secretary


DANIEL C. BOGGS, Chairman

CERTIFICATION

I certify that the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held on the 12th day of April, 1979 with Seven (7) members present to constitute a quorum.



DOROTHY DRAGONFLY, Secretary
Blackfeet Tribal Business Council

CHAPTER 9

MOTOR VEHICLE CODE

Section 1. Montana State Motor Vehicle Laws
Adopted. The titles, chapters and sections of the Montana
State Motor Vehicle Laws specifically cited in this Chapter
are adopted by the Blackfeet Tribal Business Council and
made a part of this Code.

Subject to the following:

- a) All amendments to the Montana State Motor
Vehicle Laws cited in this Chapter shall operate to amend
this Code unless the Blackfeet Tribal Business Council shall
resolve otherwise;
- b) Nothing in this Chapter shall diminish the
authority of the Blackfeet Tribal Business Council to delete,
amend, or supplement the Montana State Motor Vehicle Laws
cited in this Chapter in so far as they may effect the
provisions of this Code;
- c) The words "Local Authorities" or similar terms
used in this State Code shall be deemed to include the Blackfeet
Tribal Business Council;
- d) The words "Peace Officer", "Local Police
Department" or "Office of the Montana Patrol", or similar terms
used in said State Code shall be deemed to include members
of the Blackfeet Tribal Police Force, Bureau of Indian Affairs
and other law enforcement officers employed by the Tribe or the
Federal Government;
- e) The words "County or Municipal Jail" or similar

terms used in the State Code shall be deemed to mean the Blackfeet Tribal Jail;

f) All offenses punishable under said State Code shall be triable in the Blackfeet Tribal Court, and fines collected shall be paid to the Blackfeet Tribal Business Council for their exclusive use in the maintenance of law and order on the Blackfeet Indian Reservation.

Section 2. Applicable Statutes. The rules and regulations governing the operations of motor vehicles on highways within the exterior boundaries of the Blackfeet Indian Reservation by any person shall be subject to the following laws of the Montana Code Annotated:

TITLE 44

Chapter 1:

Part 10, 44-1-1001 through 44-1-1005

Part 11, 44-1-1101 through 44-1-1103

TITLE 61

Chapter 1:

Part 1, 61-1-101 through 61-1-129

Part 2, 61-1-201 through 61-1-212

Part 3, 61-1-301 through 61-1-317

Part 4, 61-1-401 through 61-1-412

Part 5, 61-1-501 through 61-1-508

Chapter 3:

Part 1, 61-3-101 through 61-3-107

Part 2, 61-3-201 through 61-3-204

Part 3, 61-3-301 through 61-3-342

Part 4, 61-3-401 through 61-3-442

Chapter 5:

Part 1, 61-5-101 through 61-5-116

Part 2, 61-5-201 through 61-5-213

Part 3, 61-5-301 through 61-5-308

Part 4, 61-5-401 through 61-5-406

Chapter 6:

Part 1, 61-6-101 through 61-6-112
61-6-121 through 61-6-125
61-6-131 through 61-6-144

Part 2, 61-6-201

Chapter 7:

Part 1, 61-7-101 through 61-7-117

Chapter 8:

Part 1, 61-8-101 through 61-8-112
Part 2, 61-8-201 through 61-8-210
Part 3, 61-8-301 through 61-8-369
Part 4, 61-8-401 through 61-8-405
Part 5, 61-8-501 through 61-8-508
Part 6, 61-8-601 through 61-8-607
Part 7, 61-8-701 through 61-8-721

Chapter 9:

Part 1, 61-9-101 through 61-9-109
Part 2, 61-9-201 through 61-9-228
Part 3, 61-9-301 through 61-9-315
Part 4, 61-9-401 through 61-9-418
Part 5, 61-9-501 through 61-9-519

Chapter 11:

Part 1, 61-11-101 through 61-11-104
Part 2, 61-11-201 through 61-11-215

Chapter 12:

Part 1, 61-12-101
Part 4, 61-12-401 through 61-12-408
Part 5, 61-12-501 through 61-12-504

And all changes and amendments to the above sections.

Section 3. City of Browning Vehicle and Traffic Code Adopted. The titles, chapters and sections of the City of Browning Vehicle and Traffic Code specifically cited in this Chapter are adopted by the Blackfeet Tribal Business Council and made a part of this Code.

The adoption of the Vehicle and Traffic Code will be subject to the same provisions as provided for in this Chapter, Section 1, a) through f).

Section 4. Applicable Rules and Regulations. The

rules and regulations governing certain special speeds, parking, through streets and one-way streets of all municipalities within the exterior boundaries of the Blackfeet Indian Reservation by any person shall be subject to the following laws and ordinances of the Montana Municipal Code for the City of Browning, Montana.

- a) Title 10, Chapter 10:24, "Parking Limits and Congested District," Sections 10:24, 70-80-90-00-170-210.
- b) Title 10, Chapter 10:52, "Speed Limits on Particular Streets"
- c) Title 10, Chapter 10:56, "Through Streets"
- d) Title 10, Chapter 10:60, "One-Way Streets"
- e) Title 10, Chapter 10:68, "Parking Restricted in Certain Areas"

Section 5. Penalties. The penalties imposed by the Blackfeet Tribal Court for violation of this Code shall be:

- a) As set forth in the cited Montana Motor Vehicle Laws except that no penalty can exceed six (6) months imprisonment or Five Hundred Dollar (\$500.00) fine, or both.
- b) Where no penalty is contained in the cited Montana State Motor Vehicle Laws, the penalty shall be not to exceed thirty (30) days imprisonment or One Hundred Dollar (\$100.00) fine, or both.
- c) In addition to any other penalties prescribed by this Code, the Court may prohibit a person convicted of violating any provisions of this Chapter from operating a vehicle on any road within the exterior boundaries of the Blackfeet Indian Reservation for a period not to exceed one (1) year.

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there is a need to add to the Blackfeet Tribal Law and Order Code of 1967, as amended, a section under Chapter 5 dealing with the obstruction of the enforcement of the criminal laws of the Tribe;

Need 2nd page

BEFORE BE IT HEREBY ORDAINED AS FOLLOWS:

That there be added to the Blackfeet Tribal Law and Order Code of 1967, as amended the following section, to be known and titled as follows:

Chapter 5, Section 53. Interfering with the enforcement of the criminal law.

Any person who shall knowingly interfere, obstruct, hinder or impair the efforts of a police officer performing his or her duties in enforcing the criminal laws of the Blackfeet Tribe shall be guilty of an offense and upon conviction shall be sentenced to a jail sentence not to exceed six (6) months, a fine not to exceed \$500.00 or both the foregoing.

It is no defense to a prosecution under this section that the police officer was acting in an illegal manner, provided that the officer was acting under color of official authority.

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION

ATTEST:


Earl Old Person, Chairman
Blackfeet Tribal Business Council


Secretary, Blackfeet Tribal Business Council

ORDINANCE No. 52, as amended

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that serious problems are developing on the Blackfeet Reservation concerning the littering of paper, garbage and other debris; and

WHEREAS: The Blackfeet Tribe has adopted Ordinance No. 52 concerning the littering problem and garbage disposal; and

WHEREAS: There now exists a need to amend this ordinance to include the serious problem of requiring vehicles carrying garbage to dumping grounds to either be enclosed or to pick up any garbage falling or dropped from such vehicles;

NOW THEREFORE BE IT HEREBY ORDAINED THAT Ordinance No. 52 is hereby amended to read as follows below and that such ordinance shall be codified in the Blackfeet Tribal Law and Order Code under Section 51, Chapter 5:

Section 52, Chapter 5. Littering, Dumping; Refuse Disposal.

(a) Definitions. "Approved Refuse Sites" as used in this section refer to all solid waste or land fill site that meets all applicable regulations of the United States Public Health Service and may be closed under the authority of the Blackfeet Tribe if environmental hazards exist.

"Approved Containers" as used in this section refers to a container that is adequate to hold garbage and refuse and must be emptied regularly and be protected from animal depredations and wind desposition.

(b) Illegal dumping and littering. It shall be unlawful for any person to deposit, dump or dispose of any refuse or garbage in any location on the Blackfeet Reservation, unless approved refuse sites or containers are utilized. Approved refuse sites and containers as defined above in subsection (a) are to assure that all garbage is handled in a proper manner so as not to disturb the health and safety of persons living on or passing through the Blackfeet Reservation.

(c) Regulation of dumping vehicles. Every commercial dumping vehicle or garbage truck shall be fully enclosed so as not to permit garbage, paper or other refuse to fall therefrom while either hauling such garbage, paper or refuse or while standing still with such load in the vehicle. Any other vehicle, not commercial, which hauls garbage, paper or other refuse shall be under the regulations as set out in subsection (b) above and the driver thereof shall be responsible to see that any refuse or garbage falling from such vehicle is immediately picked up and dumped in the proper place.

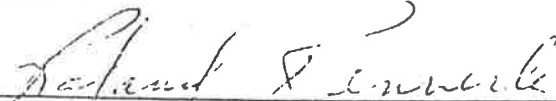
(d) Failure to comply with any of the provisions of this section shall subject the violator, upon conviction, to a fine of not less than \$15.00 nor more than \$500.00 or a jail sentence of not more than 25 days or both the foregoing.

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



Chairman, Blackfeet Tribal Business
Council

ATTEST:

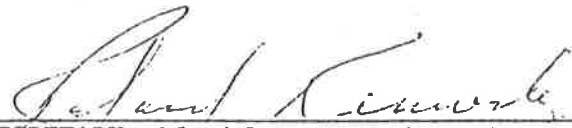


Secretary, Blackfeet Tribal Business Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing amended ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session held on the 6th. day of May, 1976 with 7 members present to constitute a quorum.



SECRETARY, Blackfeet Tribal Business Council

EXHIBIT "C"

RESOLUTION

NUMBER 22-70

WHEREAS: Certain portions of the Blackfeet Tribal Law and Order Code need to be modified in order to become more effective, now

THEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council does hereby modify the Blackfeet Tribal Law and Order Code as follows:

~~Chapter 1, Section 16~~ deleting that portion allowing for a signature bond, but retaining that portion allowing for a cash bond and release on recognizance.

~~Chapter 5, Section 5~~ deleting that portion in its entirety; in that it conflicts to a certain degree with Section 41, Chapter 5.

Adding to the Blackfeet Tribal Law and Order Code, in a suitable place, the following: "The Blackfeet Tribal Law and Order Code is a Code written by the Blackfeet Tribe to be administered within the exterior boundaries of the Blackfeet Indian Reservation of Montana and under no conditions does the State of Montana have jurisdiction over this Code and further, that any portion now in the Blackfeet Tribal Law and Order Code relating to concurrent jurisdiction with said State of Montana be deleted."

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION

Richard Kennedy
Secretary

John Kuba
Chairman

CERTIFICATION

I hereby certify the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened regular session assembled the 5th day of February, 1971, with seven members present to constitute a quorum.

Richard Kennedy
Secretary
Blackfeet Tribal Business Council

Blackfeet Tribe Bail Schedule-Approved-October 24, 2011

Bail shall be set by law enforcement or detention officers based upon the "Bail" Column and follow any required holds listed under "Bail".

Once the Defendant is brought before the Judge, the Bail may be argued either higher or lower and may be posted as either of the following: 1. Surety 2. Cash 3. Amount Waived 4. Own Recognizance

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Bail |
|---------------------------|---|---------------|-------------------|-------------|---------|-----|-------------------------------|
| CHAPTER 5 OFFENSES | | | | | | | |
| Ch. 5 Part II Sec. 1 | Assault A (threatening) | <6 months | | <\$1,000.00 | x | | \$2,500.00 |
| | Assault B (contact) | | | | | | \$2,500.00 |
| Ch. 5 Part II Sec. 1 | Assault C (serious BI) | <1 year | ≥30 days | <\$5,000.00 | | x | \$5,000.00 |
| | Assault D (Officer/Judge) | | | | | | \$5,000.00 |
| Ch. 5 Part II Sec. 2 | Abduction | <1 year | | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part II Sec. 3 | Burglary | <1 year | | <\$5,000.00 | x | | \$2,500.00 |
| Ch. 5 Part II Sec. 4 | Criminal Endangerment | <9 months | | <\$3,000.00 | x | | \$3,000.00 |
| Ch. 5 Part II Sec. 5 | Domestic Abuse 1 st or 2 nd | <6 months | 20 hrs counseling | <\$1,000.00 | x | | \$2,500.00 after 48 hour hold |
| Ch. 5 Part II Sec. 5 | Domestic Abuse 3 rd + | <1 year | 40 hrs counseling | <\$5,000.00 | x | | \$5,000.00 after 48 hour hold |
| Ch. 5 Part II Sec. 6 | Negligent Endangerment | <9 months | | <\$1,000.00 | x | | \$1,500.00 |
| Ch. 5 Part II Sec. 7 | Nonsupport | <6 months | | <\$500.00 | x | | \$500.00 |
| Ch. 5 Part II Sec. 8 | Stalking 1st | <6 months | | <\$1,000.00 | x | | \$2,500.00 |

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Bail |
|------------------------|---|---------------|--------------------|-------------|---------|-----|------------|
| Ch. 5 Part II Sec. 8 | Stalking 2 nd or protected persons | <1 year | Discr- Victim Rest | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part II Sec. 9 | Sexual Intercourse w/o consent | <1 year | | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part III Sec. 1 | Bad Check | <6 months | | <\$1,000.00 | x | | \$300.00 |
| Ch. 5 Part III Sec. 2 | Cruelty to Animals | <1 year | | <\$5,000.00 | x | | \$1,000.00 |
| Ch. 5 Part III Sec. 3 | Disorderly Conduct | <6 months | | <\$1,000.00 | x | | \$500.00 |
| Ch. 5 Part III Sec. 4 | Fraud | <6 months | | <\$1,000.00 | x | | \$1,500.00 |
| Ch. 5 Part III Sec. 5 | Forgery | <6 months | | <\$1,000.00 | x | | \$500.00 |
| Ch. 5 Part III Sec. 6 | Littering, Dumping, RD | <25 days | >=\$25.00 | <\$500.00 | x | | \$2,500.00 |
| Ch. 5 Part III Sec. 7 | Malicious Mischief | <1 year | Mandatory Resti. | <\$5,000.00 | x | | \$500.00 |
| Ch. 5 Part III Sec. 8 | Misbranding | <6 months | | <\$1,000.00 | x | | \$1,000.00 |
| Ch. 5 Part III Sec. 9 | Open Container | <6 months | | <\$500.00 | x | | \$500.00 |
| Ch. 5 Part III Sec. 10 | Theft <\$500.00 | <6 months | | <\$500.00 | x | | \$1,000.00 |
| Ch. 5 Part III Sec. 10 | Theft >\$500.00 | <1 year | | <\$5,000.00 | x | | \$2,500.00 |
| Ch. 5 Part III Sec. 11 | Trespass | <6 months | | <\$500.00 | x | | \$2,500.00 |
| Ch. 5 Part III Sec. 12 | Slaughtering Livestock | <6 months | | <\$1,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 1 | Accountability | <1 year | | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 2 | Bribery | <1 year | BTBC-Expulsion | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 3 | Carrying a Concealed Weapon | <6 months | | <\$1,000.00 | x | | \$2,500.00 |
| Ch. 5 Part IV Sec. 4 | Contempt | <6 months | | <\$500.00 | x | | \$1,000.00 |
| Ch. 5 Part IV Sec. 5 | Disobedience to a Lawful Order of the Court | <6 months | | <\$500.00 | x | | \$1,000.00 |
| Ch. 5 Part IV Sec. 6 | Embezzlement | <9 months | | <\$3,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 7 | Escape | <1 year | | <\$3,000.00 | x | | No Bond |
| Ch. 5 Part IV Sec. 8 | Extortion | <1 year | | <\$5,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 9 | Maintaining a Public Nuisance | <6 months | | <\$1,000.00 | x | | \$1,000.00 |
| Ch. 5 Part IV Sec. 10 | Perjury | <90 days | | <\$500.00 | x | | \$500.00 |

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Penalty |
|---|--|---------------|---------------|-------------|---------|-----|------------|
| Ch. 5 Part IV Sec. 11 | Refusing to Aid an Officer | ≤6 months | | ≤\$500.00 | x | | \$500.00 |
| Ch. 5 Part IV Sec. 12 | Obstructing Justice | ≤9 months | | ≤\$1,000.00 | x | | \$5,000.00 |
| Ch. 5 Part IV Sec. 13 | Resisting Arrest | ≤6 months | | ≤\$500.00 | x | | \$1,500.00 |
| Ch. 5 Part IV Sec. 14 | Threatening a Public Official | ≤9 months | | ≤\$1,000.00 | x | | \$5,000.00 |
| Ordinance 106 Whistle Blower's Law Ch. 5 Part IV Section 16 | Retaliation Against Tribal Employees and Other Persons and False Reporting | ≤3 years | | ≤\$5,000.00 | x | | \$5,000.00 |
| A. BTBC-Removed and 2 term bar; Director or Supervisor-removed-barred from employment or contract for 5 years or supervisory role for 8 years; Employee-removed-barred from employment or contract for 5 years. B. Tribal Employee falsely reporting-same penalties above. | | | | | | | |

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Fail | |
|--|--|--------------------------|--|------------------------------|---------|-----|------|--|
| Ordinance 107 Ch. 5 Part IV Section 17-2 | Public Intoxication 1st | 10 days Incarceration | Available for suspension with conditions | \$50.00 CTS discretion | X | | OR | |
| | Public Intoxication 2nd | | 5 days | \$100.00 | | X | OR | |
| | Fine available to be worked off with various tribal programs and organizations. | | | | | | | |
| | Public Intoxication 3rd | | <30 days | \$250.00 | | X | OR | |
| | 20 days may be suspended for probation and fine available to be worked off with various tribal programs and organizations. | | | | | | | |
| | Public Intoxication 4th | | 60 days | \$500.00 | | X | OR | |
| | 15 days may be suspended for probation and fine available to be worked off with various tribal programs and organizations. | | | | | | | |
| | Public Intoxication 5th and consecutive offenses | | 6 months | \$750.00 | | X | OR | |
| | Remaining 1/3 may be suspended for probation and fine available to be worked off with various tribal programs and organizations. | | | | | | | |
| | *All convictions-mandatory substance abuse assessment within thirty days and follow recs. | | | | | | | |
| Ordinance 107 Ch. 5 Part IV Section 17.3 | Loitering 1st | | | \$100.00 | | | OR | |
| | Loitering 2nd | | | \$250.00 | | | OR | |
| | Loitering 3rd | | 10 days | \$350.00 | | X | OR | |
| | Loitering 4th | | 30 days | \$450.00 | | X | OR | |
| | Loitering 5th and consecutive offenses | | 6 months | \$550.00 | | X | OR | |
| Fines available to be worked off with various tribal programs and organizations. | | | | | | | | |

| Code | Crime | Incarceration | Mandatory Min | Fine | Bot/Or | And | Bail | |
|-----------------------------|---|--|---------------|-------------|--------|-----|------------|--|
| Ch. 5 Part V Section D-1 | Fraudulently Obtaining Dangerous Drugs | <6 months | ≥3 months | ≤\$1,000.00 | | x | \$4,000.00 | |
| | | A. Fine to be paid or served after sentence is served at rate of \$25.00 per day. | | | | | | |
| | | B. Persons under 18 entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. | | | | | | |
| Ch. 5 Part V Section E-1 | Criminal Sale of Imitation Dangerous Drugs | <6 months | ≥3 months | ≤\$1,000.00 | | x | \$4,000.00 | |
| | | A. Fine to be paid or served after sentence is served at rate of \$25.00 per day. | | | | | | |
| | | B. Persons under 18 entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. | | | | | | |
| Ch. 5 Part V Section F-1 | Criminal Possession of Imitation Dangerous Drugs with Intent to Sell | <6 months | ≥3 months | ≤\$1,000.00 | | x | \$5,000.00 | |
| | | A. Fine to be paid or served after sentence is served at rate of \$25.00 per day. | | | | | | |
| | | B. Persons under 18 1 st offense entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. | | | | | | |
| Ch. 5 Part V Section G-1 | Criminal Possession of Toxic Substances | <3 months | ≥1 month | ≤\$750.00 | | x | \$300.00 | |
| | | A. Fine to be paid or served after sentence is served at rate of \$25.00 per day. | | | | | | |
| | | B. Persons under 18 1 st offense entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. | | | | | | |
| Ch. 5 Part V Section G-1 | Criminal Possession of Toxic Substances | <3 months | ≥1 month | ≤\$750.00 | | x | \$300.00 | |
| | | A. Fine to be paid or served after sentence is served at rate of \$25.00 per day. | | | | | | |
| | | B. Persons under 18 1 st offense entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. | | | | | | |

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Bail |
|-----------------------------|---|--|--|-----------|---------|-----|------------|
| Ch. 5 Part V Section G-1 | Criminal Sale of Dangerous Drugs to a Minor | | ≥ 1 year ≥ \$1,000.00 No Susp or Def | | | | \$1,000.00 |
| | | <p>A. Fine to be paid or served after sentence is served at rate of \$25.00 per day.</p> <p>B. Persons under 18 1st offense entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence.</p> <p>C. Offenders 2nd and subsequent-≥3 months up to ≤6 months.</p> | | | | | |
| Ch. 5 Part V Section H-1 | Possession of Drug Paraphernalia | ≤6 months | ≥45 days ≥ \$300.00 | ≤\$750.00 | | X | \$300.00 |
| | | <p>A. Minimum fine must be imposed as a condition of suspended or deferred sentence.</p> <p>B. Fine to be paid or served after sentence is served at rate of \$25.00 per day.</p> <p>C. Persons under 18 1st offense entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence.</p> <p>D. Offenders 2nd and subsequent-≥ 3 months up to ≤6 months.</p> | | | | | |
| Section J | Alternate Sentencing Sections A-H | | | | | | |
| | <p>If shown to be an excessive or habitual user of dangerous drugs or toxic substance, either from face of criminal record or by a presentation of evidence to the sentencing judge, may after the offender has served at least one (1) month of the sentence and at the discretion of the Court, be committed to the custody of any institution for rehabilitative treatment for a term >3 months and then returned to complete the rest of his or her sentence. Payment responsibility of defendant.</p> | | | | | | |

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Bail |
|--|--|---------------|---------------------------------|-------------|---------|-----|----------------------------------|
| Domestic Abuse Law Ch. 5 Ordinance 82 | 1 st or Second Offense | ≤180 days | ≥10 days | ≤\$500.00 | x | | \$2,500.00 After 48 hour hold |
| | 3 rd and Consecutive Offenses | ≤365 days | 365 days of Mandatory Couns. | ≤\$2,000.00 | x | | \$5,000.00 After 48 hour hold |

FAMILY CODE

| Code | Crime | Incarceration | Mandatory Min | Fine | Both/Or | And | Bail |
|-----------------------------------|-------------------------------------|--|--|------|---------|-----|--------------------------------|
| Domestic Abuse Ch. 9 Section 2 | 1 st Offense | | ≥10 days ≥\$500.00 | | | x | 48 hour hold |
| | 2 nd Offense | ≤60 days | ≥30 days ≥\$600.00 | | | x | 48 hour hold |
| | 3 rd Offense | ≤1 year | ≥90 days ≥\$600.00 | | | x | 48 hour hold |
| | 4 th Offense and consec. | | 1 year ≥\$600.00 | | | x | 48 hour hold |
| Bail for Domestic Abuse Ch. 9 | Abuse I | | Resulting in Hospitalization | | | | \$1,500.00 No Reduction/BRO |
| | Abuse II | | Resulting in Substantial Bodily Injury -broken bone, lacerations, stitching, missing or broken teeth, burns | | | | \$1,000.00 No Reduction/BRO |
| | Abuse III | | Resulting in Serious Bodily Injury-Bruising, spraining, extreme fear, pulled hair | | | | \$500.00/No Reduction |
| | Abuse IV | | If offender cannot be jailed due to doctor's statement | | | | \$300.00/ No Reduction |
| | | Mandatory counseling-Substance Abuse, Domestic, Anger, family, traditional and mandatory restitution. | | | | | |

| <u>Code</u> | <u>Crime</u> | <u>Incarceration</u> | <u>Mandatory Min</u> | <u>Fine</u> | <u>Both/Or</u> | <u>And</u> | <u>Bail</u> |
|---|---|----------------------|---|-------------|----------------|------------|--------------------------------|
| Elder Abuse Ch. 10 Section 2 | 1 st Offense Abuse, Neglect, Exploitation | | ≥10 days ≥\$500.00 | | | x | 48 Hour Hold |
| Arrest Mandatory in All Cases Except Exploitation | 2 nd Offense | ≤60 days | ≥30 days ≥\$600.00 | | | x | 48 Hour Hold |
| | 3 rd Offense | ≤1 year | ≥90 days ≥\$600.00 | | | x | 48 Hour Hold |
| | 4 th Offense | | 1 year ≥\$600.00 | | | x | 48 Hour Hold |
| Bail Elder Abuse Ch. 10 | Abuse/Neglect I | | Resulting in Hospitalization | | | | \$1,500.00 No Reduction/BRO |
| | Abuse/Neglect II | | Resulting in Substantial Bodily Injury - broken bone, lacerations, stitching, missing or broken teeth, burns | | | | \$1,000.00 No Reduction/BRO |
| | Abuse/Neglect III | | Resulting in Serious Bodily Injury - Bruising, spraining, extreme fear, pulled hair | | | | \$500.00/No Reduction |
| | Abuse IV | | If offender cannot be jailed due to doctor's statement | | | | \$300.00/ No Reduction |
| | Mandatory counseling-Substance Abuse, Domestic, Anger, Family, Elder Abuse, traditional and mandatory restitution. | | | | | | |

| | <u>Incarceration</u> | <u>Mandatory Min</u> | <u>Fine</u> | <u>Both/Or</u> | <u>And</u> | <u>Bail</u> |
|--|----------------------|-----------------------|-------------|----------------|------------|--------------------------|
| | ≤10 days | ≥5 days ≥\$100.00 | ≤\$500.00 | | x | Own Recognition |
| o the | ≤30 days | ≥10 days ≥\$100.00 | ≤\$300.00 | | | \$200.00 No Reduction |
| fa | ≤90 days | ≥30 days ≥\$200.00 | ≤\$400.00 | | x | \$200.00 No Reduction |
| d | ≤1 year | ≥90 days ≥\$300.00 | ≤\$600.00 | | x | \$200.00 No Reduction |
| retention on 1 st and mandatory thereafter. | | | | | | |
| ourt | ≤30 days | ≥\$10.00 | ≤\$300.00 | x | | \$100.00 No Reduction |
| | | | | | | \$600.00 No Reduction |
| | | | | | | \$600.00 No Reduction |
| erment | | | | | | \$600.00 No Reduction |
| broken | ≤30 days | ≥10 days ≥\$100.00 | ≤\$300.00 | | x | |
| g | ≤90 days | ≥30 days ≥\$300.00 | ≤\$500.00 | | x | |
| using, | ≤15 days | ≥\$50.00 | ≤\$200.00 | x | | |
| eme fear, | ≤30 days | ≥5 days ≥\$100.00 | ≤\$250.00 | | x | |

| | <u>Intercept ion</u> | <u>Mandatory Min</u> | <u>Fine</u> | <u>Both/Or</u> | <u>And</u> | <u>Bail</u> |
|------------------|--------------------------|-----------------------------|-------------|----------------|------------|----------------------------|
| trise | ≤30 days | ≥\$50.00 | ≤\$200.00 | x | | \$600.00 No Reduction |
| trise | ≤45 days | ≥10 days >\$100.00 | ≤\$300.00 | | x | \$600.00 No Reduction |
| on a | | | | | | \$1,000.00 No Reduction |
| trise | | | | | | \$1,000.00 No Reduction |
| | ≤1 year | ≥90 days ≥\$500.00 | ≤\$1,000.00 | | x | \$1,000.00 No Reduction |
| | | 1 year ≥\$1,000.00 | | | | |
| c it | | ≥\$500.00 | ≤\$1,500.00 | | | Citation |
| holic son- | | \$500.00 Each infraction | | | | Citation |
| holic trisons | | \$250.00 each violation | | | | Citation |
| | | | | | | \$5,000.00 |
| | | | | | | \$500.00 |

| <u>Code</u> | <u>Crime</u> | <u>Incarceration</u> | <u>Mandatory Min</u> | <u>Fine</u> | <u>Both/Or</u> | <u>And</u> | <u>Bail</u> |
|------------------|---|----------------------|---|-------------|----------------|------------|-------------|
| Tobacco Free Law | | | \$500.00 | | | | Citation |
| Ordinance 67 | Acts Against Tribal Council Members | | Each violation | | | | \$5,000.00 |
| | Aiding and Abetting Acts Against Tribal Council Members | | 1 year incarceration and/or \$5,000.00 fine | | | | \$5,000.00 |

TABLE OF CONTENTS

CHAPTER 6

LAW ENFORCEMENT

Section 1. Public Officers----- 69

Section 2. Police Commissioners----- 69

Section 3. Duties of Police----- 69

Section 4. Law Enforcement----- 69

Section 5. Extradition----- 69

Section 6. Removal of Non-Members, Law-Breakers----- 70

Section 7. Method of Arrest----- 70

Section 8. Issuance and Service of Arrest Warrant upon Complaint----- 70

Section 9. Arrest with a Warrant----- 71

Section 10. Procedure when Warrant Defective----- 72

Section 11. Arrest without a Warrant----- 72

Section 12. Time of Making Arrest----- 72

Section 13. Arrest by a Tribal Officer----- 72

Section 14. Assisting a Tribal Officer----- 73

Section 15. Release by Officer of Person Arrested----- 73

Section 16. Arrest by a Private Person----- 73

Section 17. When Summons may be Issued----- 73

Section 18. Effect of Not answering Summons----- 74

Section 19. Notice to Appear----- 74

Section 20. Judge May order Arrest----- 74

Section 21. Road Block----- 75

Section 22. Search and Seizure, when arrested----- 75

Section 23. Scope of Search Warrant without Warrant----- 76

Section 24. Search Warrant Defined----- 77

Section 25. Grounds for Search Warrant----- 77

Section 26. Scope of Search with Warrant----- 77

Section 27. Filing of Application----- 77

Section 28. Service and Execution of Search Warrants----- 77

Section 29. Detention and Search of Persons or Premises----- 78

Section 30. When Warrant may be Executed----- 78

Section 31. Return to Court of things Seized under Search Warrant----- 78

Section 32. Return of Property Seized----- 79

Section 33. Disposition of Unclaimed Property----- 80

| | | |
|-------------|---|----|
| Section 34. | When Search and Seizure not Illegal----- | 80 |
| Section 35. | Admissibility in Other Proceedings----- | 80 |
| Section 36. | Duty of Person Who has Made an Arrest----- | 81 |
| Section 37. | Duty of the Court----- | 81 |
| Section 38. | Purpose of Bail----- | 81 |
| Section 39. | Who May Admit to Bail----- | 81 |
| Section 40. | Setting and Accepting Bail in Minor Offense----- | 81 |
| Section 41. | Setting and Accepting Bail under a Warrant of Arrest----- | 82 |
| Section 42. | Giving Bail before another Court of Judge----- | 82 |
| Section 43. | Release on Own Recognizance----- | 82 |
| Section 44. | Issuance of Warrant----- | 83 |
| Section 45. | Bailable Offenses----- | 83 |
| Section 46. | Bail after Conviction----- | 83 |
| Section 47. | Determining the Amount of Bail----- | 83 |
| Section 48. | Reduction Increase, Revocation or Substitution of Bail----- | 84 |
| Section 49. | How Bail is to be Furnished----- | 84 |
| Section 50. | Surrender of Defendant----- | 85 |
| Section 51. | Conditions of Bail Bond, When Performed-When Not Performed----- | 85 |
| Section 52. | Condition of Bail----- | 86 |

CHAPTER 6
LAW ENFORCEMENT

SECTION 1. **PUBLIC OFFICERS.**

The Ordinances of the Blackfeet Indian Tribe shall be enforced by any duly qualified enforcement officer.

SECTION 2. **POLICE COMMISSIONERS.**

The Tribal Business Council and Law and Order Committee may issue police commissions of the Tribe properly qualified for the performance of police duties, or to any other Law Enforcement Officer.

SECTION 3. **DUTIES OF POLICE.**

Police Officers of the Blackfeet Tribe shall be officers of the Blackfeet Indian Court, and shall execute all orders of the Court and all Ordinances and Resolutions of the Tribal Business Council, regardless of their personal opinions as to the wisdom or constitutionality of such Resolution or Ordinances, or order of the Court.

SECTION 4. **LAW ENFORCEMENT.**

All Resolutions and Ordinances of the Tribal Business Council shall be faithfully enforced by the officers of the Tribe, including the Judge, regardless of their personal opinions as to the wisdom or constitutionality of such Resolutions or Ordinances.

SECTION 5. **EXTRADITION.**

The Chairman of the Tribal Business Council may order the return to any other jurisdiction of any person accused of crime therein, and may request the authorities of other jurisdiction to return to the Blackfeet Indian Reservation persons accused or convicted of a crime who have fled from the jurisdiction of the Blackfeet Indian Court.

SECTION 6. REMOVAL OF NON-MEMBERS, LAW-BREAKERS.

Any private person not a member of the Blackfeet Indian Tribe who, within the Blackfeet Indian Reservation, commits any act which is a crime under Federal or State Law, or which would be a misdemeanor under the Ordinances of the Blackfeet Indian Tribe if committed by a member thereof, may be forcibly ejected from the Blackfeet Indian Reservation by a member of the Indian Police, Police Officer, or the Tribe, or of the United States Indian Service, and may be turned over to the custody of any Federal or State police officer for prosecution under Federal or State Law.

SECTION 7. METHOD OF ARREST.

A. An arrest is made by an actual restraint of the person to be arrested or by his submission to the custody of the person making the arrest.

B. All necessary and reasonable force may be used in making an arrest, but the person arrested shall not be subject to any greater restraint than is necessary to hold or detain him.

C. All necessary and reasonable force may be used to affect any entry into any building or property or part thereof to make an authorized arrest.

SECTION 8. ISSUANCE AND SERVICE OF ARREST WARRANT UPON COMPLAINT.

A. A complaint, as the basis of an arrest warrant, shall be in writing and shall:

(1) State the name of the accused if known, and if not known, the accused may be designated by any name or description by which he can be identified with reasonable certainty;

(2) State facts showing probable cause to believe that the accused has committed an offense;

(3) State the time and place of the offense as definitely as can be done by the complainant; and

(4) Be subscribed and sworn by the complainant.

B. When a complaint is presented to a court charging a person with the commission of an offense, the court shall examine upon oath the complainant and may also examine any other witnesses.

C. If it appears from the contents of the complaint and the examination of the complainant and other witnesses, if any, that there are reasonable grounds to believe that the person against whom the complaint was made has committed an offense, a warrant shall be issued by the Court for the arrest of the person complained against. In the discretion of the Court, more than one warrant or summons may issue on the same complaint.

D. The warrant of arrest shall:

- (1) Be in writing in the name of the Tribe;
- (2) Set forth the nature of the offense;
- (3) Direct the person against whom the complaint was made be arrested and brought before the Court issuing the warrant, or that the arrested person shall be taken without unnecessary delay before the nearest and most accessible Judge of the Tribal Court;
- (4) Specify the name of the person to be arrested or if his name is unknown, designate such person by any name or description by which he can be identified with reasonable certainty;
- (5) State the date when issued;
- (6) Be signed by a Judge of the Tribal Court with the title of his office;
- (7) Specify the amount of bail, if so directed by the Tribal Court; and
- (8) Be directed to all Tribal officers and state that it shall be executed by a Tribal officer.

SECTION 9. ARREST WITH A WARRANT.

When making an arrest by virtue of a warrant, the Tribal officer making the arrest shall inform the person to be arrested of his authority, of the intention to arrest him, of the cause of the arrest, and of the fact that a warrant has been issued for his arrest, except when he flees or forcibly resists before the

officer making the arrest has an opportunity so to inform him, or when the giving of such information will imperil the arrest. The Tribal Officer making the arrest need not have the warrant in his possession at the time of the arrest, but after the arrest if the person arrested so requires, the warrant shall be shown to him as soon as possible.

SECTION 10. **PROCEDURE WHEN WARRANT DEFECTIVE.**

No warrant of arrest shall be quashed or abated nor shall any person in custody for an offense be discharged from such custody because of technical irregularities not affecting the substantial right of the accused.

SECTION 11. **ARREST WITHOUT A WARRANT.**

A Tribal Officer or person making an arrest without a warrant must inform the person to be arrested of his authority of the intention to arrest him, and the cause of the arrest, except when the person to be arrested is actually engaged in the commission of, or in an attempt to commit an offense, or is pursued immediately after its commission, or after an escape, or when the giving of such information will imperil the arrest.

SECTION 12. **TIME OF MAKING ARREST.**

An arrest may be made on any day and at any time of the day or night except that a person cannot be arrested in his home or private dwelling place at night, for a misdemeanor committed at some other time and place unless upon the direction of a Judge, endorsed upon a warrant of arrest.

SECTION 13. **ARREST BY A TRIBAL OFFICER.**

- (1) He has a warrant commanding that such person be arrested; or
- (2) He believes, on reasonable grounds, that a warrant for the person's arrest has been issued on the Blackfeet Reservation; or

(3) He believes on reasonable grounds, that the person is committing or has committed an offense.

SECTION 14. ASSISTING A TRIBAL OFFICER.

(1) A Tribal Officer making a lawful arrest may command the aid of male persons over the age of eighteen (18).

(2) A person commanded to aid a Tribal Officer shall have the same authority to arrest as that officer.

(3) A person commanded to aid a Tribal Officer in making an arrest shall not be civilly liable for any reasonable conduct in aid of the officer.

SECTION 15. RELEASE BY OFFICER OF PERSON ARRESTED.

A Tribal Officer having custody of a person arrested without a warrant is authorized to release the person without requiring him to appear before a Court when the officer is satisfied that there are no grounds for criminal complaint against the person arrested.

SECTION 16. ARREST BY A PRIVATE PERSON.

A private person may arrest another when:

(1) He believes, on reasonable grounds, that an offense is being committed or attempted in his presence.

SECTION 17. WHEN SUMMONS MAY BE ISSUED.

When authorized to issue a warrant of arrest a Court may in lieu thereof issue a summons.

The Summons shall:

- (1) Be in writing in the name of the Tribe;
- (2) State the name of the person summoned and his address, if known;
- (3) Set forth the nature of the offense;

- (4) State the date when issued;
- (5) Be signed by the Judge of the Court with the title of his office;
- (6) Command the person to appear before the Court of a certain time and place.

The summons may be served in the same manner as the summons in a civil action.

SECTION 18. **EFFECT OF NOT ANSWERING SUMMONS.**

Upon failure of the person summoned to appear, the Judge shall issue a warrant of arrest. If after issuing a summons, the Judge becomes satisfied that the person summoned will not appear as commanded by the Summons, he may at once issue a warrant of arrest.

SECTION 19. **NOTICE TO APPEAR.**

Whenever a Tribal Officer is authorized to arrest a person without a warrant he may instead issue to such person a notice to appear.

The notice shall:

- (1) Be in writing;
- (2) State the name of the person and his address, if known;
- (3) Set forth the nature of the offense;
- (4) Be signed by the officer issuing the notice; and
- (5) Direct the person to appear before a Court at a certain time and place;

Upon failure of the person to appear, a summons or warrant of arrest may issue.

SECTION 20. **JUDGE MAY ORDER ARREST.**

A Judge may orally order a Tribal officer or private person to arrest any one committing or attempting to commit a public offense in the presence of such Judge.

SECTION 21. ROAD BLOCK.

(1) For the purpose of this act, a "Temporary Roadblock" means any structure, device, or means used by the duly elected or appointed law enforcement officers of this State or of the Blackfeet Tribe, and their deputies, for the purpose of controlling all traffic through a point on the highway whereby all vehicles may be slowed or stopped.

(2) The duly elected or appointed law enforcement officers of the Blackfeet Tribe, and their deputies, are hereby authorized to establish, in their respective jurisdictions, or in other jurisdictions within the Reservation, temporary roadblocks, and apprehending persons wanted for violations of the laws of the United States, who are using the highways of this State or Reservation.

(3) Any Indian who shall proceed or travel through a roadblock, without subjecting himself to the traffic control so established shall be guilty of a misdemeanor, and shall be sentenced. (a) to labor for a period not to exceed six (6) months, or (b) to pay a fine not to exceed Five Hundred Dollars (\$500.00), or (c) to both the foregoing.

SECTION 22. SEARCH AND SEIZURE, WHEN ARRESTED.

A search of an Indian, object or place may be made and instruments, articles or things may be seized in accordance with the provisions of this Chapter when the search is made:

(1) As an incident to a lawful arrest;

(2) With the consent of the accused or of any other person who is lawfully in possession of the object or place to be searched or who is believed upon reasonable cause to be in such lawful possession by the person making the search;

(3) By the authority of a valid search warrant; or

(4) Under the authority and within the scope of a right of lawful inspection granted by law.

A search warrant may in all cases be served by any of the officers mentioned in its direction, duty but by no other person except in aid of the officer or his requiring it, he being present and acting in its execution. The officer may break open any outer or inner door or window of a house or any part of a house or anything therein to execute the warrant, if after notice of his authority and purpose he is refused admittance. The officer may break open any outer or inner door or window of a house when necessary for his own liberation, or for the purpose of liberating a person who, having entered to aid him in the execution of the warrant is detained therein. The Judge will insert a directive in the warrant that it be served in the daytime, unless the affidavits are positive that the property is on the person or in the place to be searched in which case the Judge may insert a directive that it be served at any time of the day or night.

A search warrant must be executed and returned to the Judge, who issued it within ten (10) days after its date; after the expiration of this time the warrant, unless executed, is void.

SECTION 23. SCOPE OF SEARCH WARRANT WITHOUT WARRANT.

When a lawful arrest is effected a Tribal Officer may reasonably search the person arrested and the area within such person's immediate presence for the purpose of:

- (1) Protecting the officer from attack; or
- (2) Preventing the person from escaping; or
- (3) Discovering the seizing the fruits of the crime; or
- (4) Discovering and seizing any persons, instruments, articles, or things which may have

been used in the commission of, or which may constitute evidence of the offense.

SECTION 24. SEARCH WARRANT DEFINED.

A search warrant is an order in writing in the name of the Tribe, signed by a Judge, particularly describing the thing or place to be searched and the instruments, articles or things to be seized, directed to a Tribal Officer, commanding him to search for personal property and bring it before the Judge.

SECTION 25. GROUNDS FOR SEARCH WARRANT.

Any Judge may issue a search warrant upon the written application of any person that an offense has been committed, made under oath or affirmation before him which:

- (1) State facts sufficient to show probable cause for issuance of the warrant;
- (2) Particularly describes the place or things to be searched; and
- (3) Particularly describe the things to be seized.

SECTION 26. SCOPE OF SEARCH WITH WARRANT.

A search warrant may authorize the seizure of the following:

- (1) Contraband;
- (2) Any instrument, articles or things which are the fruits of and have been used in the

commission of any offense.

SECTION 27. FILING OF APPLICATION.

The application on which the search warrant is issued shall be retained by the Judge but need not be filed with the Clerk of Court nor with the Court, if there is no Clerk, until the warrant has been executed or has been returned "not executed".

SECTION 28. SERVICE AND EXECUTION OF SEARCH WARRANTS.

A search warrant may in all cases be served by any of the officers mentioned in its directive, but by no other person except in aid of the officer on his requiring it, he being present and acting in its execution.

Service of a search warrant is made by exhibiting the original warrant at the place to be searched. If the warrant is executed, a duplicate copy, and a receipt for all articles taken shall be left with any person from whom any instruments, articles or things are seized, or if no person is available, the copy and receipt shall be left at the place from which the instruments, articles or things were seized. Failure to give or leave such a receipt shall not render the evidence inadmissible in a trial.

All necessary and reasonable force may be used to execute a search warrant or to affect an entry into any building or property or part thereof to execute a search warrant.

SECTION 29. **DETENTION AND SEARCH OF PERSONS OR PREMISES.**

In the execution of the search warrant the person executing the same may reasonably detain and search any person in the place of search at the time:

(1) to protect himself from attack; or

(2) to prevent the disposal or concealment of any instruments, articles or things

particularly described in the search warrant.

SECTION 30. **WHEN WARRANT MAY BE EXECUTED.**

The warrant may be executed at any time of any day or night prescribed in the warrant. The warrant shall be executed within ten (10) days from the time of issuance. Any warrant not executed within such time shall be void, and shall be returned to the Court or the Judge, issuing the same as "not executed".

SECTION 31. **RETURN TO COURT OF THINGS SEIZED UNDER SEARCH WARRANT.**

The return of the warrant and all instruments, articles, and things seized shall be made promptly before the Judge who issued the warrant, or if he is absent or unavailable, before the nearest available Judge and shall be accompanied by a written inventory of any property taken, verified by the person executing the warrant. The Judge, shall, upon request, deliver a copy of the inventory to the person from

whom or from whose premises the property was taken and to the applicant of the warrant. The Judge before whom the instruments, articles, or things are returned shall enter an order providing for their custody or appropriate disposition pending further proceedings.

Any Tribal Officer seizing any instruments, articles, or things must give a receipt to the person from whose possession they are taken, but failure to give such a receipt shall not render the evidence seized inadmissible upon a trial.

If the arrest has been made all instruments, articles, or things shall be exhibited to the tribal judge before whom the person arrested is taken, and thereafter handled and disposed of in accordance with tribal law. If the person arrested is released without a charge being preferred against him, all instruments, articles, or things seized from him, other than contraband, shall be returned to him upon release.

If no arrest has been made, such instruments, articles, or things may be retained in the custody of the officer making the seizure for a time sufficient for investigation of the supposed crime, after which they must be delivered to the proper Judge, for disposition in accordance with Tribal Laws, retained to the person from whom they were taken.

SECTION 32. RETURN OF PROPERTY SEIZED.

Any person claiming the right to possession of property seized as evidence may apply to the Judge to whom it has been delivered for its return. The Judge shall give such notice as he deems adequate to all persons who have or may have an interest in the property and shall hold a hearing to hear all claims to its true ownership.

If the right to possession is proved to the Judge's satisfaction, he shall order the property, other than contraband, returned if:

(1) The property is not needed as evidence, or if needed, satisfactory arrangements can be made for its return for subsequent use as evidence, or

(2) All proceedings in which it might be required have been completed.

SECTION 33. **DISPOSITION OF UNCLAIMED PROPERTY.**

If the property seized as evidence is not claimed within six (6) months of the completion of the case for which it was seized, and if, after proper inquiry, the Judge cannot ascertain or locate any person entitled to its possession, he must order the property to be sold by the Tribe. The proceeds from such sale, after deduction of the costs of storage and reservation of the property, must be paid into the Tribal Treasury.

SECTION 34. **WHEN SEARCH AND SEIZURE NOT ILLEGAL.**

No search and seizure, whether with or without warrant, shall be held to be illegal as to a defendant if:

- (1) The defendant has disclaimed any right to or interest in the place or object searched and the instruments, articles or things seized; or
- (2) No right of the defendant has been infringed by the search and seizure; or
- (3) Any irregularities in the proceedings do not affect the substantial rights of the accused.

SECTION 35. **ADMISSIBILITY IN OTHER PROCEEDINGS.**

Instruments, articles or things lawfully seized are admissible as evidence upon any prosecution or proceedings whether or not the prosecution or proceedings is for the offense in connection with which the search was originally made

SECTION 36. DUTY OF PERSON WHO HAS MADE AN ARREST.

Any person making an arrest under a warrant shall take the arrested person without unnecessary delay before the Judge issuing the warrant or if he is absent or unable to act, before the nearest or most accessible judge of the Tribe.

SECTION 37. DUTY OF THE COURT.

The Judge shall inform the defendant:

- (1) Of the charge against him;
- (2) Of his right to layman counsel; and
- (3) That he is not required to make a statement and that any statements made by him may

be offered in evidence at his trial.

SECTION 38. PURPOSE OF BAIL.

Bail is the security given for the purpose of insuring the presence of the defendant in a pending criminal proceeding.

SECTION 39. WHO MAY ADMIT TO BAIL.

Any Judge having authority, as specified in Tribal Code, may admit any defendant properly appearing before him in such proceeding to bail. When bound over to any Court or Judge having jurisdiction of the offense charged, bail shall be continued provided the Court or Judge, having jurisdiction, may increase, reduce or substitute bail.

Upon the allowance of bail and execution of the undertaking, if any be required, then Judge must, if the defendant is in custody, make and sign an order for his discharge. Upon the delivery of such order to the proper officer, the defendant may be discharged.

SECTION 40. SETTING AND ACCEPTING BAIL IN MINOR OFFENSE.

A Judge may, in his discretion, establish and post a schedule of bail for offenses not

amounting to a felony. A Chief Officer may accept bail on behalf of the Judge. In the event the Chief Officer accepts bail, he shall give a signed receipt to the offender setting forth the bail received. The Chief Officer shall then deliver the bail to the Judge.

SECTION 41. **SETTING AND ACCEPTING BAIL UNDER A
WARRANT OF ARREST.**

The Chief Officer may accept bail on behalf of the Judge as set under the schedule authorized above in Section 40. In the event the Chief Officer accepts bail, he shall give a signed receipt to the offender setting forth the bail received. The Chief Officer shall then deliver the bail to the Judge before whom the offender is to appear, and the Judge shall give a receipt to the Police Officer for the bail delivered.

SECTION 42. **GIVING BAIL BEFORE ANOTHER COURT OR JUDGE.**

The defendant, when arrested for a bailable offense, must be taken without unnecessary delay before the nearest or most accessible judge in order that bail may be fixed. If the defendant is brought before a judge other than the Court in which the charge is pending, the judge must establish and accept bail and set the time for the appearance of the defendant in the Court in which the charge is pending. Upon acceptance of bail, the judge must deliver the bail without delay to the court in which the charge is pending.

SECTION 43. **RELEASE ON OWN RECOGNIZANCE.**

Any person in custody, if otherwise eligible for bail, may be released on his personal recognizance subject to such conditions as the Court may reasonably prescribe to assure his appearance when required. Any person released as herein provided shall be fully apprised by the Court of the penalty provided for failure to comply with the terms of his recognizance.

SECTION 44. ISSUANCE OF WARRANT.

Upon failure to comply with any condition of a bail bond or recognizance, the Court having jurisdiction at the time of such failure may, in addition to any other action provided by law, issue a warrant for the arrest of the person at liberty on bail or on his own recognizance.

If at any time the Court has reason to believe that a person out on bail or recognizance has threatened or attempted to influence the pending proceeding, the Court having jurisdiction at that time may, in addition to any other action provided by law, issue a warrant for his arrest.

SECTION 45. BAILABLE OFFENSES.

All persons shall be bailable before conviction, except when intoxicated. When intoxicated at the time of arrest, the defendant shall be bailable six (6) hours thereafter.

SECTION 46. BAIL AFTER CONVICTION.

After conviction of an offense, a defendant who has appealed may be admitted to bail as a matter of right, when the appeal is from a judgment imposing a fine only.

SECTION 47. DETERMINING THE AMOUNT OF BAIL.

In all cases where bail is determined to be necessary, bail must be reasonable in amount and the amount shall be:

- (1) Sufficient to assure compliance with the conditions set forth in the bail;
- (2) Not oppressive;
- (3) Commensurate with the nature of the offense charged;
- (4) Considerate of the financial ability of the accused; and
- (5) Considerate of the defendant's prior record, employment status, and family

background.

SECTION 48. **REDUCTION INCREASE, REVOCATION OR
SUBSTITUTION OF BAIL.**

A. Upon application by the Tribe or the defendant, the Court before which the proceeding is pending, may increase or reduce the amount of bail, substitute one bail for another, or alter the condition of the bail, or revoke bail.

B. Reasonable notice of such application, except as provided in Substitution C, and except after verdict of guilty and before judgment.

C. Upon verified application by the Tribe stating facts or circumstances constituting a breach or a threatened breach of any of the circumstances constituting a breach or a threatened breach of any of the conditions of the bail, the Court may issue a warrant commanding any Tribal Officer to bring the defendant without necessary delay before the Court for a hearing on matters set forth in the application. At the conclusion of the hearing, the Court may enter an order in accordance with subsection A.

SECTION 49. **HOW BAIL IS TO BE FURNISHED.**

Any person for whom bail has been set may execute the bail bond with or without sureties which bond may be secured:

(1) By a deposit with the Clerk of Court, of an amount equal to the required bail, of cash, stocks or bonds, or any combination thereof approved by the Judge;

(2) By a written undertaking executed by the defendant and by two sufficient sureties;

(3) By a commercial surety bond executed by the defendant and by a qualified agent for and on behalf of such surety company.

The sureties must, in all cases, justify by sworn affidavit that they each possess the qualifications provided in the proceeding section. The Court may further examine the sufficiency of the bail, upon oath, in such manner as it may deem proper.

History: (Any references to bail bonds or other forms of surety or commercial bail bonds has been repealed by Resolution 92-70 adopted February 5, 1975 and is of no force).

SECTION 50. SURRENDER OF DEFENDANT.

At any time before the forfeiture of bail, the defendant may surrender himself to the officer to whose custody he was committed at the time of giving bail. At any time before the forfeiture, the bail, the sureties or surety company may surrender the defendant to the officer to whose custody he was committed and for this purpose may, themselves, arrest the defendant or by written authority endorsed on a certified copy of the undertaking, may empower any person of suitable age and discretion to do so.

The officer must detail the defendant in his custody as upon commitment and shall file a certificate in the Court having jurisdiction of the defendant, acknowledging the surrender. Such Court may then order the bail exonerated.

History: (Any reference to sureties on bail is repealed by Ordinance 92-70, February 5, 1971 and of no effect).

SECTION 51. CONDITIONS OF BAIL BOND, WHEN PERFORMED-WHEN NOT PERFORMED.

When the conditions of the bail bond have been performed and the accused has been discharged from his obligations in the cause, the Clerk of the Court shall return to him or his sureties the deposit of any cash, stock or bonds. If the accused does not comply with the conditions of the bail bond, the Court having jurisdiction shall enter an order declaring the bail to be forfeited. If such forfeiture is declared by a tribal court, notice of such order of forfeiture shall be mailed forthwith by the Clerk of the Court to the accused and his sureties at their last known address. If the accused does not appear and surrender to the Court having jurisdiction within thirty (30) days from the date of the forfeiture and satisfy the Court that appearance and surrender by the accused was impossible and without his fault, the Court shall enter judgment for the Tribe against the accused and his sureties for the amount of the bail and costs of the proceedings. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial

or judgment, or upon any other occasion when his presence in Court may be lawfully required, or to surrender himself in execution of the judgment, the Court must direct the fact to be entered upon its minutes, and the undertaking of bail, or the money deposited instead of bail, as the case may be, is thereupon forfeited. But if at any time before the final adjournment of the Court, the defendant or his bail appear and satisfactorily excuse his neglect, the Court may direct the forfeiture of the undertaking or the deposit, be discharged upon such terms as may be just.

History: *(Any reference to sureties or surety bonds is repealed by Resolution 92-70, February 5, 1971).*

SECTION 52. **CONDITIONS OF BAIL.**

A. If a person is admitted to bail before conviction, the conditions of bail bond shall be that he will appear to answer in the Court having jurisdiction on a day certain and thereafter as ordered by the Court until discharged on final order of the Court and not depart the Blackfeet Reservation without leave, and that he will obey any other conditions which the Court may reasonably prescribe to assure his appearance when required.

B. If the defendant is admitted to bail after conviction, the conditions of bail bond shall be that:

- (1) He will duly prosecute his appeal;
- (2) He will appear at such time and place as the Court may direct;
- (3) He will not depart the Blackfeet Reservation without leave of the Court; and
- (4) If the judgment is affirmed or the cause reversed and remanded for a new trial,

that he will forthwith surrender to the officer from whose custody he was bailed.

If the judgment of conviction is reversed and the cause remanded for a new trial, the trial court may order that the bail stand pending such trial, or may substitute, reduce, or increase the bail.

History: *(Any conflict between this Chapter and Chapter 9 of this Code on Rules of Procedure shall be resolved in favor of the provisions of Chapter 9).*



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE

WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

RESOLUTION

NUMBER 328-2010

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WEHREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education, health, and resources of the Blackfeet Indian Nation; and

WHEREAS, The Blackfeet Tribal Business Council, pursuant to Article VI, Section 1(k) of the Constitution of the Blackfeet, is empowered to enact laws for the purposes of safeguarding the peace and safety of the residents of the Blackfeet Reservation, and

WHEREAS, The Blackfeet Tribal Business Council enacted a Resolution on January 8, 2008 number 92-2008 which amended the Extradition law of the Blackfeet Tribe in Section 5, Chapter 6, of the Blackfeet Law and order Code of 1967, as amended; and

WHEREAS, There is now a need to amend a portion of Resolution No. 92-2008 referring to the enactment of Memoranda of Agreement with other jurisdictions; now

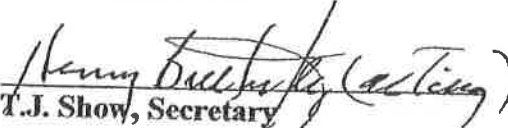
THEREFORE BE IT RESOLVED as follows:


1. That Resolution No. 92-2008 be amended by striking, in its entirety, the last paragraph of this Resolution referring to the requirement of a Memorandum of Agreement with any jurisdiction requesting extradition from the Blackfeet Tribe before such request will be granted.

2. That the remaining wording of Resolution No. 92-2008, amended Section 5, Charter 6 of the Blackfeet Tribal Law and Order Code of 1967, as amended, remain in full force and effect.

3. That the Chairman and Secretary of the Blackfeet Tribe shall have the authority to sign this Resolution on behalf of the Blackfeet Tribal Council.

ATTEST:


T.J. Show, Secretary
Blackfeet Tribal Business Council

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**

Willie A Sharp, Jr., Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing resolution amending Resolution No. 92-2008 was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special session assembled the 22nd. day of July, 2010 with six (6) members present to constitute a quorum and by a vote of Six (6) FOR, Zero (0) OPPOSED, and Zero (0) ABSTAINING.

(SEAL)


T.J. Show, Secretary
Blackfeet Tribal Business Council

Tribal Judge who shall advise him of the Criminal charges filed against him, what jurisdiction has filed the charges; that he is entitled to a Probable Cause hearing before judge to establish that he is the person named in the Warrant, that the offense alleged in the Warrant had occurred and that he is implicated in the crime. The person arrested shall also be notified that he is entitled to an attorney for such hearing, can produce witnesses in his behalf and can testify or decline to testify in, his own defense. The Judge shall further inform him that if Probable Cause is not found at the hearing he would be released from Custody.

3. If the Indian does not wish to demand a hearing before the Blackfeet tribal court, he shall indicate such fact by signing the prescribed form, waiving and relinquishing his rights to such a hearing and submitting himself to transportation by proper authorities to the County named in the extradition Order for trial.
4. If the person arrested demands a Probable Cause hearing before the Court the tribal Judge shall use established Court procedures as for any other hearing before the Court with the exception that hearsay testimony may be used in a Probable Cause hearing.
5. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the jurisdiction in which it was committed, the Judge may admit the person arrested to a surety and/or cash bond, in such sum as he seems proper, to assure the prisoners appearance before the Court at the time of hearing.
6. If the prisoner is admitted to cash bond, and fails to appear and surrender himself according to the conditions of his bond, the Judge by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he can be found on the Blackfeet Indian Reservation.

BE IT FURTHER RESOLVED that the Blackfeet Tribe requires that all law enforcement agencies, including county, state and other jurisdictions that are requesting that the Blackfeet Tribe enforce extradition must first enter into a Memorandum of Agreement with the Blackfeet Tribe. The Memorandum of Agreement shall state that those jurisdictions will in turn honor the request of the Blackfeet Tribe for extradition that involve persons who are under the jurisdiction of the Blackfeet Tribe.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION


WILLIE A. SHARP, JR.
Secretary


EARL OLD PERSON
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council during the duly called, noticed and convened SPECIAL Session held on the 8th day of January, 2008. with SIX (6) Members present to constitute a quorum and by a vote of SIX (6) FOR and ZERO (0) OPPOSED, and ZERO (0) ABSTAINED.

(seal)


WILLIE A. SHARP, JR., Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION
P.O. BOX 850 B. MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON - CHAIRMAN
ROGER RUNNING CRANE - VICE CHAIRMAN
WILLIE A. SHARP JR. - SECRETARY
JOE GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
ROGER "SASSY" RUNNING CRANE
WILLIE A. SHARP JR.
RODNEY "FISH" GERVAIS
RONALD "SMILEY" KITTSOON
EDWIN "SOONEY" LITTLE PLUME
PAT THOMAS
PAUL MCEVERS
BETTY N. COOPER

RESOLUTION

No. 60-2008

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, Pursuant to the Blackfeet Tribal Constitution and Bylaws, Article VI, Section 1(g), the Blackfeet Tribal Business Council has the power to manage tribal affairs in an acceptable and businesslike manner and in accordance with the administrative plan, called the Plan of Operations, and

WHEREAS, The Blackfeet Tribal Business Council is desirous of amending Resolution No. 112-99 of Chapter 6, Section 51, Conditions of Bond, When Performed – When Not Performed of the Blackfeet Law and Order Code of 1967, as amended, now

THEREFORE BE IT RESOLVED:

1. That Chapter 6, Section 51, Conditions of Bail Bond, When Performed – When Not Performed of the Blackfeet Law and Order Code of 1967, as amended, by Resolution No. 112-99, is hereby deleted entirety.

2. That the new Section 51 of Chapter 6 shall read as follows, effective immediately upon approval of this Resolution.

Section 51, Conditions of Bail Bond, When Performed – When Not Performed.

“Bail Bonding Agencies shall maintain a Five Thousand Dollar (\$5,000.00) cash reserve in an accredited banking or financial institution as of June 1, 1999. Bail Bonding Agencies shall be required to submit quarterly financial statements to the Blackfeet Department of Revenue. Failure to report and maintain a \$5,000.00 cash reserve will result in suspension of the Tribal Business License and will terminate the Bail Bonding

Agency's right to operate within the exterior boundaries of the Blackfeet Indian Reservation until all requirements are satisfied. When conditions of Bail Bond have been performed and the accused has been discharged and/or the charges have been dropped, the Court shall release the bonding Agencies from any surety obligations, deposits of cash, stocks or bonds. If the accused does not comply with the conditions of the Bail Bond with respect to appearances by the accused, the Court shall by personal service, notify the Bail Bonding Agency of the accused's failure to appear. After personal notice has been received by the Bail Bonding Agency, the Court, before declaring the bond to be forfeited, shall allow ninety (90) calendar days for the accused to surrender to the Court or for the accused to be apprehended by a police officer or by the Bail Bond Agency. This period of time may be extended an additional ten (10) working days by way of petition for good cause. Failure to surrender the accused within the above-mentioned times shall result in forfeiture of the Bail Bond. The Bail Bonding Agency shall then have ten (10) working days to pay the bond forfeiture amount. Failure to do so will result in the suspension of the Bail Bonding Agency's Tribal Business License until such time that the bond is paid and the Court withdraws suspension against the Bail Bond Agency. If the accused surrenders or is apprehended within the above-mentioned time, the bail bond will be discharged. If the accused does not surrender or is not apprehended, the accused will be charged with failure to appear in addition to the original charges and the bond will be forfeited. Should the Court fail to serve said forfeiture to the Bail Bond Agency within ten (10) calendar days the bail bond will effectively be discharged and the sureties exonerated.

If the accused violates any other conditions of the bail bond, the Court shall order the arrest or apprehension of the accused and a discharge of the bail bond on the original charge or charges.

All forfeitures must be accompanied with an arrest warrant. Failure to attach the arrest warrant will result in exoneration of Bail Bond.

If the accused fails to comply with the condition of bail bond, as set forth in the Bail Bond Agreement, the Bail Bond Agency will be exonerated upon notifying the Tribal Court in writing within ten (10) days, citing specific violations of condition of bail.

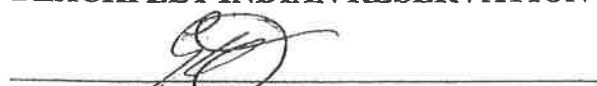
All other laws of the Blackfeet Law and Order Code of 1967, as amended, shall continue to be in effect, unless they conflict with this Section, in which case this Section shall be given primary effect.

3. That the Chairman and Secretary are authorized to sign this Resolution.

ATTEST:


WILLIE A. SHARP, JR.
 Secretary

**THE BLACKFEET TRIBE OF THE
 BLACKFEET INDIAN RESERVATION**



EARL OLD PERSON
 Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session assembled the 11th day of December, 2007, with eight (8) members present to constitute a quorum and with a vote of Eight (8) members FOR, Zero (0) OPPOSED and Zero (0) ABSTAINING.



WILLIE A. SHARP, JR.

Secretary

(corporate seal)



BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
(406)338-7521 • FAX 338-7530

EXECUTIVE COMMITTEE

WILLIAM "BILL" OLD CHIEF-CHAIRMAN
ROGER RUNNING CRANE-VICE-CHAIRMAN
GEORGE HEAVY RUNNER-SECRETARY
HOWARD DOORE-ACTING SECRETARY
CHERYLE REEVIS-TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "B"
ROGER RU
GEORGE H
HC
KEN
BERNARD

RESOLUTION

h
ROCK

NUMBER: 112-99

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Blackfeet Indian Reservation; and

WHEREAS, The Blackfeet Tribal Business Council is desirous of amending Resolution #88-92 of Chapter 6, Section 51, Conditions of Bond, When Performed – When Not Performed of the Blackfeet Law & Order Code of 1967, as amended; now

THEREFORE BE IT RESOLVED,

1. That Chapter 6, Section 51, Conditions of Bail Bond, When Performed – When Not Performed of the Blackfeet Law & Order Code of 1967, as amended, is hereby deleted in its entirety.
2. That the new section 51 of Chapter 6 shall read as follows, effective immediately, upon approval of this Resolution:

Section 51, Conditions of Bail Bond, When Performed – When Not Performed.

"Bail Bonding Agencies shall maintain a \$5,000.00 Dollar cash reserve in the Blackfeet National Bank as of June 1, 1999. Bail Bonding Agencies shall be required to submit quarterly financial statements to the Blackfeet Department of Revenue. Failure to report and maintain a \$5,000.00 cash reserve will result in suspension of the Tribal Business License and will terminate the Bail Bonding Agency's right to operate within the exterior boundaries of the Blackfeet Reservation until requirements are satisfied. When conditions of Bail Bond have been performed and the accused has been discharged and/or the charges have been dropped, the court shall release the Bonding Agencies from any surety obligations, deposits of cash, stocks or bonds. If the accused does not comply with the conditions of the Bail Bond with respect to appearances by the accused, the court shall by personal service, notify the Bail Bonding Agency of the accused's failure to appear. After personal notice has been received by the Bail Bonding Agency, the court, before declaring the bond to be forfeited, shall allow thirty (30) calendar days for the accused to surrender to the court or for the accused to be apprehended by a police officer or by the Bail Bond Agencies. This period of time may be extended an additional

ten (10) working days by way of petition for good cause. Failure to surrender the accused within the above-mentioned times shall result in forfeiture of the Ball Bond. The Ball Bonding Agency shall then have five (5) working days to pay the bond forfeiture amount. Failure to do so will result in the suspension of the Ball Bonding Agency's Business License until such time that the bond is paid and the court withdraws suspension against the Ball Bond Agency. If the accused surrenders or is apprehended within the above-mentioned time, the ball bond will be discharged. If the accused does not surrender or is not apprehended, the accused will be charged with failure to appear in addition to the original charges and the bond will be forfeited. Should the court fail to serve said forfeiture to the Ball Bond Agency within ten (10) calendar days the ball bond will effectively be discharged and the sureties exonerated.

If the accused violates any other conditions of the bail bond, the court shall order the arrest or apprehension of the accused and a discharge of the bail bond on the original charge or charges.

All other laws of the Blackfeet Tribal Law and Order Code shall continue to be in effect, unless they conflict with this section, in which case this section shall be given primary effect."

- 3. That the Chairman and Secretary are hereby authorized to sign this resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

George Heavy Runner
GEORGE HEAVY RUNNER
Secretary

Wm Old Chief
WILLIAM OLD CHIEF
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 25th day of March, 1999, with Six (6) members present to constitute a quorum, and with a vote of Six (6) FOR and Zero (0) OPPOSED.

Geo. Heavy Runner
GEORGE HEAVY RUNNER
Secretary

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

EXECUTIVE COMMITTEE

EARL OLD PERSON CHAIRMAN
ARCHIE ST. GODDARD VICE CHAIRMAN
AL POTTS SECRETARY
ELAINE GUARDIPEE TREASURER

1

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
ARCHIE ST. GODDARD
AL POTTS
JOB GERVAIS
DAN BOGGS
CHARLES CONNELLY
GEORGE KICKING WOMAN
TED WILLIAMSON
JESS BLACKWEASEL

RESOLUTION

No. 88-92

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council is desirous of amending Chapter 6, Section 51, Conditions of Bail Bond, When Performed-When Not Performed of the Blackfeet Law and Order Code of 1967, as amended, now

THEREFORE BE IT RESOLVED:

1. That Chapter 6, Section 51, "Conditions of Bail Bond, When Performed-When Not Performed" of the Blackfeet Law and Order Code of 1967, As Amended, is hereby deleted in its entirety.

2. That the new Section 51 of Chapter 6 shall read as follows effective immediately upon approval of this Resolution:

Section 51. Conditions of Bail Bond, When Performed-When Not Performed.

"When the conditions of the bail bond have been performed and the accused has been discharged from his obligations in the cause, the Clerk of Court shall return to him or his sureties the deposit of any cash, stock or bonds. If the accused does not comply with the conditions of the bail bond, with respect to appearances by the accused, the Court having jurisdiction shall allow ten (10) days for the accused to surrender to the Court, or for the accused to be apprehended by a police officer or by the bail bond company, before declaring the bond to be forfeited. This period of time may be extended by the Court for good cause. If the accused surrenders or is apprehended within said 10 days, the bail bond will be discharged or continued. Otherwise, the accused will be charged with failure to appear in

addition to the original charges and the bond will be forfeited.

If the accused violates any other conditions of the bail bond, the Court shall order the arrest or apprehension of the accused and a discharge of the bail bond on the original charge or charges.

All other laws of the Blackfeet Tribal Law and Order Code shall continue to be in effect, unless they conflict with this section, in which case this section shall be given primary effect." (NOTE: Any reference to sureties or surety bonds is repealed by Resolution 92-70, February 5, 1971).

3. That a public notice shall be issued informing the general public of the aforementioned amendment to Chapter 6, Section 51 of the Blackfeet Tribal Law and Order Code of 1967, as amended.

4. That the Chairman and Secretary are hereby authorized to sign this Resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



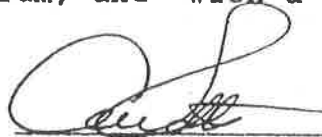
AL POTTS
Secretary



EARL OLD PERSON
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 3rd day of December, 1991, with Six (6) members present to constitute a quorum, and with a vote of Six (6) FOR and None (0) OPPOSED.



AL POTTS
Secretary

(SEAL)

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE

EARL OLD PERSON CHAIRMAN
DANIEL L. GILMAN SR. VICE-CHAIRMAN
CHARLES CONNELLY #1 SECRETARY
ELOUISE C. COBELL TREASURER

TRIBAL COUNCIL

EARL OLD PERSON
DANIEL L. GILMAN SR.
CHARLES CONNELLY #1
LELAND GROUND
ARCHIE ST. GOODARD
LEONARD MOUNTAIN CHIEF
GEORGE KICKING WOMAN
JERRY SHOW
PHILIP M. RATTLER JR.

RESOLUTION

NUMBER: 142-82

WHEREAS: Section 5, Chapter 6, Extradition of the Blackfeet Tribal Law and Order Code places the responsibility on the Chairman of the Blackfeet Tribal Business Council for the extradition of Indians to other jurisdictions, and

WHEREAS: The placement of that responsibility is not in the best interest of the Chairman of the Blackfeet Tribe and has been shown to be impractical, and

WHEREAS: The Blackfeet Tribal Business Council feels that the Judge of the Blackfeet Tribal Court are qualified to more judiciously handle extradition proceedings, now

THEREFORE BE IT RESOLVED: That Section 5, Chapter 6, Extradition of the Blackfeet Tribal Law and Order Code is hereby amended to read as follows:

The Chief Judge of the Blackfeet Tribal Court may order the return to any other jurisdiction of any Indian accused of crime therein and who is found on the Blackfeet Indian Reservation and may request the authorities of other jurisdictions to return to the Blackfeet Indian Reservation persons accused or convicted of crime who have fled from the jurisdiction of the Blackfeet Tribal Court.

In his absence, the Chief Judge may delegate his extradition authority to an associate Judge of the Blackfeet Tribal Court.

BE IT FURTHER RESOLVED: That the Blackfeet Tribal Judges shall adhere to the following Extradition procedures.

1. Upon receipt of a copy of a Warrant of Arrest alleging a Criminal Violation of Law issued by any other jurisdiction for any Indian received to be held in the Blackfeet Indian Reservation, the Judge of the Blackfeet Tribal Court shall issue an order commanding the arrest of the individual named in the Warrant.
2. An Indian arrested on a Extradition Order shall be held until the first court work day, at which time he shall be immediately brought before a Blackfeet Tribal Judge who shall advise him of the Criminal charges filed against him, what jurisdiction has filed the charges; that he is entitled to a Probable Cause hearing before a judge to establish that he is the person named in the Warrant, that the offense alleged in the Warrant had occurred and that he is implicated in the crime. The person arrested shall also be notified that he is entitled to an attorney for such hearing, can produce witnesses in his behalf and can testify or decline to testify in his own defense. The Judge shall further inform him that if the Probable Cause is not found at the hearing, he would be released from Custody.

3. If the Indian does not wish to demand a hearing before the Blackfeet Tribal Court, he shall indicate such fact by signing the prescribed form, waiving and relinquishing his rights to such a hearing and submitting himself to transportation by proper authorities to the County named in the Extradition Order for trial.
4. If the person arrested demands a Probable Cause hearing before the Court the Tribal Judge shall use established Court procedures as for any other hearing before the Court with the exception that hearsay testimony may be used in a Probable Cause hearing.
5. Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the jurisdiction in which it was committed, the Judge may admit the person arrested to a cash bond, in such sum as he deems proper, to assure the prisoners appearance before the Court at the time of hearing.
6. If the prisoner is admitted to cash bond, and fails to appear and surrender himself according to the conditions of his bond, the Judge by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he can be found on the Blackfeet Indian Reservation.

ATTEST:

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION


Charles J. Connelly, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council during a duly called, noticed and convened Special assembled for business the 13th day of December, 1981 when seven members present to constitute a quorum.

(CORPORATE SEAL)


Charles J. Connelly, Secretary
Blackfeet Tribal Business Council

**BLACKFEET LAW AND ORDER CODE OF 1967,
AS AMENDED**

CHAPTER 7

BLACKFEET FAMILY COURT CODE

BLACKFEET FAMILY COURT CODE

CHAPTER 1

FINDINGS, POLICY AND INTENT

| | | |
|------------|---|----|
| Section 1. | Findings..... | 88 |
| Section 2. | Policy and Intent Concerning Persons Under the Age of 18 Years..... | 88 |

CHAPTER 2
DEFINITIONS

| | | |
|-----|------------------------------------|----|
| 1. | Abandon..... | 89 |
| 2. | Abuse..... | 89 |
| 3. | Adult..... | 89 |
| 4. | Child..... | 89 |
| 5. | Commit..... | 89 |
| 6. | Counselor..... | 89 |
| 7. | Court..... | 89 |
| 8. | Custodian..... | 89 |
| 9. | Custody..... | 89 |
| 10. | Delinquent Youth..... | 89 |
| 11. | Dependent Youth..... | 89 |
| 12. | Detention..... | 90 |
| 13. | Detention Facility..... | 90 |
| 14. | Domicile..... | 90 |
| 15. | Domestic Violence..... | 90 |
| 16. | Emancipation..... | 90 |
| 17. | Elder..... | 90 |
| 18. | Elder Abuse..... | 90 |
| 19. | Elder Neglect..... | 90 |
| 20. | Extended Family..... | 90 |
| 21. | Family Court..... | 90 |
| 22. | Family Member..... | 91 |
| 23. | Failure to Thrive..... | 91 |
| 24. | Final Disposition..... | 91 |
| 25. | Foster Home..... | 91 |
| 26. | Guardian..... | 91 |
| 27. | Guardian Ad Litem..... | 91 |
| 28. | Guardianship..... | 91 |
| 29. | Homeless Youth..... | 91 |
| 30. | Imminent Danger..... | 91 |
| 31. | Indian..... | 91 |
| 32. | Initial Placement Hearing..... | 91 |
| 33. | Judge..... | 91 |
| 34. | Juvenile Offender..... | 92 |
| 35. | Juvenile Offense..... | 92 |
| 36. | Juvenile Presenter..... | 92 |
| 37. | Least Restrictive Environment..... | 92 |

| | | |
|-----|-----------------------------------|----|
| 38. | Legal Custody..... | 92 |
| 39. | Minor..... | 92 |
| 40. | Minor in Need of Care..... | 92 |
| 41. | Minor in Need of Supervision..... | 92 |
| 42. | Necessary Parties..... | 92 |
| 43. | Neglect..... | 93 |
| 44. | Probable Cause..... | 93 |
| 45. | Relative..... | 93 |
| 46. | Reservation..... | 93 |
| 47. | Restitution..... | 93 |
| 48. | Sexual Abuse..... | 93 |
| 49. | Shelter Care..... | 93 |
| 50. | Substantial Risk..... | 93 |
| 51. | Toxic Substances (Inhalants)..... | 93 |
| 52. | Tribal Council..... | 93 |
| 53. | Tribal Court..... | 93 |
| 54. | Tribe..... | 93 |

CHAPTER 3

FAMILY COURT SYSTEM

| | | |
|------------|---|-----|
| Section 1. | Health, Education and Social Service Committee | 94 |
| Section 2. | Family Court | |
| | A. Establishment..... | 94 |
| | B. Jurisdiction of the Family Court..... | 94 |
| | C. Jurisdiction over Extended Family..... | 95 |
| | D. Retention of Jurisdiction..... | 95 |
| | E. Transfer to Other Courts..... | 95 |
| | F. Transfer to Tribal or Federal Court..... | 96 |
| | G. Transfer from Other Courts..... | 98 |
| | H. Procedures for Transfer from State Courts..... | 98 |
| | I. Power and Duties Concerning Adjudication of Minors..... | 98 |
| | J. Court Orders of Other Tribal Courts..... | 99 |
| | K. Cooperation with Other Agencies..... | 99 |
| | L. Guardian Ad Litem for Minors..... | 99 |
| | M. Immunity from Liability..... | 99 |
| | N. Confidential Records..... | 100 |
| | O. Right to Counsel..... | 100 |
| | P. Court Records..... | 100 |
| | Q. Expungement of Juvenile Records..... | 100 |
| Section 3. | Family Court Judge | 100 |
| | A. Duties and Powers..... | 100 |
| | B. Disqualification..... | 100 |
| Section 4. | Family Court Manager/Coordinator | 100 |
| | A. Duties..... | 100 |
| Section 5. | Family Court Clerk/Reporter | 101 |
| | A. Duties..... | 101 |
| Section 6. | Family Court Presenting Officer | 101 |
| | A. Duties..... | 102 |
| Section 7. | Juvenile Probation Officer(s) | 102 |
| | A. Duties..... | 102 |
| | B. Prohibited Duties..... | 102 |
| | C. Reports..... | 102 |
| | D. Confidentiality of Records..... | 104 |
| Section 8. | Adult Probation Officer(s) | 104 |
| | A. Duties..... | 104 |
| | B. Prohibited Duties..... | 105 |
| | C. Violation of Family Court Order..... | 105 |
| Section 9. | Protective Service Workers | 106 |
| | A. Powers and Duties..... | 106 |
| | B. A Protective Services Worker Shall..... | 106 |
| | C. Confidentiality of Records..... | 107 |

| | | |
|-------------|--|-----|
| Section 10. | Juvenile Department | 107 |
| | A. Duties of the Juvenile Department and Juvenile Officer(s)..... | 107 |
| | B. Temporary Investigative Authority In-Take Process..... | 107 |
| | C. Juvenile Officer(s) Initial Assessment..... | 108 |
| | D. Rights of Youth Taken Into Custody- Questions-Hearing for Initial Placement of Detention..... | 108 |
| | E. Criteria for Placement of a Youth in a Secure Detention Facility or a Shelter..... | 109 |
| | F. Confidentiality of Records..... | 110 |
| Section 11. | White Buffalo Home | 110 |
| | A. Organization..... | 110 |
| | B. Policies and Procedures..... | 110 |
| | C. Administration of White Buffalo Home..... | 111 |
| | D. Payment for Care in White Buffalo Home..... | 111 |
| | E. Relationship with Social Services Agencies..... | 111 |
| Section 12. | Child Protection Team | 111 |
| | A. Establishment..... | 111 |
| | B. Vote..... | 111 |
| | C. Duty..... | 112 |
| | D. Referrals..... | 112 |
| | E. Procedures..... | 112 |
| | F. Records..... | 112 |
| | G. Confidentiality..... | 112 |
| | H. Reports..... | 112 |
| | I. Relationship to BIA and HIS Directive..... | 112 |

CHAPTER 4

MINOR IN NEED OF CARE AND STATUS OFFENDER

TABLE OF CONTENTS

| | | |
|-------------|---|-----|
| Section 1. | Minor in Need of Care..... | 113 |
| Section 2. | Petition..... | 113 |
| Section 3. | Order of Protective Order..... | 113 |
| Section 4. | Protective Custody: Grounds..... | 114 |
| Section 5. | Protective Custody..... | 114 |
| Section 6. | Notice of Initial Placement Hearing..... | 114 |
| Section 7. | Initial Placement Hearing..... | 115 |
| | A. Release of Minor..... | 115 |
| | B. Minor in Need of Care..... | 115 |
| | C. Release of Minor..... | 116 |
| | D. Shelter Care..... | 116 |
| Section 8. | Informal Hearing..... | 116 |
| | A. Recommendations..... | 116 |
| | B. Informal Disposition..... | 116 |
| Section 9. | Formal Hearing – Date Provision..... | 117 |
| Section 10. | Summons..... | 117 |
| Section 11. | Formal Hearing..... | 118 |
| Section 12. | Pre-Dispositional Hearing..... | 118 |
| Section 13. | Disposition Hearing..... | 118 |
| Section 14. | Dispositional alternatives; Review Hearing..... | 118 |
| Section 15. | Record..... | 119 |
| Section 16. | Off Reservation Placement..... | 119 |
| Section 17. | time Limit on Orders..... | 119 |
| Section 18. | Modification of Dispositional Order..... | 119 |
| Section 19. | Status Offenses..... | 120 |
| | A. Curfew Violations..... | 120 |
| | B. Minor Loitering about Games of Chance..... | 120 |
| | C. Minor Loitering about Retail Liquor Establishment..... | 120 |
| | D. Minor in Possession of Alcoholic Beverages..... | 120 |
| | E. Minor in Possession of Dangerous Drugs..... | 120 |
| | F. Truancy..... | 120 |
| | G. Minor Inhaling Toxic Substances (Sniffing)..... | 120 |
| | H. Motor Vehicle Violations..... | 121 |
| Section 20. | Curfew Violations, Bail/Fine..... | 121 |
| Section 21. | Minor in Possession of Alcoholic Beverages, Minor in Possession of Dangerous Drugs, Minor Inhaling toxic Substances (Sniffing), and a Minor charged with Disorderly Conduct. Bail/Fine..... | 121 |

CHAPTER 5

JUVENILE OFFENDER PROCEDURE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Juvenile Offender..... | 122 |
| Section 2. | Petition..... | 122 |
| Section 3. | Order to Pick Up and Hold..... | 122 |
| Section 4. | Notice..... | 122 |
| Section 5. | Rights of Parties..... | 123 |
| Section 6. | Custody..... | 123 |
| Section 7. | Finger Printing and Photographing..... | 124 |
| Section 8. | Law Enforcement Officer's Duties..... | 124 |
| | A. Warnings..... | 124 |
| | B. Release..... | 124 |
| Section 9. | Detention and Shelter Care..... | 124 |
| Section 10. | Initial Detention Hearing..... | 125 |
| Section 11. | Informal Hearing..... | 126 |
| Section 12. | Formal Hearing – Date Provision..... | 127 |
| Section 13. | Summons..... | 127 |
| Section 14. | Formal Hearing..... | 128 |
| Section 15. | Pre-Disposition Report..... | 129 |
| Section 16. | Disposition Hearing..... | 129 |
| Section 17. | Disposition Alternative..... | 129 |
| Section 18. | Appeal..... | 129 |
| Section 19. | Contempt of Court..... | 130 |

CHAPTER 6

FORMAL TRIAL ON THE ISSUES

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 131 |
| Section 2. | Summons..... | 131 |
| Section 3. | Default Judgment..... | 132 |
| Section 4. | Formal Trial on the Issues..... | 132 |
| | A. Admissibility..... | 132 |
| | B. Closed Hearing..... | 133 |
| | C. Advise of Rights..... | 133 |
| | D. Child Witnesses..... | 133 |
| | E. Burden of Proof..... | 133 |
| | F. Outcome of Hearing..... | 133 |
| | G. Return to Home..... | 133 |
| | H. Grounds for Continuing Removal from the Home..... | 133 |
| | I. Family Court Order for Continuing Removal..... | 134 |
| | J. Return of Child to Parent, Guardian or Custodian..... | 134 |
| | K. Out-of-Home Placement..... | 134 |
| | L. Written Order..... | 134 |

CHAPTER 7

INDIAN CHILD WELFARE ACT PROCEDURES

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Notice..... | 135 |
| Section 2. | Enrollment Eligibility Determination..... | 135 |
| Section 3. | Indian Child Welfare Office..... | 135 |
| | A. Authorization..... | 135 |
| | B. Record..... | 135 |
| | C. Investigations..... | 136 |
| | D. Reports..... | 136 |
| | E. Relationship with Federal and State Agencies..... | 136 |
| | F. Criteria..... | 136 |
| Section 4. | Confidentiality..... | 136 |

CHAPTER 8

REPORTING OF CHILD ABUSE

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Reporting Process..... | 137 |
| | A. Required Reporting..... | 137 |
| | B. Who May Report..... | 137 |
| | C. Refusal..... | 137 |
| | D. Reports..... | 137 |
| Section 2. | Action on Reporting..... | 138 |
| | A. Possible Sexual Abuse..... | 138 |
| Section 3. | Confidentiality of Informant..... | 139 |
| Section 4. | Immunity from Liability..... | 139 |
| Section 5. | Admissibility and Preservation of Evidence..... | 139 |
| | A. Photographs..... | 139 |
| | B. Medical Examination..... | 139 |
| | C. Evidence..... | 139 |
| Section 6. | Procedure in Case of Child's Death..... | 139 |
| Section 7. | Penalty for Failure to Report..... | 140 |

CHAPTER 9

DOMESTIC ABUSE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 141 |
| Section 2. | Crime of Domestic Abuse..... | 141 |
| Section 3. | Mandatory Arrest Provision..... | 141 |
| | A. Protection Order..... | 141 |
| Section 4. | Notice of Rights..... | 142 |
| Section 5. | Bail..... | 142 |
| Section 6. | Filing a Complaint..... | 142 |
| | A. Subpoenas..... | 142 |
| | B. Communication Privilege..... | 142 |
| Section 7. | Penalties..... | 142 |
| Section 8. | Transfer of Jurisdiction..... | 144 |
| Section 9. | Liability of Law Enforcement Officers..... | 144 |
| Section 10. | Written Report..... | 144 |
| Section 11. | Reporting Statistics..... | 144 |

CHAPTER 10

ELDER ABUSE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 145 |
| Section 2. | Crime of Elder Abuse/Neglect/Exploitation..... | 145 |
| Section 3. | Mandatory Arrest Provision..... | 145 |
| | A. Protection Order..... | 141 |
| Section 4. | Notice of Rights..... | 146 |
| Section 5. | Bail..... | 146 |
| Section 6. | Filing a Complaint..... | 147 |
| | A. Subpoenas..... | 147 |
| Section 7. | Penalties..... | 147 |
| | A. First Offense..... | 147 |
| | B. Second Offense..... | 147 |
| | C. Third Offense..... | 147 |
| | D. Fourth or More Offense..... | 147 |
| Section 8. | Transfer of Jurisdiction..... | 148 |
| Section 9. | Liability of Law Enforcement Officers..... | 148 |
| Section 10. | Written Report..... | 148 |
| Section 11. | Reporting Statistics..... | 148 |

CHAPTER 11

DOMESTIC RELATIONS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Marriages..... | 149 |
| Section 2. | Divorces..... | 149 |
| Section 3. | Determination of Paternity and Support..... | 149 |
| Section 4. | Emancipation..... | 149 |

CHAPTER 12

DOMESTIC RELATIONS

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Money Fines..... | 150 |
| Section 2. | Property Received in Lieu of Money | 150 |

CHAPTER 13

FAILURE TO SEND TO SCHOOL

TABLE OF CONTENTS

| | | |
|------------|----------------------|-----|
| Section 1. | Failure to Send..... | 151 |
| Section 2. | Exceptions..... | 151 |
| Section 3. | Penalties..... | 151 |

CHAPTER 14

CONTRIBUTING TO THE DELIQUENCY OF A MINOR

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 152 |
| Section 2. | Crime of Contribution to the Delinquency of a Minor..... | 152 |
| Section 3. | Bail..... | 152 |
| Section 3. | Filing a Complaint..... | 153 |
| Section 4. | Penalties..... | 153 |

CHAPTER 15

CONTEMPT OF COURT

TABLE OF CONTENTS

| | | |
|------------|---------------------------------|-----|
| Section 1. | Purpose..... | 154 |
| Section 2. | Crime of Contempt of Court..... | 154 |
| Section 3. | Bail..... | 154 |
| Section 3. | Filing a Complaint..... | 154 |
| Section 4. | Penalties..... | 154 |

CHAPTER 16

TERMINATION OF PARENTAL RIGHTS

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 155 |
| Section 2. | Grounds for Involuntary Termination..... | 155 |
| | A. Abandonment..... | 155 |
| | B. Physical Injuries..... | 155 |
| | C. Sexual Abuse..... | 155 |
| | D. Emotional Harm..... | 155 |
| Section 3. | Pre-Filing Requirements..... | 155 |
| Section 4. | Who May File a Termination Petition..... | 156 |
| Section 5. | Contents of Termination Petition..... | 156 |
| Section 6. | Notice..... | 157 |
| Section 7. | Pre-Termination Report..... | 158 |
| Section 8. | Voluntary Relinquishment of Parental Rights..... | 158 |
| Section 9. | Hearing Procedures..... | 158 |
| Section 10. | Burden of Proof..... | 158 |
| Section 11. | Findings of Fact and Conclusions of Law..... | 158 |
| Section 12. | Result of Termination Order..... | 158 |
| Section 13. | Child Continued Right to Benefits..... | 159 |
| Section 14. | Custody after Termination Order..... | 159 |
| Section 15. | Future Review Hearings..... | 159 |

CHAPTER 17

GUARDIANSHIPS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Purpose..... | 160 |
| | A. Types of Guardianship..... | 161 |
| | B. Guardianship of Property..... | 161 |
| | C. Temporary Guardianship..... | 161 |
| | D. Permanent Guardianship..... | 161 |
| | E. Who May File a Guardianship..... | 161 |
| | F. Contents of a Guardianship Petition..... | 161 |
| | G. Guardianship Report..... | 162 |
| | H. Notice-Waiver-Guardian Ad Litem..... | 162 |
| | I. Hearings..... | 162 |
| | J. Management of Property..... | 162 |
| | K. Incompetent Persons..... | 163 |

CHAPTER 18

ADOPTIONS

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Open Adoptions..... | 165 |
| Section 2. | Purpose..... | 165 |
| Section 3. | Consent to Adoption..... | 165 |
| Section 4. | Execution of Consent to Adopt..... | 166 |
| Section 5. | Who may File an Adoption Petition..... | 166 |
| Section 6. | Content of Adoption Petition..... | 166 |
| Section 7. | Notice..... | 167 |
| Section 8. | Home Studies..... | 167 |
| Section 9. | Withdrawal of Consent..... | 167 |
| Section 10. | Adoption Preferences..... | 167 |
| Section 11. | Hearing Procedures..... | 168 |
| Section 12. | Adoption Decree..... | 169 |

CHAPTER 19

MODIFICATION, REVOCATION OR EXTENSION OF COURT ORDERS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Purpose..... | 170 |
| Section 2. | Motion to Modify, Revoke, or Extend Family..... | 170 |
| Section 3. | Hearing Procedure..... | 170 |

CHAPTER 20

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 171 |
| Section 2. | Family Court Records Involving Minors..... | 170 |
| Section 3. | Law Enforcement and Social Services Records..... | 170 |
| Section 4. | Penalties..... | 172 |
| Section 5. | Expungement of Juvenile Records..... | 172 |

CHAPTER 21

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|-----------------------------|-----|
| Section 1. | Purpose..... | 173 |
| Section 2. | Who Can Appeal..... | 173 |
| Section 3. | Time Limit for Appeal..... | 173 |
| Section 4. | Record..... | 173 |
| Section 5. | Stay of Appeal..... | 173 |
| Section 6 | Conduct of Proceedings..... | 173 |

CHAPTER 22

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Purpose..... | 174 |
| Section 2. | Definitions of Crimes..... | 174 |
| | A. Child Abuse..... | 174 |
| | B. Child Neglect..... | 174 |
| | C. Child..... | 174 |
| | D. Failure to Supervise..... | 175 |
| | E. Sexual assault on a Minor..... | 175 |
| | F. Sexual Intercourse with a Minor..... | 175 |
| | G. Deviate Sexual Conduct..... | 175 |
| Section 3. | Bail..... | 176 |
| Section 4. | Penalties..... | 176 |
| | A. Child abuse/Neglect/Endangerment resulting in..... 176 hospitalization broken bones, or lacerations requiring stitching. | |
| | B. Child Abuse/Neglect/Endangerment resulting in serious bodily..... 176 Injury Defined as bruising, spraining, extreme fear, or pulled hair-this level is to be interpreted as a "combination" of injury factors..... | 176 |
| | C. Failure to Supervise-A person convicted of the offense 176 of "Failure to Supervise" shall be sentenced as follows: | |
| | D. Sexual Assault on a Minor, Sexual Intercourse with a Minor..... 176 or Deviate Sexual Conduct-A person convicted of 'the offense of "Sexual assault on a minor", Sexual Intercourse with a Minor," or Deviate Sexual Conduct shall be sentenced as follows: | |

**BLACKFEET LAW AND ORDER CODE OF 1967,
AS AMENDED**

CHAPTER 7

BLACKFEET FAMILY COURT CODE

BLACKFEET FAMILY COURT CODE

CHAPTER 1

FINDINGS, POLICY AND INTENT

| | | |
|------------|---|----|
| Section 1. | Findings..... | 88 |
| Section 2. | Policy and Intent Concerning Persons Under the Age of 18 Years..... | 88 |

CHAPTER 1

FINDINGS, POLICY AND INTENT

SECTION 1. FINDINGS

The Blackfeet Tribal Business Council finds that:

1. The Traditional Family with young people is one of the Tribe's most important resources, and the welfare and protection of the family members is of paramount importance to the Blackfeet Tribe.

2. It is important that the unity of the family be preserved and the members protected from abuse, neglect, or abandonment. To provide a continuum of services for families from prevention to residential treatment, with emphasis whenever possible on prevention, early intervention and community-based alternatives.

3. To secure the rights of and endure fairness to the children, parents, guardians, custodians, or other parties who come before the Family Court under the provisions of this code.

4. The Blackfeet Tribe needs a competent and just Family Court system to ensure that other Courts will be willing to return family members and young people of the Tribe to the reservation for care and guidance.

5. The Blackfeet Family Court will recognize and acknowledge the Tribal Customs and Traditions of the Blackfeet Nation with regard to child-rearing and family guidance.

SECTION 2. POLICY AND INTENT CONCERNING PERSONS UNDER THE AGE OF 18 YEARS.

The Family Court shall protect the child's interest by choosing a course of action and interpretation of this code which least restricts the child's freedom and is consistent with the safety, peace and interests of the Blackfeet Tribe.

1. All provisions and procedures established by this code shall be construed and applied so as to provide not less than the minimum requirements of due process to a child.

2. The Family Court shall protect the child's interest by choosing a course of action and interpretation of this Code which provides a safe, caring and nurturing environment for the child.

CHAPTER 2
DEFINITIONS

| | | |
|-----|------------------------------------|----|
| 1. | Abandon..... | 89 |
| 2. | Abuse..... | 89 |
| 3. | Adult..... | 89 |
| 4. | Child..... | 89 |
| 5. | Commit..... | 89 |
| 6. | Counselor..... | 89 |
| 7. | Court..... | 89 |
| 8. | Custodian..... | 89 |
| 9. | Custody..... | 89 |
| 10. | Delinquent Youth..... | 89 |
| 11. | Dependent Youth..... | 89 |
| 12. | Detention..... | 90 |
| 13. | Detention Facility..... | 90 |
| 14. | Domicile..... | 90 |
| 15. | Domestic Violence..... | 90 |
| 16. | Emancipation..... | 90 |
| 17. | Elder..... | 90 |
| 18. | Elder Abuse..... | 90 |
| 19. | Elder Neglect..... | 90 |
| 20. | Extended Family..... | 90 |
| 21. | Family Court..... | 90 |
| 22. | Family Member..... | 91 |
| 23. | Failure to Thrive..... | 91 |
| 24. | Final Disposition..... | 91 |
| 25. | Foster Home..... | 91 |
| 26. | Guardian..... | 91 |
| 27. | Guardian Ad Litem..... | 91 |
| 28. | Guardianship..... | 91 |
| 29. | Homeless Youth..... | 91 |
| 30. | Imminent Danger..... | 91 |
| 31. | Indian..... | 91 |
| 32. | Initial Placement Hearing..... | 91 |
| 33. | Judge..... | 91 |
| 34. | Juvenile Offender..... | 92 |
| 35. | Juvenile Offense..... | 92 |
| 36. | Juvenile Presenter..... | 92 |
| 37. | Least Restrictive Environment..... | 92 |

| | | |
|-----|-----------------------------------|----|
| 38. | Legal Custody..... | 92 |
| 39. | Minor..... | 92 |
| 40. | Minor in Need of Care..... | 92 |
| 41. | Minor in Need of Supervision..... | 92 |
| 42. | Necessary Parties..... | 92 |
| 43. | Neglect..... | 93 |
| 44. | Probable Cause..... | 93 |
| 45. | Relative..... | 93 |
| 46. | Reservation..... | 93 |
| 47. | Restitution..... | 93 |
| 48. | Sexual Abuse..... | 93 |
| 49. | Shelter Care..... | 93 |
| 50. | Substantial Risk..... | 93 |
| 51. | Toxic Substances (Inhalants)..... | 93 |
| 52. | Tribal Council..... | 93 |
| 53. | Tribal Court..... | 93 |
| 54. | Tribe..... | 93 |

CHAPTER 2

DEFINITIONS

For the purpose of this Code the words and phrases shall have these meanings respectively ascribed to them:

1. **“Abandon”** – When a parent, guardian, custodian, or other person responsible for the welfare of a child:
 - a. Leaves the child without communication, or
 - b. Fails to support the child and there is no indication of that person’s willingness to assume a parental role for a period in excess of six (6) months.
2. **“Abuse”** – Inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, sexual abuse, excessive or unreasonable corporal punishment, malnutrition of substantial risk thereof, or any other acts and omissions by the parent(s) or other person responsible for the child’s welfare.
3. **“Adult”** – A person eighteen (18) years of age or older, or otherwise emancipated by order of a court of competent jurisdiction.
4. **“Child”** – An Indian under the age of eighteen (18) years unmarried and has not been emancipated by order of a court of competent jurisdiction.
5. **“Commit”** – means to transfer to legal custody.
6. **“Counselor”** – An individual admitted to the bar of the Blackfeet Tribal Court.
7. **“Court”** – When used without further qualification, means the Blackfeet Family Court.
8. **“Custodian”** – Person, agency, organization or institution other than a parent or guardian, who has legal and physical custody of a minor who is obligated to provide food, shelter and supervision to the minor.
9. **“Custody”** – The power to control the day-to-day activities of the minor.
10. **“Delinquent Youth”** – A youth who has committed an offense, that if committed by an adult, would constitute a criminal offense, or a youth who has previously been placed on probation, has violated the conditions of that probation.
11. **“Dependent Youth”** – A youth who is abandoned or is without parents or guardian or under the care and supervision of an unsuitable adult. A youth who has not proper guidance to provide for his/her necessary physical, moral, and emotional well-being. A youth who is destitute, and is dependent upon the public for support, and whose parent or parents have

relinquished custody of the child and whose legal custody has been transferred to a licensed agency.

12. **“Detention”** – The placement of a person under eighteen (18) years of age in a physically restrictive facility, other than the youths’ home, pending court disposition or execution of a court order for placement or commitment or final disposition of his/her case.

13. **“Detention Facility”** – A physically restrictive facility designed to prevent a youth from departing at will. The term includes a short-term detention center, and a regional detention facility, which have been approved or licensed by an appropriate agency.

14. **“Domicile”** – The place where a person has their true, fixed permanent home and to which, whenever absent, he has the intention of returning.

15. **“Domestic Violence”** – Inflicting or causing physical and mental injury, harm or imminent danger to the physical or mental health or welfare of a family member or substantial risk thereof.

16. **“Emancipation”** – The legal process by which a youth can become a legal adult. This status can be obtained by declaration of a Court of Law, or by marriage, or by providing proof to a court that an individual under 18 years of age has been responsible for their own care and welfare for a period of not less than six (6) months before the date in question.

17. **“Elder”** – A family member who has reached the age of fifty-five (55) years or a person of such age or condition that requires care in order to meet their daily needs of food, shelter, clothing, maintenance, emotional support, medical, or any other care on behalf of the elder.

18. **“Elder Abuse”** – Inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of an elder family member or substantial risk thereof.

s

19. **“Elder Neglect”** – A failure or refusal by those responsible for an elder’s welfare to provide reasonably adequate care (food, shelter, clothing), maintenance, emotional support, supervision, medical, surgical or any other care on behalf of the elder.

20. **“Extended Family”** – A person over the age of eighteen and who is the child’s grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parent.

21. **“Family Court”** – Means the court established by this order to hear all proceedings which involves matters pertaining to the family and especially to any youths alleged to be a delinquent youth, a youth in need of supervision, a youth in need of care, and includes the family court judge, administrative officer, presenting officer, probation officer, child protection officer, clerk of the court, and juvenile investigating officer.

22. **“Family Member”** – Mothers, fathers, children, brothers, sisters and other past or present family members of a household. These relationships include relationships created by adoption and remarriage including step-children, step-parents and adoptive children and parents.
23. **“Failure to Thrive”** – A medical condition seen in young children where there is failure of the child to gain weight. This may be associated with a decrease in height, motor development and head size.
24. **“Final Disposition”** – means the implementation of a family court order for the disposition or placement of a youth.
25. **“Foster Home”** – means a private residence licensed by the State of Montana or the Blackfeet Tribe for placement of a youth.
26. **“Guardian”** – A person other than the parent who is by law responsible for that child.
27. **“Guardian Ad Litem”** – A guardian appointed by the court to represent a child’s interests many action before the court to which the child is a party.
28. **“Guardianship”** – The status created and defined by law, between a youth and an adult with the reciprocal rights, duties, and responsibilities.
29. **“Homeless Youth”** – Runaways, throwaways, or abducted youth eventually may become homeless. The implication is that the family has abandoned the youth completely or the youth has voluntarily exiled himself or herself from the family group.
30. **“Imminent Danger”** – Includes threatened harm and means a statement, overt act, condition or status which represents an immediate and substantial risk of physical, sexual or mental abuse or injury.
31. **“Indian”** – A person who is:
- a. An enrolled member of any federally recognized Indian Tribe;
 - b. Eligible for enrollment in any Indian Tribe and a biological child of an enrolled member of an Indian Tribe; or
 - c. A descendent of a member of any Indian Tribe who is a resident or domiciliary of the Blackfeet Indian Reservation or who has significant family or cultural contacts with the Blackfeet Indian Reservation.
32. **“Initial Placement Hearing”** – An informal hearing before the Blackfeet Family Court within seventy-two (72) hours of the time that a youth is placed in custody.
33. **“Judge”** – when used without further qualification, means the judge of the Blackfeet Family Court.

34. **“Juvenile Offender”** – Or delinquent youth, is an Indian person who commits a delinquent act prior to his/her eighteenth (18) birthday.

35. **“Juvenile Offense”** – A criminal violation of the Tribal Law and Order Code of the Blackfeet Tribe which is committed by a person who is under the age of eighteen (18) at the time the offense was committed.

36. **“Juvenile Presenter”** – The juvenile presenter or juvenile presenting officer or any other person who performs the duties and responsibilities set forth in this code.

37. **“Least Restrictive Environment”** – The least drastic method of detention for achieving the court’s goal; the restrictions placed on the child must be reasonably related to the court’s objectives and must be the least restrictive way of achieving that objective.

38. **“Legal Custody”** – The legal status created by order of a court of competent jurisdiction that gives a person the right and duty to:

- a. Have physical custody of the youth;
- b. Determine with whom the youth shall live and for what period;
- c. Protect, train, and discipline the youth; and
- d. Provide the youth with food, shelter, education, and ordinary medical care.

39. **“Minor”** – An Indian under the age of eighteen (18) years.

40. **“Minor in need of Care”** – A minor who:
- a. Has no parent or guardian available, willing or capable to care and /or protect him/her;
 - b. Has suffered or is likely to suffer a physical or emotional injury, inflicted by other than accidental means, which causes or creates a substantial risk of death, disfigurement, impairment of bodily functions or emotional health;
 - c. Has failed to thrive and has not been provided with adequate food, clothing, shelter, medical care, education or supervision by his/her parent(s), guardian or custodian;
 - d. Has been sexually abused; or
 - e. Has been committing delinquent acts as a result of parental pressure, guidance or approval.

41. **“Minor in need of Supervision”** – A youth who commits an offense prohibited by law that, if committed by an adult, would not constitute a criminal offense. A youth who violates a law regarding use of alcoholic beverages, and continues to exhibit behavior beyond control of the parents, guardian or custodian.

42. **“Necessary Parties”** – includes the youth, his/her parents, guardian, custodian, or spouse.

43. **“Neglect”** – A failure or refusal by those responsible for a child’s welfare to provide reasonably adequate care (food, shelter, clothing), maintenance, emotional support, supervision, education, medical, surgical or any other care on behalf of the child. “Neglect” shall include “abandoned” children.

44. **“Probable Cause”** – A reasonable ground for belief in the existence of facts which would induce a reasonably intelligent person to believe that a cause of action exists.

45. **“Relative”** – An adult person who is related in any degree by blood, marriage or adoption or as otherwise defined by law or tribal custom.

46. **“Reservation”** – The Blackfeet Reservation in Montana.

47. **“Restitution”** – Payments in cash to the victim or with services to the victim or the general community when these payments are made pursuant to an informal adjustment, consent decree, contract, or other Family Court Order.

48. **“Sexual Abuse”** – Sexual acts committed against children by an adult or older child which include, but are not limited to, molestation, fondling, masturbation, intercourse, rape exposure, pornography incest and sodomy (anal/oral), as defined in Chapter 5 § 54 (A), (B), and (C) of the Blackfeet Tribal Law & Order Code.

49. **“Shelter Care”** – A temporary home or facility which does not physically restrict the freedom of a child that provides food, clothing and shelter pending court disposition for placement.

50. **“Substantial Risk”** – Means a strong possibility as contrasted with a remote or insignificant possibility.

51. **“Toxic Substances (Inhalants)”**- Solvents, thinners, glue, gasoline, aerosol paints and other aerosols which have volatile hydrocarbons and if inhaled, can produce a feeling of drunkenness, dizziness and euphoria. This also includes Isobutyl Nitrite (Rush).

52. **“Tribal Council”** – The tribal council of the Blackfeet Tribe.

53. **“Tribal Court”** – The tribal court of the Blackfeet Tribe.

54. **“Tribe”** – The Blackfeet Tribe.

CHAPTER 3

FAMILY COURT SYSTEM

| | | |
|------------|---|-----|
| Section 1. | Health, Education and Social Service Committee | 94 |
| Section 2. | Family Court | |
| | A. Establishment..... | 94 |
| | B. Jurisdiction of the Family Court..... | 94 |
| | C. Jurisdiction over Extended Family..... | 95 |
| | D. Retention of Jurisdiction..... | 95 |
| | E. Transfer to Other Courts..... | 95 |
| | F. Transfer to Tribal or Federal Court..... | 96 |
| | G. Transfer from Other Courts..... | 98 |
| | H. Procedures for Transfer from State Courts..... | 98 |
| | I. Power and Duties Concerning Adjudication of Minors..... | 98 |
| | J. Court Orders of Other Tribal Courts..... | 99 |
| | K. Cooperation with Other Agencies..... | 99 |
| | L. Guardian Ad Litem for Minors..... | 99 |
| | M. Immunity from Liability..... | 99 |
| | N. Confidential Records..... | 100 |
| | O. Right to Counsel..... | 100 |
| | P. Court Records..... | 100 |
| | Q. Expungement of Juvenile Records..... | 100 |
| Section 3. | Family Court Judge | 100 |
| | A. Duties and Powers..... | 100 |
| | B. Disqualification..... | 100 |
| Section 4. | Family Court Manager/Coordinator | 100 |
| | A. Duties..... | 100 |
| Section 5. | Family Court Clerk/Reporter | 101 |
| | A. Duties..... | 101 |
| Section 6. | Family Court Presenting Officer | 101 |
| | A. Duties..... | 102 |
| Section 7. | Juvenile Probation Officer(s) | 102 |
| | A. Duties..... | 102 |
| | B. Prohibited Duties..... | 102 |
| | C. Reports..... | 102 |
| | D. Confidentiality of Records..... | 104 |
| Section 8. | Adult Probation Officer(s) | 104 |
| | A. Duties..... | 104 |
| | B. Prohibited Duties..... | 105 |
| | C. Violation of Family Court Order..... | 105 |
| Section 9. | Protective Service Workers | 106 |
| | A. Powers and Duties..... | 106 |
| | B. A Protective Services Worker Shall..... | 106 |
| | C. Confidentiality of Records..... | 107 |

| | | |
|-------------|---|-----|
| Section 10. | Juvenile Department | 107 |
| | A. Duties of the Juvenile Department and Juvenile Officer(s)..... | 107 |
| | B. Temporary Investigative Authority In-Take Process..... | 107 |
| | C. Juvenile Officer(s) Initial Assessment..... | 108 |
| | D. Rights of Youth Taken Into Custody- Questions-Hearing for Initial Placement of Detention..... | 108 |
| | E. Criteria for Placement of a Youth in a Secure Detention Facility or a Shelter..... | 109 |
| | F. Confidentiality of Records..... | 110 |
| Section 11. | White Buffalo Home | 110 |
| | A. Organization..... | 110 |
| | B. Policies and Procedures..... | 110 |
| | C. Administration of White Buffalo Home..... | 111 |
| | D. Payment for Care in White Buffalo Home..... | 111 |
| | E. Relationship with Social Services Agencies..... | 111 |
| Section 12. | Child Protection Team | 111 |
| | A. Establishment..... | 111 |
| | B. Vote..... | 111 |
| | C. Duty..... | 112 |
| | D. Referrals..... | 112 |
| | E. Procedures..... | 112 |
| | F. Records..... | 112 |
| | G. Confidentiality..... | 112 |
| | H. Reports..... | 112 |
| | I. Relationship to BIA and HIS Directive..... | 112 |

CHAPTER 3

FAMILY COURT SYSTEM

SECTION 1. HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

The Health, Education and Social Services Committee of the Blackfeet Tribal Business Council is authorized to:

1. Determine the qualifications and job descriptions of all those employed in the Family Court system, provided that the qualifications and job descriptions of the Family Court Judge, Manager/Coordinator, and Presenting Officer shall be determined in cooperation with the Law and Order Committee.
2. Make recommendations to the Blackfeet Tribal Business Council and the Personnel Committee on personnel matters of the Family Court System.
3. Offer direction on matters of policy and the interpretations of this Code.
4. Make recommendations to the Blackfeet Tribal Business Council on the budget or budget amendments of any component of the Family Court System.
5. Consider any grant proposal developed by a component of the Family Court System and recommend its approval to the Blackfeet Tribal Business Council.
6. Consider any proposed change or addition to this Code, and recommend the enactment of appropriate changes or additions to the Blackfeet Tribal Business Council.
7. Provided that, the Family Court shall be primarily under the Law and Order Committee. The Law and Order Committee shall inform the HESS Committee of any action taken, affecting the Family Court.

SECTION 2 FAMILY COURT

A. **Establishment.** There is hereby established for the Blackfeet Tribe of the Blackfeet Indian Reservation, a court to be known as the Family Court. The Law and Order Committee with the consent of the Blackfeet Tribal Business Council shall appoint an applicant to serve as Family Court Judge for a period of one (1) year to four (4) years. In the absence or disqualification of the appointed judge, the Family Court Administrator or any of the other judges of the Blackfeet Tribal Court may serve as judge in the Family Court until such time as another judge may be appointed.

B. **Jurisdiction of the Family Court.** Except as provided subsection (1) and (2) the Court has exclusive original jurisdiction on all proceedings under the Family Court Act in which situations arise from family matters occurring within the external boundaries of the Blackfeet Reservation to include, divorce, emancipation, guardianships, paternity, termination of

parental rights, child, and protection of the children and families on the Blackfeet Reservation. To take such actions as may be necessary and feasible to prevent the abuse, neglect, or abandonment of family members. To provide a continuum of services for families from prevention to residential treatment, with emphasis whenever possible on prevention, early intervention and community-based alternatives. The jurisdiction of the Family Court shall be civil in nature and shall include the right to issue all orders necessary to insure the safety of the family, children, and incompetents within exterior boundaries of the Blackfeet Reservation, as well as others who have been declared to be wards of the Family Court. The Family Court shall also have the power to enforce subpoenas and orders of restriction, fines, contempt, confinement and other orders as appropriate.

1. The Blackfeet Tribal Court shall have concurrent jurisdiction with the Family Court over all traffic or fish and game law violations committed by youths prior to having become 18 years of age.

2. If, during the pendency of a criminal or quasi-criminal proceeding in the Tribal Court, including an arraignment, it shall be ascertained that the person charged was less than 18 years of age at the time of committing the alleged offense, that court shall transfer the case to the Family Court, together with all related documents. The Family Court shall then proceed as provided in this Code.

3. Children residing within the exterior boundaries of the reservation, for whatever reason, in the home of an enrolled member of the tribe or other Indians, as defined in this Code, as long as the parents, guardians, or custodians have consented to the jurisdiction of the Family Court. Such consent, once given, may be revoked only with permission of the Family Court and incompetent persons residing or domiciled with the exterior boundaries of the reservation.

C. **Jurisdiction over Extended Family.** Where the Family Court asserts jurisdiction over a person under this Code, the court shall also have jurisdiction over the person's extended family whenever the court deems it appropriate.

D. **Retention of Jurisdiction.** Once the Family Court obtains jurisdiction over family member or a youth, the court retains jurisdiction over children and their extended families who leave the exterior boundaries of the reservation, unless terminated by the court or by mandatory termination in the following cases:

1. At the time the proceedings are transferred to the Blackfeet Tribal Court;
2. At the time the youth is discharged by the Family Court; and
3. In any event, at the time the youth reaches the age of 21 years.

E. **Transfer to Other Courts.** The Family Court may apply the policies of the Indian Child Welfare Act, 25 U.S.C. 1901-1963, where they do not conflict with the provisions of this Code. The procedures for state courts in the Indian Child Welfare Act shall not be binding upon the Family Court unless specifically provided for in this Code. Exercise of jurisdiction over a family member on probation, under protective supervision, or other

continuing jurisdiction of the court, may be transferred by the Family Court, if the receiving court consents and in fact has proper jurisdiction over the matter. In any case involving an Indian child from another Tribe, the Family Court Judge shall inquire of the child's Tribe whether it wishes to assume jurisdiction of the case. When the interests of justice can best be served by an order of the Family Court, proceedings under this chapter may be waived and any juvenile fifteen (15) years of age or more, may be tried in the Blackfeet Tribal Court.

F. **Transfer to Tribal or Federal Court.** After a petition has been filed alleging a criminal act has been committed, the court may, upon motion of the Presenting Officer, before hearing the petition on its merits, transfer the matter of prosecution to the Tribal or Federal Court if:

1. The individual charged was 12 years of age or more at the time of the conduct alleged to be unlawful and the act would constitute sexual intercourse without consent, deliberate homicide, mitigated deliberate homicide, or the attempt of either deliberate or mitigated deliberate homicide if the act had been committed by an adult; or

2. The individual charged was 16 years of age or more at the time of the conduct alleged to be unlawful and the unlawful act is one or more of the following:

- a. negligent homicide
- b. arson
- c. aggravated or felony assault
- d. robbery
- e. burglary or aggravated burglary
- f. aggravated kidnapping
- g. possession of explosives
- h. criminal sale of dangerous drugs

3. Attempt, of any of the acts enumerated in subsections (2)(a) through (2)(h);

4. A hearing on whether the transfer should be made is held in conformity with the rules on a hearing on a petition alleging a criminal act has been committed, except that the hearing will be conducted by the Family Court without a jury;

a. Notice in writing of the time, place, and purpose of the hearing is given to the individual, if a youth, his/her counsel, parents, guardian, or custodian at least 10 days before the hearing; and

b. The court finds upon the hearing of all relevant evidence that there is probable cause to believe that:

i. the individual committed the act alleged, or if a youth committed the delinquent act alleged;

ii. the seriousness of the offense and the protection of the Blackfeet Community require treatment of the individual or youth beyond that afforded by the Family Court facilities; and

iii. the alleged offense was committed in an aggressive, violent, or premeditated manner.

5. In transferring the matter of prosecution to the Tribal or Federal Court, the court may also consider the following factors:

a. The sophistication and maturity of the youth, determined by consideration of the home, environmental situation, and emotional situation, and emotional attitude and pattern of living;

b. The record and previous history of the individual, including previous contacts with the Family Court, law enforcement agencies, youth courts in other jurisdictions, prior periods of probation, and prior commitments to institutions. However, lack of prior history with the courts will not of itself be grounds for denying the transfer.

6. The Family Court shall grant the motion to transfer if the youth was 16 years old or older at the time of the conduct alleged to be unlawful and the unlawful act would constitute deliberate homicide, mitigated deliberate homicide, or the attempt of either deliberate or mitigated deliberate homicide if the act had been committed by an adult.

7. Upon transfer to Tribal or Federal court, the Judge shall make written findings of the reasons why the jurisdiction of the Family Court was waived and the case transferred.

8. The transfer terminates the jurisdiction of the Family Court over the individual with respect to the acts alleged in the petition. An individual may not be prosecuted in the Tribal of the Family Court unless the case has been transferred as provided in this section.

9. Upon order of the Family Court transferring the case to the Tribal or Federal Court, the prosecuting attorney shall file the information against the individual without unreasonable delay.

10. Any offense not enumerated in subsection (1) that arises during the commission of a crime enumerated in subsection (1) may be:

a. tried in Family Court;

b. transferred to Tribal or Federal Court with an offense enumerated in subsection (1), upon motion of the prosecuting attorney and order of the Family Court Judge.

11. A youth whose case is transferred to Tribal or Federal Court may not be detained or otherwise placed in a jail or other adult detention facility before final disposition of his/her case unless:

- a. alternative facilities do not provide adequate security; and;
- b. the youth is kept in an area that provides physical, as well as sight and sound separation from adults accused or convicted of criminal offenses.

G. **Transfer from Other Courts.** The Blackfeet Family Court may accept or decline, under the procedures set forth in this Code, transfers of child welfare cases from other federal, state, or tribal courts.

H. **Procedures for Transfer from State Court.**

1. Receipt of Notice: The Blackfeet tribal agent for service of notice of state court child custody proceedings, as defined by the Indian Child Welfare Act, shall be the tribal social service department.

2. Investigation and pre-transfer report by the court counselor. The tribal social services department shall conduct an investigation and file a written report with the Family Court within five (5) days of receipt of recommendation from the court.

3. Recommendations for transfer or intervention: The court shall make written recommendations to the tribal attorney on whether or not the Blackfeet Tribe should petition for transfer from or intervene in state court.

4. Petition for transfer: The Blackfeet Tribal petition for transfer shall be filed by the tribal attorney within five (5) days of receipt of recommendations from the court.

5. Intervention in State Court proceedings: The Tribe may intervene in state court child custody proceedings, as defined by the Indian Child Welfare Act, at any point in the proceedings, and the tribal attorney or selected representatives shall file a motion to intervene within five (5) days of receipt of recommendation from the court.

6. Acceptance of Transfer: The Blackfeet Family Court will not accept a transfer from state court unless:

- a. A parent or Indian custodian's petition to state court for transfer is granted, or;
- b. The tribe's petition to state court for transfer is granted, or;
- c. The tribal social services department's pre transfer report recommends the acceptance of transfer, and;
- d. The tribal attorney recommends acceptance.

I. **Powers and Duties Concerning Adjudication of Minors.** No adjudication upon the status of any child in the jurisdiction of the Family Court shall be deemed criminal or be deemed a conviction of a crime, unless the Family Court refers the matter to the adult tribal

court. The disposition of child's case or the evidence given shall not be admissible as evidence against the child in any proceeding in another court.

J. **Court Orders of Other Tribal Courts.** Court orders of other tribal courts involving children over whom the Family Court could take jurisdiction shall be recognized by the Family Court after the court has determined:

1. That the other tribal court exercised proper subject matter and personal jurisdiction over the parties, and
2. Due process was accorded to all interested parties participating in the other tribal court proceedings.

K. **Cooperation with Other Agencies.** The Family Court is authorized to cooperate fully with any federal, state, tribal, public or private agency, to participated in any division, rehabilitation or training programs and to receive grants to carry out the purposes of this Code with the consent of the Blackfeet Tribal Business Council.

1. The Family Court shall until such social services as may be furnished by any tribal, federal, private, or state agency as social workers.
2. The Family Court may negotiate contracts with tribal, federal or state agencies and/or departments on behalf of the tribal council for the care and placement of children before the Family Court subject to the approval of the tribal council before the expenditure of any tribal funds.
3. All judges will be required to have 40 hours of training in the area of Family Court law including child abuse/neglect within three months of appointment or their privileges to practice in Family Court will be suspended.

L. **Guardian Ad Litem for Minors.** The Family Court, in any proceeding authorized by this Code, may appoint, for the purposes of the proceeding, a guardian ad litem for a minor where the court finds that the minor is alleged to be neglected or abused and does not have a natural or adoptive parent, guardian or custodian, willing and able to exercise effective guardianship or where a conflict exists between the parent and child or children provided that guardian ad litem shall not be an employee of the Family Court System. The primary responsibility is to guide the child and the child's family through investigative and court processes, protect the child's emotional well-being and best interests and identify and provide appropriate advocacy services for the child and the family.

M. **Immunity from Liability.** Persons Reporting. Any person participating in good faith in the making of a report or in a judicial proceeding held pursuant to this Code, any person taking color photographs or x-rays, or placing in temporary custody a child pursuant to this Code or otherwise performing his/her duties or acting pursuant to this article shall be immune from any liability, civil or criminal, that otherwise might result by reason of such reporting. For the purpose of any proceedings, civil or criminal, the good faith of any person reporting child abuse,

any person taking color photographs or x-rays, and any person who has legal authority to place a child in protective custody shall be presumed.

N. **Confidentiality of Records.** As provided for in Chapter 20 of the Blackfeet Family Court Code.

O. **Right to Counsel.** At his /her first appearance before the court, the individual or the child and his/her parent(s), guardian, or other legal custodian shall be fully advised by the court of their legal rights, including the right to be represented by counsel, at his/her own expense, at every stage of the proceedings.

P. **Court Records.** A record of all hearings under this Code shall be made and preserved.

Q. **Expungement of Juvenile Records.** As provided for in Chapter 20 of the Blackfeet Family Court Code.

SECTION 3. FAMILY COURT JUDGE

The Family Court shall consist of one or more judges, one of whom shall be designated as Chief Judge, and the others as associate judges. Judge(s) shall be appointed by the Tribal Business Council and the Law and Order Committee. Their salary may be fixed and paid by the Executive Director of the Family Court from Grant funds.

A. **Duties and Powers.** In carrying out the duties and powers specifically enumerated in the Family Court Code, judges of the Family Court shall have the same duties and powers as judge(s) of the tribal court, including, but not limited to, the contempt power, to power to issue arrest or custody warrants, and the power to issue search warrants.

B. **Disqualification.** The rules on disqualification or disability of a Family Court judge shall be the same as those rules that govern tribal court judge(s).

SECTION 4. FAMILY COURT MANAGER/COORDINATOR

The Blackfeet Family Court shall appoint a Family Court Manager/Coordinator to carry out the duties and responsibilities set forth in this Code.

A. **Duties.** The Blackfeet Family Court Manager/Coordinator shall be responsible for overseeing the day to day operations of the court and the following:

1. Supervision of all Family Court members with the exception of the Family Court Judge(s); and
2. Financial management of the Blackfeet Family Court, including preparation of the court budget; and

3. Maintaining Family Court security, including juror and witness management; and
4. Releasing Family Court information as appropriate to the media and to the public; and
5. Coordinate with the Blackfeet Family Court Judge in order to operate an effective and efficient Blackfeet Family Court system; and
6. Coordinate with all personnel of the Blackfeet Family Court and all applicable agencies to develop programs of intervention and prevention for members of the Blackfeet Community; and
7. The Blackfeet Family Court Manager/Coordinator shall perform the duties of any of the Blackfeet Family Court personnel when needed.

SECTION 5. FAMILY COURT CLERK/REPORTER

The Blackfeet Family Court shall appoint Family Court Clerk/Reporter(s) to carry out the duties and responsibilities set forth in this Code.

A. **Duties.** The Family Court Clerk/Reporter shall be responsible for the day to day paperwork incidental to the Family Court Operations and the following:

1. Maintaining up to date records of all Family Court proceedings; and
2. Tape recording of all Family Court proceedings; and
3. Swearing in of all witnesses testifying in the Blackfeet Family Court; and
4. All other such duties as may be assigned by the Blackfeet Family Court Judge(s) or Blackfeet Family Court Manager/Coordinator.

SECTION 6. FAMILY COURT PRESENTING OFFICER

The court shall appoint Family Court Presenter(s) to carry out the duties and responsibilities set forth in this Code. The chief judge shall certify annually to the tribal council the number of qualified presenter(s) needed to carry out the purpose of this Code.

A. **Duties.** The Family Court Presenting Officer, may file petitions, write summons or recommendations to the Family Court Judge, set up hearings and in general assure that the Family Court takes appropriate action on every case brought before it.

1. The Presenting Officer may make home visits and write family evaluations, or may refer these matters to Tribal, State or Bureau of Indian Affairs Social Workers.

2. The Presenting shall perform other duties as assigned by the Family Court Judge or the HESS Committee.

3. The Presenting Officer shall explain this law and procedures under this law to members of the public.

4. The Presenting Officer shall be required to have 40 hours of training in Family Court matters within 3 months of the enactment of this Code.

5. If a child has been removed from the home an Initial Placement Hearing shall take place no later than the second court working day following the removal.

SECTION 7. JUVENILE PROBATION OFFICER(S)

The court shall appoint Family Court juvenile probation officer(s) to carry out the duties and responsibilities set forth in this Code. The chief judge of the Family Court shall certify to the tribal council the number of qualified juvenile probation officer(s) needed to carry out this Code. The juvenile probation officer(s) must have an educational background and/or prior experience in the field of delivering social services to youth. The juvenile probation officer(s) shall identify and develop resources on the reservation, in conjunction with the juvenile court and the tribal council, to enhance each tribal child's potential as a viable member of the tribal community.

A. Duties.

1. Make investigations as provided in this Code or as directed by the court;
2. Make reports to the court as provided in this Code or as directed by the Family Court;
3. Conduct informal adjustments;
4. Provide counseling services;
5. Utilize the "balanced approach to probation"; and
6. Perform such other duties in connection with the care, custody or transportation of children as the court may require.

B. **Prohibited Duties.** The juvenile probation officer(s) shall not be employed as or be required to perform the duties of a Family Court presenting officer or law enforcement official.

C. **Reports.** Whenever the court receives information from any agency or person, based upon reasonable grounds, that a youth being subject to a court order or consent order, has

violated the terms thereof, the Family Court Probation Officer shall make a preliminary inquiry into the matter.

1. The probation officer may:
 - a. Require the presence of any person relevant to the inquiry;
 - b. Request subpoenas from the Family Court Judge to accomplish this purpose;
 - c. Require investigation of the matter by any law enforcement agency or any other appropriate agency.

2. If the probation officer determines that the facts indicate a probation violation, the probation officer shall immediately conduct a preliminary inquiry and shall:
 - i. advise the youth of the youth's rights under this the Family Court Code;
 - ii. determine, if the youth is in detention or shelter care, whether such detention or shelter care should be continued;
 - d. Once relevant information is secured, the Family Court probation Officer shall:
 - i. determine whether the interest of the Blackfeet Community or the youth requires that further action be taken;
 - ii. Terminate the inquiry upon the determination that no further action be taken; and
 - iii. release the youth immediately upon the determination that the filing of a probation revocation is not authorized.

3. The Family Court Probation Officer upon determining that further action is required may:
 - a. Provide counseling, refer the youth and parents to another agency providing appropriate services, or take any other action or make any informal adjustment that does not involve probation or detention;
 - b. Provide for treatment or adjustment involving probation or other disposition provided such treatment or adjustment is voluntarily accepted by the youth's parents or guardian and the youth, and provided further that said matter is referred immediately to the Family Court Presenting Officer for review and that the probation officer proceed no further unless authorized by the presenting officer; or
 - c. Refer the matter to the Family Court Presenting Officer for filing a petition charging the youth to be in violation of Family Court Probation.

4. The Presenting Officer may apply to the Family Court for permission to file a petition charging the youth with violation of probation. This application must be supported

by such evidence as the Family Court may require. If it appears that there is probable cause to believe that the allegations of the petition are true, the Family Court shall grant leave to file the petition.

5. A petition charging a youth held in detention must be filed within seven (7) working days from the date the youth was first taken into custody or petition shall be dismissed and the youth released unless good cause is shown to further detain such youth.

6. If no petition is filed under this section, the complainant and the victim, if any, shall be informed by the probation officer of the action and the reasons therefore and shall be advised of the right to submit the matter to the Family Court Presenting Officer, upon receiving a request for review, shall consider the facts, consult with the probation officer, and make the final decision as to whether a petition shall be filed.

D. **Confidentiality of Records.** As provided for in Chapter 20 of the Blackfeet Family Court Code.

SECTION 8. ADULT PROBATION OFFICER(S)

The Court shall appoint Family Court Adult Probation Officer(s) to carry out the duties and responsibilities set forth in this Code. The Chief Judge of the Family Court shall certify to the Tribal Council the number of qualified Adult Probation Officer(s) needed to carry out this Code. The Adult Probation Officer(s) must have an educational background and/or prior experience in the field of delivering social services. The Adult Probation Officer(s) in conjunction with the other members of the Family Court shall identify and develop resources on the reservation to enhance each tribal members potential as a viable member of the Blackfeet Community.

A. **Duties.**

1. Make investigations as provided for in this Code or as directed by the Family Court;
2. Make reports to the Family Court as provided for in this Code or as directed by the Family Court;
3. Conduct informal adjustments;
4. Provide counseling services;
5. Utilize the "balanced approach to probation".
6. Perform such other duties in connection with the care, custody or transportation of clients as the court may require.

B. **Prohibited Duties.** The Adult Probation Officer(s) shall not be employed as or be required to perform the duties of a Family Court Presenting Officer or Law Enforcement Officer.

C. **Violation of Family Court Order.** Whenever the Family Court receives information from any agency or person, based upon reasonable grounds, that an individual being subject to a court order or consent order, has violated the terms thereof, the Family Court Probation Officer(s) shall make a preliminary inquiry into the matter.

1. The Adult Probation Officer(s) may:
 - a. Require the presence of any person relevant to the inquiry;
 - b. Request subpoenas from the Family Court Judge to accomplish this purpose;
 - c. Require investigation of the matter by any law enforcement or other appropriate agency.
2. If the Adult Probation Officer determines that the facts indicate a probation violation, the probation officer shall immediately conduct a preliminary inquiry and shall determine whether the interest of the Blackfeet Community or the individual requires that further action be taken. Upon determining that further action is required, the probation Officer(s) may:
 - a. Provide counseling, refer the client to another agency providing appropriate services, or take any other action or make any informal adjustment that does not involve probation or jail.
 - b. Provide for treatment or adjustment involving probation provided such treatment or adjustment is voluntarily accepted by the individual, and provided further that said matter is referred immediately to the Family Court Presenting Officer for review and that the probation officer proceeds no further unless authorized by the presenting officer; or
 - c. Refer the matter to the Family Court Presenting Officer for filing a petition charging the individual to be in violation of Family Court Probation.
3. The Presenting Officer may apply to the Family Court for permission to file a petition charging the individual with violation of probation. This application must be supported by such evidence as the Family Court may require. If it appears that there is probable cause to believe that allegations of the petition are true, the Family Court shall grant leave to file the petition.
4. If no petition is filed under this section, the complainant and the victim, if any, shall be informed by the probation officer of the action and the reasons there for and shall be advised of the right to submit the matter to the Family Court Presenting Officer for review. The Family Court Presenting Officer, upon receiving a request for review, shall consider the

facts, consult with the probation officer, and make the final decision as to whether a petition shall be filed.

SECTION 9. PROTECTIVE SERVICE WORKERS

The Family Court shall appoint protective service worker(s) to carry out the duties and responsibilities set forth in this Code. The chief judge of the Family Court shall certify annually to the tribal council the number of qualified protection worker(s) needed to carry out the purpose of this Code.

A **Powers and Duties.** Protective Services Worker(s) shall be employed by the Family Court. The protective services worker(s) may cooperate with such state and community agencies as are necessary to achieve the purposes of this Code. The Family Court may negotiate working agreements with other jurisdictions. Such agreements shall be subject to ratification by the tribal council or its designate.

B. A Protective Services Worker Shall.

1. Receive reports of neglected, abused or abandoned family members and be prepared to provide temporary foster care for such members on a twenty-four (24) hour basis and;
2. Receive from any source, oral or written, information regarding a family member who may be in need of protective services.
3. Upon receipt of any report or information under paragraph (1) or (2) of this section, immediately:
 - a. Notify the appropriate law enforcement agency, and;
 - b. Make a prompt and thorough investigation which shall include a determination of the nature, extent, and cause of any condition which is contrary to the family member's best interest and the name, age, and condition of other family members in the home.
4. Take a child into temporary custody if there are reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from the surroundings and this the removal is necessary. Law enforcement officials shall cooperate with social services personnel to remove a child from the custody of parents, guardian, or custodian when necessary.
5. After investigation, evaluate and assess the home environment of the child or children in the same home and the risk to such children if they continue to be subjected to the existing home environment, and all other facts or matters found to be pertinent. They shall determine whether any of such children is a child in need of protective services.
6. Offer to the family of any child found to be a child in need of protective services appropriate services which may include, but shall not be limited to protective services.

7. Within thirty (30) days after a referral of a potential child in need of protective services, submit a written report of the investigation and evaluation to the Family Court Presenting Officer.

C. **Confidentiality of Records.** As provided for in Chapter 20 of the Blackfeet Family Court Code.

SECTION 10. JUVENILE DEPARTMENT

A juvenile Department is established under the Family Court. The Department shall be responsible for enforcing the provisions of this Code.

A. Duties of the Juvenile Department and Juvenile Officer(s)

These duties are established in the Blackfeet Tribal Personnel Department. Some duties are as follows:

1. Maintain continuous liaison and work with representatives of Federal and State Law Enforcement and Social Service agencies and Indian Health Service;
2. Coordinate activities of the Department with other programs serving the interests of children on the reservation to ensure that policy and intent of this Code is being pursued;
3. Maintain an updated knowledge of legal developments in the field of juvenile/child protection law.
4. Report to the Health, Education and Social Services Committee when necessary or when requested to do, and;
5. Perform such other duties as are required by this Code, the Family Court Presenting Officer, or by the Law and Order Committee.
6. The Juvenile Officer(s) shall have completed Basic Police Academy training within one year of employment.
7. The Juvenile Department shall provide forty (40) hours of training in child abuse/neglect procedures, to the juvenile officer(s) within each fiscal year.

B. Temporary Investigative Authority-Intake Process.

1. Juvenile Officer(s) Intake Process:
 - a. Receiving the report or referral.
 - b. Possibly making collateral contacts and checking records.
 - c. Exploring the appropriateness of the referral
 - d. Documenting the record.

C. **Juvenile Officer(s) Initial Assessment.**

1. Making initial contact with the child, determining if Bureau of Indian Affairs Criminal Investigator must be contacted.
 - a. If determined that Bureau of Indian Affairs Criminal Investigator is to be contacted, proceed as directed by Criminal Investigator.
 - b. If requested by Bureau of Indian Affairs Criminal Investigator, provide assistance.
 - c. Preparing an initial risk assessment form.
2. Making subsequent assessment visits.
3. Assessing the potential for continuing risk to the child.
4. Assessing the potential for continuing risk to the child.
5. Evaluating the family indicators of abuse or neglect.
6. Determining if abuse or neglect exists and continuing the case open.
7. Determining the need to invoke the authority of the family court.
8. Providing emergency services as needed.
9. Providing feedback to appropriate persons.
10. Documenting the record.

D. **Rights of Youth Taken Into Custody – Questioning – Hearing for Initial Placement or Detention.**

1. When a youth is taken into custody for questioning upon a matter that could result in a petition alleging that the youth is either a delinquent youth or a youth in need of supervision, the following requirements must be met:
 - a. The youth must be advised of this right against self- incrimination and his right to counsel;
 - b. The youth may waive these rights under the following situations:
 - i. When the youth is 16 years of age or older, the youth may make an effective waiver;
 - ii. When the youth is under the age of 16 years and the youth and a parent or guardian agree, they may make an effective waiver, and

iii. When the youth is under the age of 16 years and he youth and his parent or guardian do not agree, the youth may make an effective waiver only with advise of counsel.

c. The investigating officer, probation officer, or person assigned to give notice shall immediately notify the parents, guardian, or legal custodian of the youth that the youth has been taken into custody, the reasons for taking the youth into custody where the youth is being held, and serve a Summons for a 72 hour Show Cause Hearing. If the parents, guardian, or legal custodian cannot be found through diligent efforts, a close relative or adult friend must be notified.

2. Unless a youth has been released, an initial placement hearing must be held within 72 hours after the youth is taken into custody, excluding weekends and legal holidays, to determine whether there is probable cause to believe that the youth is a delinquent youth or a youth in need of supervision.

3. The Initial Placement Hearing required under subsection (2) may be held by the Family Court Judge having jurisdiction in the case.

4. At the Initial Placement Hearing, the youth must be informed of his constitutional rights and his rights under this chapter.

5. A parent, guardian, or legal custodian of the youth may be held in contempt of court for failing to be present at or to participate in the Initial Placement Hearing unless he:

- a. cannot be located through diligent efforts of the investigating officer; or
- b. Is excused by the court for good cause.

6. At the Initial Placement Hearing, a guardian and litem may be appointed.

7. If it is determined that there is probable cause to believe the youth is a delinquent youth or is a youth in need of supervision, the Family Court Judge shall determine whether the youth should be retained in custody.

8. If probable cause is not found or if an Initial Placement hearing is not held with the time specified, the youth must be immediately release from custody.

E. **Criteria for Placement of a Youth in a Secure Detention Facility or a Shelter.**

1. A youth may not be placed in a secure detention facility unless:

a. The youth has allegedly committed an act that if committed by an adult would constitute a criminal offense and the alleged offense is one specified in the Blackfeet Tribal Law and Order Code.

- facility;
- b. The youth is alleged to be a delinquent youth and :
 - i. has excepted from a correctional facility or secure detention
 - ii. has violated a valid Family Court Order or an aftercare agreement;
 - iii. detention is required to protect persons or property;
 - iv. has pending Family Court or administrative action or is awaiting a transfer to another jurisdiction and my abscond or be removed from the jurisdiction of the court;
 - v. there are not adequate assurances that the youth will appear for court when required; or
 - vi. the youth meets additional criteria for secure detention established by the Family Court; or
 - c. The youth has been adjudicated delinquent and awaiting final disposition of the case.

- 2. A youth may not be placed in a shelter care facility unless;
 - a. The youth and family need shelter care to address their problematic situation when it is no possible for the youth to remain at home;
 - b. The youth needs to be protected from physical or emotional harm;
 - c. The youth needs to be deterred or prevented from immediate repetition of his troubling behavior;
 - d. Shelter care is necessary to assess the youth and his environment;
 - f. Shelter care is necessary to intervene in a crisis situation and provide intensive services or attention that might alleviate the problem and reunite the family.

F. **Confidentiality of Records.** As provided for in Chapter 20 of the Blackfeet Family Court Code.

SECTION 11. WHITE BUFFALO HOME

The White Buffalo Home shall serve as the Emergency Receiving Home for the Reservation.

A. **Organization.** Within one year (1) from the approval of this Code, the Board of Directors of the White Buffalo Home shall examine the organization format presently in use, determine whether that format best serves the interests of the White Buffalo Home, and recommend appropriate changes if necessary, to the HESS Committee.

B. **Policies and Procedures.** The Board of Directors of the White Buffalo Home shall design policies and procedures to meet appropriate license standards and funding requirements.

C. **Administration of White Buffalo Home.** The White Buffalo Home shall be administered according to the procedures authorized by the Blackfeet Tribal Business Council.

D. **Payment for Care in White Buffalo Home.** The White Buffalo Home shall bill the Montana State Department of Family Services of the Bureau of Indian Affairs as appropriate whenever the child is eligible for either funding source. The White Buffalo Home may arrange billing procedures with these agencies. If the child is not eligible for care from either of these agencies the parent or guardian shall be responsible for payment.

E. **Relationships with Social Services Agencies.** The White Buffalo Home shall cooperate with Social Service agencies, according to agreements with those agencies as approved by the HESS Committee and Blackfeet Tribal Business Council, as directed by the Family Court Judge.

SECTION 12. CHILD PROTECTION TEAM

A. **Establishment.** A child Protection Team is established. The members of the Team shall include a representative from each of the following:

1. Indian Health Service
2. BIA Social Services Department, and
3. BIA Law Enforcement, Blackfeet Indian Agency
4. Montana State Department of Family Services
5. Family Court Juvenile Department
6. Family Court Presenting officer
7. Tribal Child Protection Worker
8. Residential Child Care representatives (White Buffalo Home, Blackfeet Boarding Dorm, and the Nurturing Center)
9. Education representatives (schools including head start)
10. Family Court Probation Officer(s)

B. **Vote.** Each Agency shall have one (1) vote whenever a vote shall be necessary.

C. **Duty.** The team, through the Presenting Officer, shall advise the Family Court by assessing the needs of, formulating and monitoring a treatment plan for and coordinating services to children and their families.

D. **Referrals.** Children may be referred to the Team by the Family Court Juvenile Department, BIA Law Enforcement Officials, BIA Social Services and Montana State Department of Family Services.

E. **Procedures.** The Team shall decide upon meeting procedures and the place of meetings, and is encouraged to rotate the position of facilitator on a quarterly basis. Procedures shall be written and shall be approved by the Health, Education and Social Services (HESS) Committee of the Blackfeet Tribal Business Council.

F. **Records.** Records developed by the Team shall be kept in the file of the child, maintained by the Family Court.

G. **Confidentiality.** With the understanding that any particular case may be discussed with the Health, Education and Social Services Committee in order to illustrate particular problems, if any tribal employee or Family Court member is found by the HESS Committee to have violated the child or family's right to have matters considered by the Team kept confidential, the Chairman of the HESS Committee shall direct the employee's program director or the Personnel Director to take disciplinary action as provided for in Section 9 of the Blackfeet Tribal Personnel Policies and Procedures. Such disciplinary action may not be taken without the direction of the HESS Committee. If any Team member who is not a Tribal Employee is found by the HESS Committee to have violated the child or family's right to have matters considered by the Team kept confidential the Chairman of the HESS Committee shall report the occurrence to the Team member's supervisor. Provided, however, that all team members may share information gathered during investigations, home visits, interviews and medical exams with other team members on a need-to-know basis provided for in Chapter 20 of the Blackfeet Family Court Code.

H. **Reports.** The Team shall report quarterly to the HESS Committee in writing, stating the number of cases handled and the disposition of each case.

I. **Relationship to BIA and IHS Directive.** The directive of the Bureau of Indian Affairs and the Indian Health Service to establish child protection teams is recognized and supported and the team shall report to these two agencies as required.

CHAPTER 4

MINOR IN NEED OF CARE AND STATUS OFFENDER

TABLE OF CONTENTS

| | | |
|-------------|---|-----|
| Section 1. | Minor in Need of Care..... | 113 |
| Section 2. | Petition..... | 113 |
| Section 3. | Order of Protective Order..... | 113 |
| Section 4. | Protective Custody: Grounds..... | 114 |
| Section 5. | Protective Custody..... | 114 |
| Section 6. | Notice of Initial Placement Hearing..... | 114 |
| Section 7. | Initial Placement Hearing..... | 115 |
| | A. Release of Minor..... | 115 |
| | B. Minor in Need of Care..... | 115 |
| | C. Release of Minor..... | 116 |
| | D. Shelter Care..... | 116 |
| Section 8. | Informal Hearing..... | 116 |
| | A. Recommendations..... | 116 |
| | B. Informal Disposition..... | 116 |
| Section 9. | Formal Hearing – Date Provision..... | 117 |
| Section 10. | Summons..... | 117 |
| Section 11. | Formal Hearing..... | 118 |
| Section 12. | Pre-Dispositional Hearing..... | 118 |
| Section 13. | Disposition Hearing..... | 118 |
| Section 14. | Dispositional alternatives; Review Hearing..... | 118 |
| Section 15. | Record..... | 119 |
| Section 16. | Off Reservation Placement..... | 119 |
| Section 17. | time Limit on Orders..... | 119 |
| Section 18. | Modification of Dispositional Order..... | 119 |
| Section 19. | Status Offenses..... | 120 |
| | A. Curfew Violations..... | 120 |
| | B. Minor Loitering about Games of Chance..... | 120 |
| | C. Minor Loitering about Retail Liquor Establishment..... | 120 |
| | D. Minor in Possession of Alcoholic Beverages..... | 120 |
| | E. Minor in Possession of Dangerous Drugs..... | 120 |
| | F. Truancy..... | 120 |
| | G. Minor Inhaling Toxic Substances (Sniffing)..... | 120 |
| | H. Motor Vehicle Violations..... | 121 |
| Section 20. | Curfew Violations, Bail/Fine..... | 121 |
| Section 21. | Minor in Possession of Alcoholic Beverages, Minor in Possession of Dangerous Drugs, Minor Inhaling toxic Substances (Sniffing), and a Minor charged with Disorderly Conduct. Bail/Fine..... | 121 |

CHAPTER 4

MINOR IN NEED OF CARE AND STATUS OFFENDER

SECTION 1. MINOR IN NEED OF CARE

A minor in need of care, is an Indian under the age of eighteen (18) whom:

1. Has no parent, guardian or custodian available and willing to care for him/her; or
2. Has suffered or is likely to suffer an injury inflicted upon him/her by other than accidental means which causes or created a substantial risk of death, disfigurement, or impairment of bodily functions, or intellectual or psychological functioning; or
3. Has failed to thrive and has not been provided with adequate food, clothing, shelter, medical care, education or supervision by a parent, guardian or custodian necessary for health and well-being; or
4. Has been or is likely to be physically, sexually or mentally abused; or
5. Has committed delinquent acts or status offenses. A status offense is the non-criminal behavior of a minor which violates tribal laws that apply only to minors or commits any of the acts of a delinquent youth but whom the Juvenile Court, in its discretion, chooses to regard as a minor in need of supervision. Status offenses are further listed and defined at the end of this chapter.

SECTION 2. PETITION

A petition may be filed by the Family Court Presenting Officer from reports received and a knowledge of the facts alleged. The petition shall be signed by the Presenting Officer. The petition shall contain:

1. A reference to the specific statutory provisions of this code which gives the Family Court jurisdiction of the proceedings; and
2. The name, age, and address of the minor who is the subject of the petition, if known; and
3. A plain, concise and sworn statement of the facts upon which the allegations are based, including the date, time, and location at which the alleged facts occurred.

SECTION 3. ORDER OF PROTECTIVE CUSTODY

The Family Court may enter an order directing that a minor be taken into protective custody if the Family Court finds there is probable cause to believe the minor is a "minor in need of care".

SECTION 4. PROTECTIVE CUSTODY: GROUNDS

A minor may be taken into protective custody by a BIA Law Enforcement Officer, Juvenile/Child Protection Officer, or any commissioned officer of the Tribe, DFS Social Worker of BIA Caseworker; if:

1. The officer or caseworker has reasonable grounds to believe that the minor is a “minor in need of care”, as defined in this code and the minor is in immediate danger from his/her surroundings and that his/her removal is necessary or he/she is about to be removed from the jurisdiction of the court for the purpose of evading proceedings under the code or is removal is necessary to preserve evidence in a civil or criminal investigation; or
2. An order pursuant to this Code has been issued for the minor.

SECTION 5. PROTECTIVE CUSTODY

A law enforcement officer or caseworker who takes a minor into protective custody pursuant to this code shall proceed as follows:

1. Release the minor to the minor’s parent, guardian or custodian and issue verbal counsel or warning as may be appropriate, unless emergency receiving home care is necessary;
2. If the minor is not released, the officer shall make immediate and recurring efforts to notify the minor’s parent, guardian or custodian to inform them and issue a Summons for a Show Cause Hearing at the Blackfeet Family Court within 72 hours of the time that the summons was issued.
3. If the minor is not released, the minor shall be taken immediately to the White Buffalo Home or other designated facility, and within 72 hours an initial placement hearing with the Family Court shall occur and a petition for protective custody can be obtained from the Blackfeet Family Court.

SECTION 6. NOTICE OF INITIAL PLACEMENT HEARING

The following notice requirement shall apply to Initial Placement hearings:

1. Notice of the Initial Placement Hearing shall be given to the minor and his/her parent, guardian, or custodian and their counsel and to the Juvenile/Protection Department as soon as the time for inquiry has been established.
 - a. The notice shall contain: The name of the court; the title of the proceeding; a brief statement of the alleged circumstances upon which the “minor in need of care”, allegation is based; and the date, time, and place of the preliminary inquiry.
 - b. The notice shall be delivered by a tribal law enforcement officer, or an appointee of the Tribal or Family Court.’

SECTION 7. INITIAL PLACEMENT HEARING

If a minor is placed in the White Buffalo Home or a foster home under the protective custody provision of this Code, the Family Court shall conduct an initial placement hearing within seventy two (72) hours of the filing of the petition in order to determine:

1. Whether probable cause exists to believe the minor is a “minor in need of care”, or status offender; and

2. Whether continued Emergency receiving home care is necessary pending further proceedings.

A. **Release of Minor.** If a minor has been released to his parent, guardian, or custodian, the Family Court shall conduct an initial placement hearing within (72) hours after filing of the petition for the sole purpose of determining whether probable cause exists to believe the minor is indeed a “minor in need of care”.

1. If the minor’s parent, guardian or custodian is not present at the initial placement hearing, the Family Court shall determine what parent, guardian or custodian. If it appears that further efforts are likely to produce the parent, guardian or custodian, the court shall recess for not more than twenty-four (24) hours and direct the Social Worker or Juvenile Officer to make continued efforts to obtain the presence of a parent, guardian or custodian.

2. The Family Court at the initial placement hearing shall hear testimony concerning:

- a. The circumstances that give rise to the petition or the taking of the minor into custody; and
- b. The need for shelter care.

B. **Minor in Need of Care.** If the Family Court finds that probable cause exists to believe the minor is a “minor in need of care”, or status offender, he or she shall be released to his/her parent(s) and ordered to appear at the formal hearing unless:

1. There is a reasonable cause to believe that the minor will run away or that he/she will be unavailable for further proceedings; or

2. There is reasonable cause to believe that the minor is in immediate danger from his/her removal from them is necessary; or

3. There is reasonable cause to believe that the minor will commit a serious act causing damage to person or property.

4. There is reasonable cause to believe that an alleged offender will have access to the minor in the minor's home and may attempt to force the minor to recant his/her claims or allegations.

C. **Release of Minor.** If probable cause is not found to believe the minor "is a minor in need of care", or status offender, or that there is a need for continued shelter care, the petition shall be dismissed and the minor released. The Family Court may release a minor to any relative or other responsible Indian adult if the Family Court determines under Section 5, that the minor should not be released to his/her parent(s) guardian or custodian.

D. **Shelter Care.** Upon a finding that probable cause exists to believe that the minor is a "minor in need of care", or status offender and that there is a need for shelter care, the minor's shelter care shall be continued. The court shall consider the Social Worker or Juvenile Officer's recommendations or the recommendations of the Child Protection Team.

SECTION 8. INFORMAL HEARING

The Family Court Judge and a Juvenile Board consisting of a Tribal Child Protection Worker, Juvenile presenting Officer, Juvenile Probation Officer, and a Juvenile/Child Protection Officer is established. At three (3) Board Members must be present for each informal hearing. The Board may hold an informal hearing with the minor and the minor's parent(s), guardian or custodian to discuss alternatives to the filing of a petition if:

1. The alleged facts constitute a status offense of the Juvenile Court; and
2. An informal disposition of the matter would be in the best interest of the minor and the Tribe; and
3. The minor and parent(s), guardian or custodian consent to an informal disposition of the matter with knowledge that the consent is voluntary.

A. **Recommendations.** St the informal hearing, the Juvenile Board may:

1. Refer the minor and the parent(s), guardian or custodian to a community agency for needed assistance through use of a Family Court Contract; or
2. Recommend that a petition for a "minor in need of care", or "status offender" be filed and set a Family Court date.

B. **Informal Disposition.** The Family Court shall set forth, in writing, the conclusion reached at the informal hearing and the disposition agreed to by the parties for remedying the situation.

1. Any informal disposition period shall not exceed six (6) months.

2. The Family Court shall review the minor's progress every thirty (30) days. If, at any time after the initial 30 day period, the Court concludes that positive results are not being achieved, the Court shall recommend that a petition be filed pursuant to this Code.

SECTION 9. FORMAL HEARING – DATE PROVISION

If the formal hearing is not held within fifteen (15) days after the filing of the petition, the petition shall be dismissed and cannot be filed again unless:

1. The hearing is continued upon the motion of the minor's parent(s), guardian or custodian; or
2. The hearing is continued upon the motion of the Family Court Present Officer by reason of the unavailability of material evidence or witnesses and the Family Court finds the presenting Officer has exercised due diligence to obtain the material or that the evidence will become available. Provided, however, that the hearing shall not be continued for more than thirty (3) days after the filing of the petition under this section.

SECTION 10. SUMMONS

At least five (5) days prior to the adjudicatory hearing, the Family Court shall issue summons to:

1. The minor's parent(s), guardian or custodian; and
2. The petitioner; and
3. Any person the Family Court believes necessary for the proper adjudication of the hearing.
4. Any person the minor believes necessary for the proper adjudication of the hearing.
5. A copy of the summons shall be given to the Juvenile Department, and a copy of the Family Court Calendar shall be given to the Juvenile/Child Protection Department as often as necessary.
6. The summons shall contain the name of the court; the title of the proceeding; and the date, time and place of the hearing.
7. A copy of the petition shall be attached to the summons.
8. The summons shall be delivered personally by a tribal law enforcement officer, or an appointed of the Tribal or Family Court. If the summons cannot be delivered personally, the summons shall be delivered by registered mail to the last known address of the person(s) entitled to receive a summons.

9. If a person who has been served summons, fails to appear at the hearing, that person shall be held in contempt of court.

SECTION 11. FORMAL HEARING

The Family Court shall conduct the formal hearing for the sole purpose of determining whether the minor is a "minor in need of care", or "status offender". The hearing shall be private and closed. A finding that a minor is a "minor in need of care", constitutes a final order for purposes of appeal. The Family Court may grant care, placement and supervision responsibility to a state or federal agency or institution.

SECTION 12. PRE-DISPOSITIONAL REPORT

If ordered by the Court, a Family Court Juvenile Probation Officer shall prepare a written report in accordance with Chapter 3, Section 5 of the Blackfeet Family Court Core.

SECTION 13. DISPOSITION HEARING

A disposition hearing shall take place not more than thirty (30) days after the formal hearing.

1. At the disposition hearing, the Family Court shall hear evidence on the question of proper disposition.

2. At the disposition hearing, the Family Court shall consider any pre-disposition report submitted the Probation Officer and afford the parties and opportunity to discuss the factual contents and conclusions of the reports. The Family Court shall also consider the alternative pre-disposition report prepared by the minor and his attorney and advocate, if any.

3. The dispositional order constitutes a final order for purposed of appeal.

SECTION 14. DISPOSITIONAL ALTERNATIVES; REVIEW HEARING

If a minor has been adjudged "minor in need of care", the Family Court may make any of the following dispositions which are listed by priority:

1. Permit the minor to remain with parent(s), guardian or custodian, subject to such limitations and conditions as the court may prescribe; or

2. Place the minor with a relative within the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

3. Place the minor with a relative outside the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

4. Place the minor with a member of his/her Tribe within the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

5. Place the minor with a member of his/her Tribe outside the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

6. Place the minor with an Indian of any other Tribe, outside the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

7. Place the minor with an Indian of any other Tribe, outside the external boundaries of the Reservation, subject to such limitations and conditions as the court may prescribe; or

8. Place the minor with a non-Indian inside or outside the reservation boundaries, subject to such limitations and conditions as the court may prescribe; or

9. Place the minor in a public or private institution.

SECTION 15. RECORD

A record of each placement of an Indian child under the Family Court Code shall be maintained by the court. Such record shall document the efforts made to comply with the order of preference specified in Sections (a) through (g) above.

SECTION 16. OFF RESERVATION PLACEMENT

Whenever a minor is placed in a home or facility located outside the boundaries of the Reservation, the Family Court shall require the party receiving custody of the minor, to sign an agreement that the minor will be returned to the court upon order of the Family Court.

SECTION 17. TIME LIMIT ON ORDERS

The disposition orders are to be in effect for the time limit set by the Family Court, but no order shall continue after the minor reaches the age of eighteen (18) years. The dispositional orders are to be reviewed, at the Family Court's discretion, at least once every six (6) months.

SECTION 18. MODIFICATION OF DISPOSITIONAL ORDER

A disposition order of the Family Court may be modified upon a showing of change of circumstances. The Family Court may modify a disposition order at any time upon the motion of the following:

1. The minor; or
2. The minor's parent(s), guardian or custodian; or
3. The Presenting Officer, Juvenile Probation Officer, or Juvenile Investigation Officer.

[NOTE – If the modification involves a change of custody, the court will hear a review of its disposition order.]

SECTION 19. STATUS OFFENSES

The following shall be Status Offenses:

A. **Curfew Violations.** A child, under the age of eighteen (18), commits a curfew offense if he/she knowingly violates the following curfew:

1. From June 1st to September 1st of every year, the curfew shall be 11:00 p.m. and end at 6 a.m.
2. From September 2nd to May 31st of every year, the curfew shall be 10:00 p.m. for those under the age of 16 years, and shall be 11:00 p.m. for those 16 years of age and over.
3. Exceptions are permitted if the child is under the immediate supervision of an adult, parent, or guardian during meetings and gatherings; the child may attend authorized school functions without such supervision, and will be granted a half an hour exception to curfew after such function is concluded.

B. **Minor Loitering About Games of Chance.** A child under the age of 18, who plays or loiters around a non-traditional game of chance, which may result in monetary benefit to the participant, commits a Status Offense.

C. **Minor Loitering about Retail Liquor Establishment.** Any child under the age of 18, who enters or loiters in or around a retail liquor establishment, as defined in the Criminal Code, commits a Status Offense.

D. **Minor in Possession of Alcoholic Beverages.** Any child under the age of 18, who is not in the presence of his/her parent(s) or guardian, and is in possession of an alcoholic beverage, or is intoxicated commits a Status Offense.

E. **Minor in Possession of Dangerous Drugs.** Any child under the age of 18, who is found to be knowingly in possession of a dangerous drug, as defined in the Criminal Code, commits a Status Offense.

F. **Truancy.** Any child under the age of 16 or any child that is over the age of 16 and not surpassed the eighth grade, who is found to be, not attending school, commits a Status Offense.

G. **Minor Inhaling Toxic Substances (Sniffing).** Any child under the age of 18, who is found to be knowingly and willingly inhaling a toxic substance, as defined in the

Criminal Code, commits a Status Offense. No minor can purchase such inhalants or toxic substances at any retail or wholesale business on the reservation.

H. **Motor Vehicle Violations.** Any Minor under the age of 18, who is processed in family court, for being in violation of Driving Under the Influence of Alcohol and/or Reckless Driving, under the Blackfeet Tribal Motor Vehicle violations, commits a Status Offense.

SECTION 20. CURFEW VIOLATIONS, BAIL/FINE

When a child, under the age of eighteen (18) years of age is taken into custody for a Curfew Violation, the Child shall be placed in the White Buffalo Home or the Nurturing Center and fee of forty-five dollars (\$45.00) per day (24 hour period) shall be assessed from the parents/guardians before the child may be released.

SECTION 21. MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES, MINOR IN POSSESSION OF DANGEROUS DRUGS, MINOR INHALING TOXIC SUBSTANCES (SNIFFING), AND A MINOR CHARGED WITH DISORDERLY CONDUCT. BAIL/FINE

When a child, under the age of eighteen (18) years of age is taken into custody for Minor in Possession of Alcoholic Beverages, Minor in Possession of Dangerous Drugs, Minor Inhaling Toxic Substances. (Sniffing) and a Minor charged with Disorderly Conduct, the child shall be placed in the appropriate holding facility for a period of six (6) hours and then may be released to a parent or guardian and a fee of forty-five dollars (\$45.00) per day (24 hour period) shall be assess from the parents/guardians before the child may be released. In the event that a child is not released at the end of the six (6) hour period, the child shall be moved to the White Buffalo Home or the Nurturing Center.

CHAPTER 5

JUVENILE OFFENDER PROCEDURE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Juvenile Offender..... | 122 |
| Section 2. | Petition..... | 122 |
| Section 3. | Order to Pick Up and Hold..... | 122 |
| Section 4. | Notice..... | 122 |
| Section 5. | Rights of Parties..... | 123 |
| Section 6. | Custody..... | 123 |
| Section 7. | Finger Printing and Photographing..... | 124 |
| Section 8. | Law Enforcement Officer's Duties..... | 124 |
| | A. Warnings..... | 124 |
| | B. Release..... | 124 |
| Section 9. | Detention and Shelter Care..... | 124 |
| Section 10. | Initial Detention Hearing..... | 125 |
| Section 11. | Informal Hearing..... | 126 |
| Section 12. | Formal Hearing – Date Provision..... | 127 |
| Section 13. | Summons..... | 127 |
| Section 14. | Formal Hearing..... | 128 |
| Section 15. | Pre-Disposition Report..... | 129 |
| Section 16. | Disposition Hearing..... | 129 |
| Section 17. | Disposition Alternative..... | 129 |
| Section 18. | Appeal..... | 129 |
| Section 19. | Contempt of Court..... | 130 |

CHAPTER 5

JUVENILE OFFENDER PROCEDURE

SECTION 1. JUVENILE OFFENDER

A juvenile offender is an Indian, who before his/her eighteenth (18th) birthday, commits an act which, if committed by an adult, would be a crime under the laws of the United States or the Blackfeet Tribe, or if on probation, commits an act which violates the conditions of that probation.

SECTION 2. PETITION

A petition may be filed by the Family Court Presenting Officer based on alleged facts given to the Presenting Officer by Law Enforcement. The petition shall be signed by the Family Court Presenting Officer, the petition shall contain:

1. The specific statutory provision of this Code which gives the Family Court jurisdiction over the proceedings; and
2. The specific statutory provisions of the Tribal Code which the juvenile is alleged to have violated;
3. Name, age and address of the juvenile who is the subject of the complaint, if known; and
4. A plain and concise statement of the facts, upon which the allegations are based, including the date, time, and location at which the alleged facts occurred.

SECTION 3. ORDER TO PICK UP AND HOLD

The Family Court may enter an order to pick up and hold, directing that a juvenile be taken into custody, if the Family Court finds that there is probable cause to believe, the juvenile committed the delinquent act alleged in the petition. Also a Family Court Juvenile/Protection Officer may issue a PICK UP AND HOLD when the officer receives information from apparent or guardian that a juvenile is missing from the household. When the Juvenile/Protection Officer apprehends a juvenile on an officer issued pick up and hold, the juvenile shall be released to the parent or guardian filing the original request for pick up and hold if they will accept responsibility for the juvenile.

SECTION 4. NOTICE

In any proceeding, the Family Court for juvenile offenders the following shall apply:

1. The court shall cause a "Notice of Hearing" to be delivered by a BIA Law Enforcement Officer, or an appointee of the Tribal or Family Court to each individual concerned. The notice shall contain:

- a. The name of the court;
- b. Title of the proceeding;
- c. Brief statement of the allegations against juvenile;
- d. Date, time, place and type of proceeding.

SECTION 5. RIGHTS OF PARTIES

In any proceeding in the Family Court for juvenile offenders, the following shall apply:

A. **Right to Counsel.** The Family Court Judge shall inform the juvenile and his/her parent(s), guardian or custodian, or their right to retain Counsel by telling them "According to the Indian Civil Rights Act, you have a right to have a lawyer, or other person, represent you at this hearing. However, you or your family must pay any fees which may be required for such representation."

1. If the parties appear at the hearing without Counsel, the Family Court Judge shall continue the proceedings if they need additional time to seek Counsel.
2. If the parties are unable to pay for Counsel, the Family Court Judge shall inform them of any available services that provide representation.
3. The juveniles need not be a witness against themselves, not otherwise incriminate themselves.
4. The Family Court Judge shall give the juvenile, parent(s), and their respective Counsel or persons selected to represent them, the opportunity to introduce evidence, to be heard on their own behalf and to examine witnesses.

SECTION 6 CUSTODY

A juvenile may be taken into custody by a juvenile/protection or law enforcement officer, if;

1. The officer has probable cause to believe a delinquent act has been committed and that the juvenile has committed the act; or
2. A warrant pursuant to this Code has been issued for the juvenile.
3. Whenever a juvenile or minor is taken into custody from a school, during school hours, the law enforcement officer shall inform the principal or other school authorities of his/her intent, and request their cooperation, so that the taking of custody may be accomplished privately

and orderly, with the minimum embarrassment to the person being taken into custody, and without unduly disturbing the school population.

4. Care shall be taken to avoid the use of excessive force in the taking into custody of juveniles.

SECTION 7. FINGER PRINTING AND PHOTOGRAPHING

A child in custody shall not be fingerprinted nor photographed for criminal identification purposes except by order of the Family Court. If an order of the Family Court is given, the fingerprints or photographs shall be used only as specified by the court.

SECTION 8. LAW ENFORCEMENT OFFICER'S DUTIES

A law enforcement officer, who takes a juvenile into custody, pursuant to this Code, shall proceed as follows:

A. **Warnings.** An arresting officer shall give the following warnings to any juvenile he takes into custody prior to any questioning:

1. The juvenile has the right to remain silent; and
2. Anything the juveniles say can be used against them in court;
3. The juvenile has the right to the presence of parent(s), guardian or custodian and/o an attorney during questioning; and
4. If they cannot afford an attorney, the court will help them obtain the service of one through available services.

B. **Release.** An arresting officer shall release the juvenile to the juvenile's parent(s), guardian or custodian and issue verbal counsel or warning as may be appropriate, unless shelter, care or detention is necessary as determined by the Family Court Juvenile/Protection Officer or the Family Court Judge. If the juvenile is not released, an arresting officer shall make immediate and recurring efforts to notify the juvenile's parent(s), guardian, or custodian to inform them, that the juvenile has been taken into custody, and inform them of their right to be present with the juvenile, when an investigation to determine the need for shelter, care or detention is made and shall issue a Summons for a Show Cause Hearing at the Blackfeet Family Court within 72 hours of the time that the summons was issued.

SECTION 9. DETENTION AND SHELTER CARE

A juvenile alleged to be a juvenile offender, may be detained, pending a court hearing, in the following places:

1. A foster care facility approved by the Tribe; or
2. A short term detention center, if the child meets the standards of the center; or
3. The home of their parent(s), guardian or custodian.
4. In a private family home approved by the Department of Family Services or the BIA Social Services.
5. The White Buffalo Home, if the child meets the standards of the Home.
6. A juvenile may be detained in a jail facility, used for the detention of adults, as a short term, (up to 96 hours) detention only if:
 - a. A facility in no available or would not assure adequate supervision of the juvenile;
 - b. Detention is in a cell separate and remove from sight and sound of adults, whenever possible; and
 - c. Adequate supervision is provided twenty four (24) hours a day, in said facility.

SECTION 10 **INITIAL DETENTION HEARING**

If a juvenile is placed in detention or shelter care by the Family Court pursuant to this Code, the Family Court shall conduct a preliminary inquiry within seventy two (72) hours, for the purpose of determining:

1. Whether probable cause exists to believe the juvenile committed the alleged delinquent act; and
2. Whether continued detention or shelter care is necessary pending further proceedings.
3. If a juvenile has been released to his parent(s), guardian or custodian, the Family Court shall conduct a preliminary inquiry within seventy-two (72) hours after receipt of the complaint for the sole purpose of determining whether probable cause exists to believe the juvenile committed the delinquent act.
4. If the juvenile's parent(s), guardian or custodian is not present at the preliminary inquiry, the Family Court shall determine what efforts have been made to notify and obtain the presence of them. If it appears that further efforts are likely to produce the parent(s), guardian or custodian, the Family Court shall recess for not more than twenty four (24) hours and direct the Juvenile Officer to make continued efforts to obtain the presence of a parent, guardian or custodian.

5. The Family Court shall hear testimony concerning:
 - a. The circumstances that gave rise to the complaint or the taking of the juvenile into custody; and
 - b. The need for detention of shelter care.

6. If the Family Court finds that probable cause exists to believe that the offense charged, was committed by t accused, the juvenile shall be released to his/her parent(s), guardian or custodian, and ordered to appear at the adjudicatory hearing unless;
 - a. There is reasonable cause to believe that the juvenile will run away so that he/she will be unavailable for further proceedings; or
 - b. There is reasonable cause to believe that the juvenile will commit a serious act causing damage to person or property.

7. The Family Court may release a juvenile to a relative or other responsible Indian adult, if the parent, guardian or custodian of the juvenile, consents to the release.

8. Upon finding that probable cause exists to believe that the juvenile committed the alleged delinquent act and that there is a need for continued supervisory care, the juvenile's detention or shelter care shall be continued. The Family Court shall consider the Juvenile/Protection Officer's recommendation.

9. If probable cause to believe the juvenile committed the alleged delinquent act and the need for supervised care is not found, the petition shall be dismissed and the juvenile be released.

SECTION 11. INFORMAL HEARING

The Family Court may hold an informal conference with the juvenile and the juvenile's parent(s), guardian or custodian, to discuss alternatives to the filing of the petition, if;

1. The admitted facts bring the case within the jurisdiction of the Family Court; and
2. An informal disposition of the matter would be in the best interests of the juvenile, the Family Court, and the Tribe; and
3. The juvenile and his/her parent, guardian or custodian, consent to an informal disposition with knowledge that the consent is voluntary.
4. At the informal hearing, the Family Court may through the use of a "contract":
 - a. Refer the juvenile and parent(s), guardian or custodian, to a community agency for needed assistance; i.e., counseling, and psychological evaluations; and

- b. Order terms of supervision calculated to assist and benefit the juvenile which regulate the juvenile's activities and which are within the ability of the juvenile to perform; or
- c. Accept an offer of restitution, if voluntarily made by the juvenile; or
- d. If voluntarily acceptable, attach the child's per capita payment from the Blackfeet Tribe, in order to pay restitution.
- e. Recommend to the Bureau of Indian Affairs Agency Superintendent, that funds from the child's Individual Indian Monies (IIM) Account, be used for restitution.
- f. Order the child's parents to pay restitution if voluntary.
- g. Impose a fine as authorized by law if the violation alleged would constitute a criminal offense if committed by an adult.
- h. Recommend that the Presenting Officer file a petition pursuant to this Code.

5. The Family Court shall set forth, in writing, the conclusions reached at the informal hearing and the disposition agreed to by the parties for remedying the situation.

6. If at any time, after a disposition is agreed to, pursuant to this Section: the Juvenile/Protection Officer concludes that positive results are not being achieved, the Officer shall recommend that a petition be filed.

SECTION 12. FORMAL HEARING – DATE PROVISION

Upon receipt of the Complaint, the Family Court shall set a date for the hearing which shall not be more than fifteen (15) days after the Family Court receives the complaint from the presenting officer.

- 1. If the adjudicatory hearing is not held within fifteen (15) days after the filing of the petition, the petition shall be dismissed and cannot be filed again, unless;
 - a. The hearing is continued upon motion of the juvenile; or
 - b. The hearing is continued upon motion of the presenting officer, by reason of the unavailability of material evidence or witnesses, and the Family Court finds the presenting officer has exercised due diligence to obtain the material or evidence, which will become available. Provided, however, that the hearing date shall not be continued for more than thirty (30) days after the filing of the petition.

SECTION 13. SUMMONS

At least five (5) days prior to the formal hearing, the Family Court shall issue summons to:

- 1. The juvenile and the juvenile's parent(s), guardian or custodian; and
- 2. Any person the Family Court believes necessary for the proper adjudication of the hearing; and

3. Any person the juvenile believes necessary for the adjudication of the hearing.
4. The Juvenile/Protection Department shall receive a copy of the summons. A copy of the Family Court Calendar shall be given to the Juvenile/Protection Department as necessary.
5. The summons shall contain:
 - a. Name of the Court,
 - b. Title of the proceedings,
 - c. Date, time and place of the hearing.
6. A copy of the petition shall be attached to the summons.
7. The summons shall be delivered personally by a BIA Law Enforcement Officer of appointee of the Family or Tribal Court. If the summons cannot be delivered personally, the summons shall be delivered by registered mail; to the last known address of the person(s) entitled to receive a copy of the summons.
8. If a person who has been issued a summons fails to appear at the hearing, that person shall be held in contempt of court, however, if the person failing to appear is the juvenile, the Court may issue a pick up and hold order until the formal hearing is held.

SECTION 14. FORMAL HEARING

The Family Court shall conduct a formal hearing for the sole purpose of determining the guilt or Innocence of the juvenile. The hearing shall be private and closed.

1. If the juvenile admits the allegations of the petition, the Family Court shall proceed to the disposition stage, only if the Family Court finds:
 - a. The juvenile fully understands his/her rights, and fully understands the potential consequences of the admission; and
 - b. The juvenile voluntarily, intelligently, and knowingly admits to all facts necessary to constitute a basis for Family Court action; and
 - c. The juvenile has not, in his/her purported admission to the allegations, set forth facts which, if found to be true, constitute a defense to the allegations.
2. The Family Court shall hear testimony concerning the circumstances which gave rise to the complaint.
3. If the allegations of the petition are sustained by proof beyond a reasonable doubt, the Family Court shall find the juvenile to be a juvenile offender and proceed to the disposition hearing.
4. A finding that a juvenile is a juvenile offender constitutes a final order for purposes of appeal.

SECTION 15. **PRE-DISPOSTION REPORT**

The Court may order preparation of a pre-disposition report in accordance with Chapter 3, Section 5 of the Blackfeet Family Court Code.

SECTION 16. **DISPOSITION HEARING**

A disposition hearing shall take place within thirty (30) days after the formal hearing. At the disposition hearing, the Family Court shall hear evidence on the question of proper disposition.

1. At the disposition hearing, the Family Court shall consider the pre-disposition report submitted by the Juvenile Probation Officer and afford the juvenile and the juvenile's parent(s), guardian or custodian, and opportunity to discuss the factual contents and conclusions of the report. The Family Court shall also consider the alternative pre-dispositional report prepared by the juvenile and his/her attorney, or advocate, if any.

2. The disposition order constitutes a final order for purposes of appeal.

SECTION 17. **DISPOSITION ALTERNATIVE**

If the juvenile has been adjudged a juvenile offender, the Family Court may make the following dispositions:

1. Place the juvenile on probation, subject to conditions set by the Family Court.

2. Place the juvenile in a foster home, an institution or agency designated by the Family Court.

3. Order Restitution.

4. The disposition order is to be in effect for the time limit set by the Family Court, but no order shall continue after the juvenile reaches the age of eighteen (18) years, unless extended to age 21 pursuant to this Code.

5. The disposition order must be reviewed at the discretion of the Family Court, at least every six (6) months.

SECTION 18. **APPEAL**

All appeals shall be conducted in accordance with the rules and regulations contained in Chapter 21 of this code.

CHAPTER 6

FORMAL TRIAL ON THE ISSUES

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 131 |
| Section 2. | Summons..... | 131 |
| Section 3. | Default Judgment..... | 132 |
| Section 4. | Formal Trial on the Issues..... | 132 |
| | A. Admissibility..... | 132 |
| | B. Closed Hearing..... | 133 |
| | C. Advise of Rights..... | 133 |
| | D. Child Witnesses..... | 133 |
| | E. Burden of Proof..... | 133 |
| | F. Outcome of Hearing..... | 133 |
| | G. Return to Home..... | 133 |
| | H. Grounds for Continuing Removal from the Home..... | 133 |
| | I. Family Court Order for Continuing Removal..... | 134 |
| | J. Return of Child to Parent, Guardian or Custodian..... | 134 |
| | K. Out-of-Home Placement..... | 134 |
| | L. Written Order..... | 134 |

CHAPTER 6

FORMAL TRIAL ON THE ISSUES

SECTION 1. PURPOSE

The purpose of this chapter is to establish procedures for notice and implementation of guidelines for formal trials on the issues within the Blackfeet Family Court system.

SECTION 2. SUMMONS

The Blackfeet Family Court shall issue a summons to the parent, guardian, or custodian and such other persons as appear to the court to be proper of necessary parties to the proceedings. The summons shall require them to appear personally before the Blackfeet Family Court as the time and date set for formal trial.

1. A copy of the family court petition shall be attached to each summons. The court shall also attach a notice to the parent, guardian, or custodian which advises them of their rights.

2. If the parties to be served with a summons can be found within the exterior boundaries of the Blackfeet Reservation, the summons, a copy of the petition, and the notice of rights shall be personally served upon them at least five (5) days before the formal trial on the issues.

3. If the parties are within the exterior boundaries of the Blackfeet Reservation, but cannot be personally served, and if their address is known, the summons, petition, and notice of rights may be served by registered mail with a return receipt requested, at least five (5) days before the formal trial.

4. If the Blackfeet Family Court cannot accomplish personal or mail service, the court shall attempt to notify the parent(s), guardian, or custodian by contacting members of the extended family.

5. Service of a summons may be made under the direction of the Blackfeet Family Court by any person eighteen (18) years of age or older.

6. In a Family Court case where it appears within the body of the petition or within an accompanying statement that the parent(s), guardian, or custodian is a non-resident of the Blackfeet Reservation, or that their name, place of residence or whereabouts is unknown, as well as in all cases where after due personal service or service by registered mail has been unable to be effected, the court shall direct the clerk to publish legal notice in a newspaper printed in Glacier County or on the Blackfeet Reservation, qualified to publish summons, once a week for three (3) consecutive weeks with the first publication of the notice to be at least twenty-one (21) days prior to the date fixed for the hearing. Such notice shall be directed to the parent(s), guardian, or custodian if their names are known, or if unknown a phrase "to whom it may

concern” may be used and applied to, and be binding upon any such person whose names are unknown. The name of the court, name of the child, the date of the filing of the petition, the time and date of the hearing, and the object of the proceedings in general terms, shall be set forth. There shall be filed with the clerk an affidavit showing publication of the notice. The publication of the notice shall be paid by the Blackfeet Tribe. The publication of the notice shall be deemed equivalent to personal service upon all persons known or unknown who have been designated as provided for in this section.

7. A. **Contempt Warning**. The summons issued by the Blackfeet Family Court shall conspicuously display the words:

‘NOTICE, VIOLATION OF THIS ORDER IS SUBJECT TO PROCEEDINGS FOR CONTEMPT OF COURT PURSUANT TO THE BLACKFEET TRIBAL LAW AND ORDER CODE. THE BLACKFEET FAMILY COURT MAY FIND THE PARENT, GUARDIAN, OR CUSTODIAN IN CONTEMPT FOR FAILURE TO APPEAR AT A FAMILY COURT HEARING OR FOR FAILURE TO FOLLOW FAMILY COURT ORDERS.’

SECTION 3. DEFAULT JUDGMENT

If the parent, guardian, or custodian fails to appear for the formal trial, the Blackfeet Family Court may find the parent, guardian, or custodian in default, and enter a default order of the Family Court for necessary intervention and appropriate steps the parents, guardian, or custodian must correct the problem.

1. Prior to finding a parent, guardian, or custodian in default, the Family Court must be satisfied that actual notice has been given or that all reasonable possible attempts have been taken to provide notice of the formal trial to the parent, guardian, or custodian. The court must also find that the petitioner can prove the elements of the Family Court Petition.

2. If the parent, guardian or custodian is found in default, the Blackfeet Family Court shall specify the facts, grounds and Law and Order Code sections upon which it relied in making a decision.

SECTION 4. FORMAL TRIAL ON THE ISSUES

The formal trial on the issues will be set for no later than fifteen (15) days following the filing of the Blackfeet Family Court petition.

Admissibility. The records of the initial placement hearing and any other hearings shall not be admissible at the formal trial. This shall not be construed to prevent the admissibility of any evidence that was presented at these hearings which would normally be admissible under the Blackfeet Family Court’s rules of evidence.

concern” may be used and applied to, and be binding upon any such person whose names are unknown. The name of the court, name of the child, the date of the filing of the petition, the time and date of the hearing, and the object of the proceedings in general terms, shall be set forth. There shall be filed with the clerk an affidavit showing publication of the notice. The publication of the notice shall be paid by the Blackfeet Tribe. The publication of the notice shall be deemed equivalent to personal service upon all persons known or unknown who have been designated as provided for in this section.

7. A. **Contempt Warning.** The summons issued by the Blackfeet Family Court shall conspicuously display the words:

‘NOTICE, VIOLATION OF THIS ORDER IS SUBJECT TO PROCEEDINGS FOR CONTEMPT OF COURT PURSUANT TO THE BLACKFEET TRIBAL LAW AND ORDER CODE. THE BLACKFEET FAMILY COURT MAY FIND THE PARENT, GUARDIAN, OR CUSTODIAN IN CONTEMPT FOR FAILURE TO APPEAR AT A FAMILY COURT HEARING OR FOR FAILURE TO FOLLOW FAMILY COURT ORDERS.’

SECTION 3. DEFAULT JUDGMENT

If the parent, guardian, or custodian fails to appear for the formal trial, the Blackfeet Family Court may find the parent, guardian, or custodian in default, and enter a default order of the Family Court for necessary intervention and appropriate steps the parents, guardian, or custodian must correct the problem.

1. Prior to finding a parent, guardian, or custodian in default, the Family Court must be satisfied that actual notice has been given or that all reasonable possible attempts have been taken to provide notice of the formal trial to the parent, guardian, or custodian. The court must also find that the petitioner can prove he elements of the Family Court Petition.

2. If the parent, guardian or custodian is found in default, the Blackfeet Family Court shall specify the facts, grounds and Law and Order Code sections upon which it relied in making a decision.

SECTION 4. FORMAL TRIAL ON THE ISSUES

The formal trial on the issues will be set for no later than fifteen (15) days following the filing of the Blackfeet Family Court petition.

Admissibility. The records of the initial placement hearing and any other hearings shall not be admissible at the formal trial. This shall not be construed to prevent the admissibility of any evidence that was presented at these hearings which would normally be admissible under the Blackfeet Family Court’s rules of evidence.

B. **Closed Hearing.** The general public shall be excluded from any proceedings involving children. Only the parties, their counsel, witnesses, and the child's extended family, and other persons determined to be appropriate by the Family Court shall be admitted.

C. **Advise of Rights.** During the formal hearing, the Blackfeet Family Court shall advise the party(s) of the reason for the hearing and of their basic rights as provided for in the Blackfeet Law and Oder Code.

D. **Child Witnesses.** If the Blackfeet Family Court determines that it is in the best interests of the child and does not violate the rights of any party, the court may allow the child to testify by means of a videotape deposition, closed circuit television of any other appropriate method. If the court does allow these methods to be utilized, the court shall specifically set out the reasons for this determination on the record.

E. **Burden of Proof.** The burden of proof lies with petitioner. The petitioner must prove that the allegations raised in the family court petition are more likely true than not, that is, by the preponderance of the evidence, and that the best interests of the child will be served by continued Family Court intervention.

F. **Outcome of Hearing.** The Blackfeet Family Court will either find the allegations of the petition to be true or dismiss the petition, unless the hearing shall be continued to date certain to allow for the presentation of further evidence.

G. **Return to Home.** The Blackfeet Family Court may find the allegations of the family court petition to be true, but that out of home placement is not needed to insure the protection of the victim. The court may, however, due to unresolved problems in the home, continue court intervention and supervision as appropriate.

H. **Grounds for Continuing Removal from the Home.** The Blackfeet Family Court may find that allegations of the petition to be true and order that the child remain out of the home. The grounds for continuing removal from the home of a parent, guardian or custodian are that:

1. A child has no parent, guardian, or custodian available and capable to care for the child.
2. The child has suffered, or is likely to suffer, physical injury by other than accidental means, which causes or creates a substantial risk of death, disfigurement, or impairment of bodily functions.
3. The child has not been provided with adequate food, clothing, shelter, medical care, education, or supervision by the parent, guardian, or custodian, which is necessary for the child's health and wellbeing.
4. The child has been sexually abused or sexually exploited.

5. The child has committed juvenile offenses as a result of parental pressure, guidance, or approval.

6. The child has suffered, or is likely to suffer, emotional damage which causes or creates a substantial risk of impaired development.

I. **Family Court Order for Continuing Removal.** The Blackfeet Family Court shall specify in its order the necessary intervention and appropriate steps, if any, the parent, guardian or custodian must follow to correct the underlying problem.

J. **Return of Child to Parent, Guardian, or Custodian.** The Blackfeet Family Court may find the allegations of the petition to be true and out-of-home placement necessary, but with the accomplishment of specified actions by the parent, guardian, or custodian, they may be returned absent good cause to the contrary. The order of the court will specify actions, and the time frames for such actions, that parents, guardians, or custodians must accomplish before the child is returned. The family Court order will also specify the responsibilities of any support agency or personnel to be involved.

K. **Out-of-Home Placement.** The Blackfeet Family court may find the allegations of the petition to be true and that out-of-home placement continues to be necessary and further that the child may not be returned to the home, absent specific orders of this court. The court shall specify what steps the parents, guardian, or custodian shall take to demonstrate their abilities to care for the child, and specify to the parties what factors the court will consider at a subsequent hearing to determine whether or not the child should be returned.

L. **Written Order.** The Blackfeet Family Court shall specify in writing the facts, grounds, and code sections upon which it relied to make its decisions.

CHAPTER 7

INDIAN CHILD WELFARE ACT PROCEDURES

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Notice..... | 135 |
| Section 2. | Enrollment Eligibility Determination..... | 135 |
| Section 3. | Indian Child Welfare Office..... | 135 |
| | A. Authorization..... | 135 |
| | B. Record..... | 135 |
| | C. Investigations..... | 135 |
| | D. Reports..... | 136 |
| | E. Relationship with Federal and State Agencies..... | 136 |
| | F. Criteria..... | 136 |
| Section 4. | Confidentiality..... | 136 |

CHAPTER 7

INDIAN CHILD WELFARE ACT PROCEDURES

The following procedure is to be followed regarding Indian Child Welfare Act procedures:

SECTION 1. NOTICE

Any Indian Child Welfare Act (ICWA) NOTICE RECEIVED BY ANY Tribal Department shall be forwarded to the Indian Child Welfare Office as soon as possible. The Chairman of the Tribal Council shall request the Superintendent of the Bureau of Indian Affairs, to deliver any ICWA requests the Bureau receives, to the Tribal Indian Child Welfare Office, P.O. Box 518 Browning, MT 59417.

SECTION 2. ENROLLMENT ELIGIBILITY DETERMINATION

Upon receipt of an ICWA notice, the ICWA Office shall:

- 1, Determine whether the child is enrolled or enrollable.
2. Forward the request and the Department's findings and recommendations, if any, to the respective state court.
3. If the child is not enrolled or enollable, but he Department or State has information which may be helpful in any determination of the child's future, the Department may forward the information to the Indian Child Welfare Office.
4. **Record.** The Department will use the attached form to keep an accurate record of all ICWA requests received. The Tribe may require the Department to report to the HESS Committee on ICWA matters.

SECTION 3. INDIAN CHILD WELFARE OFFICE

- A. **Authorization.** The ICWA Counselor(s) is/are authorized to recommend to the Tribe that any ICWA case be transferred to the Tribal Court. The Counselor(s) are also authorized to recommend that the ICWA case should remain with the State Court, but that the Tribe intervene or take other action to assist in the determination of the child's future.
- B. **Record.** The ICWA Counselor(s) shall set up and maintain the Tribal Master File on each ICWA case. The ICWA Counselor(s) are to notify the Enrollment Department of any change in the child's custody or address.
- C. **Investigations.** The ICWA Counselor(s) may request that the Juvenile/Child Protection Department or Tribal Child Protection Worker conduct such investigations as are appropriate to enable that Counselor to best determine the proper role of the Tribe in any ICWA case. All Tribal Departments and Programs are directed to cooperate with such investigations.

D. **Reports.** The ICWA Staff shall report monthly, to the Chairman of the HESS Committee. The ICWA Staff will make every effort to ensure that the report format is designed to inform the Committee of the ICWA activity as well as the need for any change in this procedure or in the related structures of Tribal Government.

E. **Relationship with Federal and State Agencies.** The UCWA Staff are authorized to request information relevant to any ICWA case for any appropriate state or federal agency. The ICWA Counselor(s) are authorized to request technical assistance from any state or federal agency, whose assistance may be helpful to the determination of any particular case or to the development of proper tribal procedures in ICWA matters.

F. **Criteria.** In the determination of the proper role for the tribe in each ICWA case, the ICWA Staff must consider:

1. The potential parenting role of the grandparent(s), aunts and uncles, and other relatives of the child;
2. Whether the child owns land on the Reservation;
3. How the parent(s) or other family of the child, desire the child to be involved in Indian Cultural life;
4. Whether the child has needs such as special counseling or medical treatment which are more readily available off the Reservation; and
5. Whether the social background of the child could cause severe adjustment problems if the child were placed on the Reservation; and
6. Whether the best possibilities for reuniting the parents and child would be possible on the Reservation.
7. Complete Home Studies on Extended Families.

SECTION 4. CONFIDENTIALITY

With the understanding that any particular ICWA case may be discussed with the HESS Committee in order to illustrate particular problems in dealing with ICWA, the following code of confidentiality shall apply:

1. If any tribal employee, agent, representative, contractor or official is found by the HESS Committee to have violated this Code, the Chairman of the HESS Committee may direct the Program Director or Personnel Director to take disciplinary action as provided for in Section 9, of the Blackfeet Tribal Personnel Policies and Procedures. Such disciplinary action may of course be taken without direction of the HESS Committee.

CHAPTER 8

REPORTING OF CHILD ABUSE

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Reporting Process..... | 137 |
| | A. Required Reporting..... | 137 |
| | B. Who May Report..... | 137 |
| | C. Refusal..... | 137 |
| | D. Reports..... | 137 |
| Section 2. | Action on Reporting..... | 138 |
| | A. Possible Sexual Abuse..... | 138 |
| Section 3. | Confidentiality of Informant..... | 139 |
| Section 4. | Immunity from Liability..... | 139 |
| Section 5. | Admissibility and Preservation of Evidence..... | 139 |
| | A. Photographs..... | 139 |
| | B. Medical Examination..... | 139 |
| | C. Evidence..... | 139 |
| Section 6. | Procedure in Case of Child's Death..... | 139 |
| Section 7. | Penalty for Failure to Report..... | 140 |

CHAPTER 8

REPORTING OF CHILD ABUSE

SECTION 1. REPORTING PROCESS

When the professionals and officials listed in subsection A, now or have reasonable cause to suspect that a child known to them in their professional or official capacity is an abused or neglected child, they shall report the matter promptly to the Blackfeet Family Court Juvenile/Child Protection Department. (Public Law 101-630 Section 1169, Title IV – Indian Child Protection).

A. **Required Reporting.** Professionals and officials required to report are:

1. Physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,
2. teacher, school counselor, instructional aide, teacher's aide, teacher's assistant, 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,
3. child day care worker, head start teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker,
4. psychiatrist, psychologist, or psychological assistant,
5. licensed or unlicensed marriage, family or child counselor,
6. person employed in the mental health profession, or,
7. 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

B. **Who May Report.** Any person may make a report under this section if he/she knows or has reasonable cause to suspect that a child is abused or neglected.

C. **Refusal.** No person listed in section A (1) and (7) may refuse to make a report as required in this section on the grounds of a physician-patient or similar privilege, if the person came into possession of such information as a result of his/her treatment of the child.

D. **Reports.** The reports referred to under this section shall contain:

1. The names and addresses of the child/children and his/her parent(s) or others responsible for their care;
2. To the extent known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries;
3. Any other information that the maker of the report believes might be helpful in establishing the cause of the injuries or showing the willful neglect and the identity of person(s) responsible thereof; and
4. The facts which led the person reporting, to believe that the child has suffered injury or injuries of willful neglect, within the meaning of this chapter.

SECTION 2. ACTION ON REPORTING

Upon receipt of a report as required by this chapter, that a child is or has been abused or neglected, the Family Court Juvenile/Protection Department shall conduct an investigation within one court working day into the home of the child involved, or any other place where the child is present, into the circumstances surrounding the injury of the child and into all other nonfinancial matters which in the discretion of the investigator, are relevant to the investigation. If the Juvenile/Protection Officer(s) determines that there is probable cause to believe that the child/children are abused/neglected, the officer(s) shall remove the child/children from the situation by taking them into protective custody, the officer shall issue a 72 hour Initial Placement Hearing Summons to each parent/guardian for the next session of the Family Court.

1. When a Family Court Juvenile/Protection Officer takes an abused/neglected child/children into protective custody, the officer shall transport the child/children to I.H.S. for a medical examination. Upon completion of the examination, the officer will determine the best placement for the child/children until the Family Court Initial Placement Hearing can be conducted unless examining physician directs admission to I.H.S. Placement can be as follows:
 - a. Non-offender parent/guardian
 - b. Blackfeet Nurturing Center (Under 12 YOA)
 - c. White Buffalo Home (Over 12 YOA)
2. If the child is treated at medical facility, the social worker or Juvenile/Protection Officer(s) shall, consistent with reasonable medical practice, have the right of access to the child for interviews, photographs, and securing physical evidence and have the right of access to relevant hospital and medical records pertaining to the child.

A. Possible Sexual Abuse. If the Juvenile/Protection Officer(s) has reason to believe that a child/children has been sexually abused, the officer shall contact the Bureau of Indian Affairs Criminal Investigator and proceed as directed by the Criminal Investigator. Assistance shall be given in the investigating if requested by the Bureau of Indian Affairs Criminal Investigator.

SECTION 3. CONFIDENTIALITY OF INFORMANT

The identity of any person making a report described in this chapter, shall not be disclosed 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 4. IMMUNITY FROM LIABILITY

Anyone investigating or reporting any incident of child abuse or neglect, resulting in judicial proceedings, or furnishing hospital or medical records as required by this chapter is immune from any liability, civil or criminal, that might otherwise be incurred or imposed, unless the person acted in bad faith or with malicious purpose.

SECTION 5. ADMISSIBILITY AND PRESERVATION OF EVIDENCE

In any proceeding resulting from a report made pursuant to the provisions of this chapter or in any proceeding where the report or its contents are sought to be introduced into evidence, the report or its contents or any other fact related to the report or to the condition of the child who is the subject of the report, shall not be excluded on the grounds that the matter is or may be the subject of a privilege related to the examination or treatment of the child, except the attorney-client privilege.

A. **Photographs.** Any person or official required to report under this Chapter, may take or cause to be taken, photographs of the area of trauma, visible on a child who is the subject of a report. When any person required to report under this Chapter finds visible evidence that a child has suffered abuse or neglect, he/she must include a report, either a written description or photographs of the evidence.

B. **Medical Examination.** A physician, either in the course of his providing medical care to a minor or after consultation with the Juvenile Department, may require x-rays to be taken when in his professional opinion, there is a need for radiological evidence of suspected abuse or neglect. X-rays may be taken under this section without the permission of the parent or guardian.

C. All written, photographic or radiological evidence gathered, subsequent to this section, shall be sent to the Juvenile Department at the time of the written confirmation report or soon thereafter as is possible.

SECTION 6. PROCEDURE IN CASE OF CHILD'S DEATH

Any person or official required to report by law, who has reasonable cause to suspect that a child has died as a result of child abuse or neglect shall report his/her suspicion to the appropriate medical examiner or law enforcement officer. Any other person who has reasonable cause to suspect that a child has died as a result of child abuse or neglect shall report his/her suspicion to the appropriate medical examiner or law enforcement officer. The medical examiner or coroner

shall investigate the report and submit his/her findings, in writing, to the local law enforcement agency, and if the person make the report is a physician, a report will also be given to that physician.

SECTION 7. **PENALTY FOR FAILURE TO REPORT**

Any person, official, or institution required by law to report known or suspected child abuse or neglect, who purposely or knowingly fails to do so or who prevents others from reasonably doing so, is civilly liable for the damages proximately caused by such failure or prevention. That person is subject to a civil penalty not to exceed Five Thousand Dollars (\$5,000.000).

CHAPTER 9

DOMESTIC ABUSE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 141 |
| Section 2. | Crime of Domestic Abuse..... | 141 |
| Section 3. | Mandatory Arrest Provision..... | 141 |
| | A. Protection Order..... | 141 |
| Section 4. | Notice of Rights..... | 142 |
| Section 5. | Bail..... | 142 |
| Section 6. | Filing a Complaint..... | 142 |
| | A. Subpoenas..... | 142 |
| | B. Communication Privilege..... | 142 |
| Section 7. | Penalties..... | 142 |
| Section 8. | Transfer of Jurisdiction..... | 144 |
| Section 9. | Liability of Law Enforcement Officers..... | 144 |
| Section 10. | Written Report..... | 144 |
| Section 11. | Reporting Statistics..... | 144 |

CHAPTER 9
DOMESTIC ABUSE

SECTION 1. **PURPOSE**

The purpose of this law is to recognize Domestic Abuse as a serious crime against our society and to assure the victims of Domestic Abuse the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the Blackfeet Family Court that the official response to cases of Domestic Abuse shall be that violent behavior is not to be excused or tolerated whether or not the abuser is intoxicated.

SECTION 2. **CRIME OF DOMESTIC ABUSE**

A person commits the offense of Domestic Abuse if he/she:

1. Purposely or knowingly causes bodily injury to a family or household member; or
2. Purposely or knowingly causes apprehension of bodily injury to a family or household member.

SECTION 3. **MANDATORY ARREST PROVISION**

An officer shall arrest and take into custody persons whom the officer has probable cause to believe abused or is about to abuse any family or household member. No warrant is required to make an arrest. This mandatory arrest provision means that the victim need not sign a complaint for an arrest to occur. Further, under this provision an officer shall arrest under probable cause even though it may be against the expressed wishes of the victim.

A. **Protection Order.** An officer shall arrest and take into custody, a person whom the officer has probable cause to believe has violated a Family Court Protection Order restraining the person from contact with the victim or excluding the person from the residence if the existence of an order can be verified.

NOTE: Regardless of whether or not the person violating the order was invited back into the home, an arrest shall be made. Thus, when the Court issues such an order, it must inform the excluded party that the Family Court must formally change the order before he/she can return to the residence.

1. Arrest is the **MANDATORY** response in Domestic Abuse cases which involve:
 - a. Injury to the victim, or
 - b. the use or threatened use of a weapon, or
 - c. violation of a restraining order, or
 - d. imminent danger to the victim.

2. An officer may arrest both parties if the officer has probable cause to believe that both parties have committed the offense of Domestic Abuse as defined in Section 1.

3. Any person arrested under this ordinance shall be held without bail, in the custody of the Police Department for a period of forty-eight (48) hours, as a mandatory "Cooling Off" period in the best interest of the Blackfeet Community.

SECTION 4. NOTICE OF RIGHTS

Whenever an officer arrests an individual for Domestic Abuse, if the victim is present, the officer shall advise the victim of the availability of the Shelter or other services in the Blackfeet Community and give the victim immediate notice of any legal rights and remedies available. The notice must include furnishing the victim with a copy of the following statement.

"If you are the victim of Domestic Abuse, the Family Court Presenter on behalf of the Blackfeet Nation will file criminal charges against your abuser. You will be subpoenaed as a witness in this action."

The notice must also include, but not be limited to information as follows:

1. The Family Court will issue an Order restraining your abuser from abusing you; and/or
2. An Order directing your abuser to leave your household; and/or
3. An Order preventing your abuser from transferring any property except in the usual course of business; and/or
4. An Order awarding you or the other parent, custody of/or visitation with a minor child or children; and/or
5. An Order restraining your abuser from molesting or interfering with you or with any minor children in your custody; and/or
6. An Order directing the party not granted custody of minor child/children to pay support of minor child/children or to pay support of the other party if there is a legal obligation to do so.

SECTION 5. BAIL

The following Bail/Bond schedule shall apply after the mandatory forty-eight (48) hour "Cooling Off" period:

1. Abuse I – resulting in hospitalization – ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) Bond (NO REDUCTION) and a Bench Protection Order.

2. Abuse II – resulting in substantial bodily injury – defined as broken bones, lacerations requiring stitching, missing or broken teeth, or burns – ONE THOUSAND DOLLARS \$1,000.00 (NO REDUCTION) and a Bench Protection Order.

3. Abuse III – resulting in serious bodily injury – defined as bruising, spraining, extreme fear, or pulled hair – This level is to be interpreted as a “combination “ of injury factors FIVE HUNDRED DOLLARS (\$500.00) Bond (NO REDUCTION).

4. If the offender has a Doctor’s statement at due to health reasons they are not be held in jail THREE HUNDRED DOLLARS (\$300.00) (NO REDUCTION).

SECTION 6. FILING A COMPLAINT

The Officer involved shall submit a detailed report of the circumstances of the arrest, along with statements from the victim(s), the officer’s personal observations, reports of the examining physician and other health professional and other witness(s) to the Family Court Presenter who shall file a complaint against the alleged abuser on behalf of the Blackfeet Nation’s Family Court.

A. **Subpoenas.** The victim(s) shall be subpoenaed as the primary witness for the Presenting Officer.

B. **Communication Privilege.** If the offender and the victim are married to one another, the Husband and Wife Communication privilege shall not apply to cases of Domestic Abuse.

SECTION 7. PENALTIES

The purpose of this ordinance shall be stopping all family violence on the Blackfeet Reservation and to promote the healing of families where possible.

1. A person convicted of a first offense of Domestic Abuse shall be imprisoned for a term of not less than ten (10) days shall be fined an amount not less than FIVE HUNDRED DOLLARS (\$500.00). The Family Court shall require mandatory counseling as part of the sentence. Such counseling shall include, but is not limited to: alcohol/drug abuse counseling, Domestic Abuse Counseling, Anger Control Counseling, and Family Counseling. Counseling as indicated herein shall mean completion of the program. Persons who practice Tradition Indian Religion shall be entitled to counseling ay a Medicine Man recognized in the Blackfeet Community as such. Restitution for damage to property and/or cost of victim counseling shall also be levied as part of the sentencing.

2. A person convicted of a second offense of Domestic Abuse shall be imprisoned for a term not less than thirty (30) days not more than sixty (60) days and shall be fined an amount not less than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed in Sec 7.1.

3. A person convicted of a third offense of Domestic Abuse shall be imprisoned for a term no less than ninety (90) days nor more than three hundred and sixty-five (365) days and shall be fined an amount not less than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed in Section 7.1.

4. A person convicted of a fourth or more offense of Domestic Abuse shall be considered a habitual offender and imprisoned for a term no less than three hundred and sixty-five (365) days and shall be fined an amount not less than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed in Sec 7.1.

SECTION 8. TRANSFER OF JURISDICTION

If at any stage of the proceedings, the Family Court believes that the seriousness of the offense warrants transfer to the Blackfeet Tribal Court or transfer to the United States, Federal Court, the Family Court shall recommend a transfer of jurisdiction.

SECTION 9. LIABILITY OF LAW ENFORCEMENT OFFICERS

A law enforcement officer shall not be held liable for any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this ordinance arising from an alleged incident of Domestic Abuse brought by any party to the incident.

SECTION 10. WRITTEN REPORT

Whenever an officer is called to the scene of a reported incident of Domestic Abuse, and he/she does not make an arrest, he/she shall file a written report with the Family Court Presenter, setting forth the reason or reasons for his/her decision within 10 days of the incident.

SECTION 11. REPORTING STATISTICS

In all cases of Domestic Abuse, the officer involved shall make a written report and the numbers of such cases shall be tabulated by the Department. A Quarterly Report shall be made by the Police Department, setting forth the numbers of reports of Domestic Abuse investigations and the number of arrests. Such Quarterly reports shall be made available to the appropriate agencies and the public.

CHAPTER 10

ELDER ABUSE

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 145 |
| Section 2. | Crime of Elder Abuse/Neglect/Exploitation..... | 145 |
| Section 3. | Mandatory Arrest Provision..... | 145 |
| | A. Protection Order..... | 141 |
| Section 4. | Notice of Rights..... | 146 |
| Section 5. | Bail..... | 146 |
| Section 6. | Filing a Complaint..... | 147 |
| | A. Subpoenas..... | 147 |
| Section 7. | Penalties..... | 147 |
| | A. First Offense..... | 147 |
| | B. Second Offense..... | 147 |
| | C. Third Offense..... | 147 |
| | D. Fourth or More Offense..... | 147 |
| Section 8. | Transfer of Jurisdiction..... | 148 |
| Section 9. | Liability of Law Enforcement Officers..... | 148 |
| Section 10. | Written Report..... | 148 |
| Section 11. | Reporting Statistics..... | 148 |

CHAPTER 10**ELDER ABUSE****SECTION 1. PURPOSE**

A person commits the offense of Elder Abuse/Neglect/Exploitation, if he/she:

1. Purposely or knowing causes bodily injury to an elder family member or elder household member; or
2. Purposely or knowingly causes apprehension of bodily injury to an elder family member or elder household member; or
3. Purposely or knowingly neglects an elder family member or elder household member; or
4. Exploits or steals items of value from an elder family member or elder household member.

SECTION 3. MANDATORY ARREST PROVISION

An officer shall arrest and take into custody persons whom the officer has probable cause to believe abused/neglected a person defined as an "Elder". No warrant is required to make an arrest. This mandatory arrest provision means that the victim need not sign a complaint for an arrest to occur. Further, under this provision an officer shall arrest under probable cause even though it may be against the expressed wishes of the victim. An officer shall arrest and take into custody, a person whom the officer has probable cause to believe has violated a court order for protection restraining the person from contact with the victim or excluding the person from the residence if the existence of the court order can be verified.

NOTE: Regardless of whether or not the person violating the order was invited back into the home, an arrest shall be made. Thus, when the Court issues such an order, it must inform the excluded party that the Family Court must formally change the order before he/she can return to the residence.

1. Arrest is the MANDATORY response in Elder Abuse/Neglect cases which involve:
 - a. injury to the victim, or
 - b. the use or threatened use of a weapon, or
 - c. violation of a restraining Court Order, or
 - d. imminent danger through abuse or neglect of the victim.

2. Any person arrested under this ordinance shall be held without bail, in the custody of the Police Department for a period of forty-eight (48) hours as a mandatory "Cooling Off" period in the best interest of the Blackfeet Community.

3. Arrest of a person explaining an Elder is not mandatory. The investigating officer shall file a written report with Family Court Presenting Officer within ten (10) days of completing the investigation.

SECTION 4. NOTICE OF RIGHTS

Whenever an officer arrests an individual for Elder Abuse/Neglect, if the victim is present, the officer shall advise the victim of the availability of the Shelter or other services in the Blackfeet Community and give the victim immediate notice of any legal rights and remedies available. The notice must include furnishing the victim with a copy of the following statement. "If you are the victim of Elder Abuse/Neglect, the Family Court Presenter on behalf of the Blackfeet Nation will file criminal charges against your abuser/neglector. You will be subpoenaed as a witness in this action." The notice must also include, but not limited to information as follows:

1. The Family Court will issue an Order restraining your abuser/neglector from abusing/neglecting you; and/or
2. An Order directing your abuser/neglector to leave your household; and/or
3. An Order preventing your abuser/neglector from transferring any property except in the usual course of business; and/or
4. An Order restraining your abuser/neglector from molesting or interfering with you.

SECTION 5. BAIL

The following Bail/Bond Schedule shall apply after the mandatory forty –eight (48) hour "Cooling Off" period:

1. Abuse/Neglect I – resulting in hospitalization –ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) Bond (NO REDUCTION) and a Bench Protection Order.
2. Abuse/Neglect II – resulting in substantial bodily injury – defined as broken bones, lacerations requiring stitching, ONE THOUSAND DOLLARS (\$1,000.000) Bond (NO REDUCTION) and a Bench Protection Order.
3. Abuse/Neglect III – resulting in serious bodily injury – defined as bruising, spraining, extreme fear, or pulled hair – This level is to be interpreted as a "combination" of injury factors – FIVE HUNDRED DOLLARS (\$500.00) Bond (NO REDUCTION).

4. If the offender has a Doctor's statement that due to health reasons they are not to be held in jail – THREE HUNDRED DOLLARS (\$300.00) (NO REDUCTION)\

SECTION 6. FILING A COMPLAINT

The Officer involved shall submit a detailed report of the circumstances of the arrest, along with statements from the victim(s), the officer's personal observations, reports of the examining physician and other health professionals and other witness(s) to the Family Court Presenter who shall file a complaint against the alleged abuser on behalf of the Blackfeet Nation's Family Court.

A. **Subpoenas** The victim(s) shall be subpoenaed as the primary witness for the Presenting Officer.

SECTION 7. PENALTIES

The purpose of this ordinance shall be to stop all elder abuse/neglect/exploitation on the Blackfeet Reservation and to promote the healing of families where possible.

A. **First Offense.** A person convicted of a first offense of Elder Abuse/Neglect/Exploitation shall be imprisoned for a term of not less than ten (10) days and shall be fined an amount not less than FIVE HUNDRED DOLLARS (\$500.00) and ordered to pay restitution for the value of any exploitation. The Family Court shall require mandatory counseling as part of the sentence. Such counseling shall include, but is not limited to: Alcohol/drug abuse Counseling, Elder Abuse/Neglect/Exploitation counseling, Anger control counseling, and completion of the program. Persons who practice Traditional Indian Religion shall be entitled to counseling by a Medicine Man recognized in the Blackfeet Community as such. Restitution for damages to property and/or the cost of victim counseling shall also be levied as part of the sentencing.

B. **Second Offense.** A person convicted of a second offense of Elder Abuse/Neglect/Exploitation shall be imprisoned for a term not less than thirty (30) days nor more than sixty (60) days and shall be fined an amount not less than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed Section 7.A.

C. **Third Offense.** A person convicted of a third offense of Elder Abuse/Neglect/Exploitation shall be imprisoned for a term no less than ninety (90) days nr more than three hundred and sixty-five (365) days and shall be fined an amount not less than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed in Section 7.A.

D. **Fourth or More Offense.** A person convicted of a fourth or more offense of Elder Abuse/Neglect/Exploitation shall be considered a habitual offender and imprisoned for a term no less than three hundred and sixty-five (365) days and shall be fined an amount not less

than SIX HUNDRED DOLLARS (\$600.00). The Family Court shall require counseling and restitution as directed in Section 7.A.

SECTION 8. TRANSFER OF JURISDICTION

If at any stage of the proceedings, the Family Court believes that the seriousness of the offense warrants transfer to the Blackfeet Tribal Court or transfer to the United States Federal Court, the Family Court shall recommend a transfer of jurisdiction.

SECTION 9. LIABILITY OF LAW ENFORCEMENT OFFICERS

A law enforcement officer shall not be held liable for any civil action for an arrest based on probable cause, enforcement in good faith or a court order, or any other action or omission in good faith under this ordinance arising from an alleged incident of Elder Abuse/Neglect/Exploitation brought by any party to the incident.

SECTION 10. WRITTEN REPORT

Whenever an officer is called to the scene of a reported incident of Elder Abuse/Neglect/Exploitation, and he/she does not make an arrest, he/she shall file a written report with the Family Court Presenter, setting forth the reason or reasons for his/her decision within ten (10) days of the incident.

SECTION 11. REPORTING STATISTICS

In all cases of Elder Abuse/Neglect/Exploitation, the officer involved shall make a written report and the numbers of such cases shall be tabulated by the Department. A Quarterly Report shall be made by the Police Department, setting forth the number of Elder Abuse/Neglect/Exploitation investigations and the number of arrests. Such Quarterly reports shall be made available to the appropriate agencies and the public.

CHAPTER 11

DOMESTIC RELATIONS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Marriages..... | 149 |
| Section 2. | Divorces..... | 149 |
| Section 3. | Determination of Paternity and Support..... | 149 |
| Section 4. | Emancipation..... | 149 |

CHAPTER 11

DOMESTIC RELATIONS

SECTION 1. MARRIAGES

All member of the Blackfeet Indian Tribe shall be governed by Montana State Law and subject to State of Montana Jurisdiction with respect to marriage hereafter consummated. Common-law marriages and Indian Customs marriages shall not be recognized within the Blackfeet Reservation.

SECTION 2. DIVORCES

All divorces must be consummated in accordance with the State Law of Montana. Indian custom divorces are from this time on illegal and will not be recognized as lawful divorces on the Blackfeet Reservation.

SECTION 3. DETERMINATION OF PATERNITY AND SUPPORT

The Family Court shall have jurisdiction of all suits brought to determine the paternity of a child and to obtain a judgment for the support of the child. A judgment of the Family Court establishing the identity of the father of the child shall be conclusive of that fact in all subsequent determination of inheritance by the Department of the Interior or by the family Court.\

SECTION 4. EMANCIPATION

A child over the age of sixteen (16) may petition the court for emancipation. The Blackfeet Family Court shall grant such status when the child proves to the court that the child is capable of functioning as an independent and responsible member of the Blackfeet Community.

CHAPTER 12

DOMESTIC RELATIONS

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Money Fines..... | 150 |
| Section 2. | Property Received in Lieu of Money | 150 |

CHAPTER 12

DEPOSIT AND DISPOSITION OF FINES

SECTION 1. MONEY FINES

All money fines imposed for the commission of an offense shall be paid to the Clerk of the Family Court, and by him, her paid over to the Treasurer of the Blackfeet Tribe to be held as a special account. The said Treasurer shall pay out of such account, upon the order of the Clerk of the Family Court, signed by a Judge, of the Family Court, specified fees to specified jurors or witnesses authorized under the Blackfeet Law and Order Code. The Clerk or the Family Court shall keep any accounting of all such deposits and withdrawals for the inspection of any person interested. Whenever such fund shall exceed the amount necessary with a reasonable reserve for the payment of the Family Court expenses, the before mentioned Tribal Business Council and Law and Order Committee shall designate further expenses of the work of the Family Court or other public expenses, which shall be paid from these funds.

SECTION 2. PROPERTY RECEIVED IN LIEU OF MONEY

Whenever a fine is paid in property, the property shall be turned over under the supervision of the Clerk of the Family Court to the custody of the Treasurer of the Blackfeet Tribe, to be sold or, if the Tribal Business Council so directs, to be disposed of in other ways for the benefit of the Tribe. The proceeds of any sale of such property shall be deposited and distributed in the same manner as money fines.

CHAPTER 13

FAILURE TO SEND TO SCHOOL

TABLE OF CONTENTS

| | | |
|------------|----------------------|-----|
| Section 1. | Failure to Send..... | 151 |
| Section 2. | Exceptions..... | 151 |
| Section 3. | Penalties..... | 151 |

CHAPTER 13**FAILURE TO SEND TO SCHOOL****SECTION 1. FAILURE TO SEND**

It shall be unlawful for any person or persons on the Blackfeet Indian Reservation, without good cause, to neglect or refuse to send any child under the age of sixteen (16) years of age, in their care to school.

SECTION 2. EXCEPTIONS

If a child is "homebound" the person or persons having care of the child may apply to the School Board of the district in which they reside for a waiver of Section 1. Further, if the person or persons having care of a child and wish to utilize "School at Home", they may also apply to the School Board in their district for permission to do so.

SECTION 3. PENALTIES

Any person or person who are in violation of Sections 1 and 2 of this chapter may be summoned into Family Court and fined not less than HUNDRED DOLLARS (\$100.00) nor more than FIVE HUNDRED DOLLARS (\$500.00) and sentenced to not less than five (5) days nor more than ten (10) days in custody.

CHAPTER 14

CONTRIBUTING TO THE DELIQUENCY OF A MINOR

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 152 |
| Section 2. | Crime of Contribution to the Delinquency of a Minor..... | 152 |
| Section 3. | Bail..... | 152 |
| Section 3. | Filing a Complaint..... | 153 |
| Section 4. | Penalties..... | 153 |

CHAPTER 14**CONTRIBUTING TO THE DELINQUENCY OF A MINOR****SECTION 1. PURPOSE**

The purpose of this Law is to recognize that contributing to the delinquency of a minor is a serious crime against our society's youth. It is the intent of the Blackfeet Family Court that the official response to cases of Contributing to the Delinquency of minors is not to be excused or tolerated.

SECTION 2. CRIME OF CONTRIBUTION TO THE DELINQUENCY OF A MINOR

A person commits Contributing to the Delinquency of a Minor by knowingly aiding, encouraging and/or abetting any minor person to violate any alcohol or drug law contained in the Blackfeet Law and Order Code; or

1. a person commits Contributing to the Delinquency of a Minor by knowingly and willfully furnishing alcohol or drugs to any minor person; or
2. a person commits Contributing to the Delinquency of a Minor by knowingly and willfully aiding, abetting any minor to escape from the care, custody, or control of parents or guardians; or
3. a person commits Contributing to the Delinquency of a Minor by knowingly and willfully aiding, encouraging, or abetting a minor person to violate the Blackfeet Law and Order Curfew Ordinance; or
4. a person commits Contributing to the Delinquency of a Minor ty knowingly and willfully aiding, abetting, or encouraging a minor person to violate any Blackfeet Law and Order Ordinance; and
5. a person commits Contributing to the Delinquency of a Minor by knowingly and willfully engaging in any act of sexual intercourse with a person, who is not their legal spouse, and is under the age of 18 years of age.

SECTION 3. BAIL

Any person arrested for any of the offenses listed under Section 2, shall have a bail set of TWO HUNDRED DOLLARS (\$200.00) (NO REDUCTION).

SECTION 4. **FILING A COMPLAINT**

The officer involved shall submit a detailed report of the circumstances of the offense, along with personal observations and statements from any witnesses to the Family Court Presenting Officer, who will file a petition with the Family Court within ten (10) days of receiving the report from the officer.

SECTION 5. **PENALTIES**

A person convicted in the Family Court of Contributing to the Delinquency of a Minor shall have the following penalties imposed:

1. A person convicted of a first offense of Contributing to the Delinquency of a Minor shall be imprisoned for a term of not less than ten (10) days, nor more than thirty (30) days and shall be fined an amount not less than ONE HUNDRED DOLLARS (\$100.00) nor more than THREE HUNDRED DOLLARS (\$300.00). The Family Court may require mandatory counseling in any area as part of the sentence. Persons who practice Traditional Indian Religion shall be entitled to counseling by a Medicine Man recognized in the Blackfeet Community as such.

2. A person convicted of second offense Contributing to the Delinquency of Minor shall be imprisoned for a term of not less than thirty (30) days, nor more than ninety (90) days and shall be fined an amount not less than TWO HUNDRED DOLLARS (\$200.00) nor more than FOUR HUNDRED DOLLARS (\$400.00). Mandatory counseling applies the same as in Subsection 1.

3. A person convicted of third or more offense Contributing to the Delinquency of a Minor shall be imprisoned for a term of not less than ninety (90) days, nor more than three hundred and sixty-five (365) days and shall be fined an amount not less than THREE HUNDRED DOLLARS (\$300.00) nor more than SIX HUNDRED DOLLARS (\$600.00). Mandatory counseling applies the same as in Subsection 1.

CHAPTER 15

CONTEMPT OF COURT

TABLE OF CONTENTS

| | | |
|------------|---------------------------------|-----|
| Section 1. | Purpose..... | 154 |
| Section 2. | Crime of Contempt of Court..... | 154 |
| Section 3. | Bail..... | 154 |
| Section 3. | Filing a Complaint..... | 154 |
| Section 4. | Penalties..... | 154 |

CHAPTER 15
CONTEMPT OF COURT

SECTION 1. **PURPOSE**

The purpose of this Law is to recognize that Contempt of Court is a serious offense. It is intent of the Blackfeet Family Court that the official response to Contempt of Court is not to be excused or tolerated.

SECTION 2. **CRIME OF CONTEMPT OF COURT**

A person or persons commits the Crime of Contempt of Court by committing any of the following acts:

1. By engaging in disorderly, contemptuous or insolent behavior toward a judge holding court, or behavior tending to interrupt the due course of a trial or other judicial proceedings; or
2. By engaging in breach of the peace, boisterous conduct, or creation of a disturbance in the presence of a Judge, or in the immediate vicinity of the court while in session which tends to interrupt the due course of a trial or other judicial proceedings; or
3. By disobeying a subpoena duly served, or refusal to be sworn, or to answer as a witness in the courtroom.

SECTION 3. **BAIL**

Any person arrested for any of the offenses listed under Section 2, shall have a bail set of ONE HUNDRED DOLLARS (\$100.00) (NO REDUCTION).

SECTION 4. **FILING A COMPLAINT**

When a person commits Contempt of Court in the immediate view and presence of a judge, it may be punished summarily. When the Contempt of Court is not committed in the immediate view and presence of a judge, the Family Court Presenting Officer shall file a complaint with the Family Court and an arrest warrant shall be issued for the person or persons.

SECTION 5. **PENALTIES**

A person convicted in the Family Court for Contempt of Court may be fined not less than TEN DOLLARS (\$10.00) nor more than FIVE HUNDRED (\$500.00) and may be imprisoned not more than thirty (30) days.

SECTION 4. **FILING A COMPLAINT**

The officer involved shall submit a detailed report of the circumstances of the offense, along with personal observations and statements from any witnesses to the Family Court Presenting Officer, who will file a petition with the Family Court within ten (10) days of receiving the report from the officer.

SECTION 5. **PENALTIES**

A person convicted in the Family Court of Contributing to the Delinquency of a Minor shall have the following penalties imposed:

1. A person convicted of a first offense of Contributing to the Delinquency of a Minor shall be imprisoned for a term of not less than ten (10) days, nor more than thirty (30) days and shall be fined an amount not less than ONE HUNDRED DOLLARS (\$100.00) nor more than THREE HUNDRED DOLLARS (\$300.00). The Family Court may require mandatory counseling in any area as part of the sentence. Persons who practice Traditional Indian Religion shall be entitled to counseling by a Medicine Man recognized in the Blackfeet Community as such.

2. A person convicted of second offense Contributing to the Delinquency of Minor shall be imprisoned for a term of not less than thirty (30) days, nor more than ninety (90) days and shall be fined an amount not less than TWO HUNDRED DOLLARS (\$200.00) nor more than FOUR HUNDRED DOLLARS (\$400.00). Mandatory counseling applies the same as in Subsection 1.

3. A person convicted of third or more offense Contributing to the Delinquency of a Minor shall be imprisoned for a term of not less than ninety (90) days, nor more than three hundred and sixty-five (365) days and shall be fined an amount not less than THREE HUNDRED DOLLARS (\$300.00) nor more than SIX HUNDRED DOLLARS (\$600.00). Mandatory counseling applies the same as in Subsection 1.

CHAPTER 16

TERMINATION OF PARENTAL RIGHTS

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Purpose..... | 155 |
| Section 2. | Grounds for Involuntary Termination..... | 155 |
| | A. Abandonment..... | 155 |
| | B. Physical Injuries..... | 155 |
| | C. Sexual Abuse..... | 155 |
| | D. Emotional Harm..... | 155 |
| Section 3. | Pre-Filing Requirements..... | 155 |
| Section 4. | Who May File a Termination Petition..... | 156 |
| Section 5. | Contents of Termination Petition..... | 156 |
| Section 6. | Notice..... | 157 |
| Section 7. | Pre-Termination Report..... | 158 |
| Section 8. | Voluntary Relinquishment of Parental Rights..... | 158 |
| Section 9. | Hearing Procedures..... | 158 |
| Section 10. | Burden of Proof..... | 158 |
| Section 11. | Findings of Fact and Conclusions of Law..... | 158 |
| Section 12. | Result of Termination Order..... | 158 |
| Section 13. | Child Continued Right to Benefits..... | 159 |
| Section 14. | Custody after Termination Order..... | 159 |
| Section 15. | Future Review Hearings..... | 159 |

CHAPTER 16

TERMINATION OF PARENTAL RIGHTS

SECTION 1. PURPOSE

The purpose of this chapter is to provide for the voluntary and involuntary termination of the parent/child relationship and for the substitution of parental care and supervision by judicial process. This chapter shall be construed in a manner consistent with the philosophy that all parties shall be secured their rights as enumerated in the Indian Civil Rights Act of 1968 and that the family unit is of most value to the Blackfeet Community and the individual family members when that unit remains united and together, and that termination of the parent-child relationship is of such vital importance that it should be used only as a last resort when, in the opinion of the Family that it should be used only as a last resort when, in the opinion of the Family Court, all efforts have failed to avoid termination it is in the best interests of the child concerned to proceed under this chapter.

SECTION 2. GROUNDS FOR INVOLUNTARY TERMINATION

A. **Abandonment.** If the parent has not contacted the child by telephone, letter or in person, or provided any financial support for more than one (1) year without a break, or have had only marginal contacts for twenty-four (24) out of the latest forty-eight (48) months a presumption shall exist that there is no parental relationship existing. The burden shall then be up to the parent to provide that such a relationship does exist. The evidence necessary to rebut this presumption may include, but shall not be limited to, information about efforts to maintain the parent-child relationship, including a showing of regular visits, telephone calls, letters, other contacts, or monetary support.

B. **Physical Injuries.** The parent has caused willful and repeated physical injuries to the child.

C. **Sexual Abuse.** The parent has willfully and repeatedly subjected the child to acts of sexual abuse or sexual exploitation or had knowledge of the abuse or exploitation.

D. **Emotional Harm.** The return of the child may result in serious permanent emotional damage as supported by the best evidence available in the field of child development.

SECTION 3. PRE-FILING REQUIREMENTS

A petition seeking involuntary termination of the parent-child relationship must establish the following:

1. The child has been found to be an abandoned, abused, or neglected child under this code for at least a one year period of time, and has been removed from their parent at the time of this termination hearing for a period of one year or more;
2. The court has entered an order which states what the parent was required to do to correct their underlying problem(s);
3. The social services agency involved has made a good faith attempt to offer or provide all court ordered and/or necessary services that are reasonably available in the Blackfeet Community and which are capable of helping the parent resolve his/her underlying problem(s);
4. There is little likelihood the conditions will be remedied so that the child can be returned to the parents in the near future;
5. Continuation of the parent-child relationship clearly diminishes the child's prospects for successful placement into a permanent and stable home; and
6. Not returning the child to their parent is the least detrimental alternative that can be taken.

SECTION 4. WHO MAY FILE A TERMINATION PETITION

No parental rights may be terminated unless a petition has first been filed, notice has been given, and a hearing held in accordance with the provisions of this chapter. A termination petition may be filed by:

1. Either parent when termination is sought with respect to the other parent.
2. The Family Court Presenting Officer.
3. Any other person possessing a legitimate interest in the matter.
4. A parent may file a petition for the voluntary termination of parental rights.

SECTION 5. CONTENTS OF TERMINATION PETITION

The petition for termination of parental rights shall include the following to best information and belief of the petitioner, when any of the facts required by this section are unknown, the petition shall so state:

1. The name, place of residence and tribal affiliation of the petitioner (if other than the family court presenting Officer);
2. The full name, sex, date and place of birth, residence and tribal affiliation of the child;
3. The basis for the family court's jurisdiction.

4. The relationship of the petitioner to the child, or the fact that no relationship exists;
5. The names, addresses, tribal affiliation, and dates of birth of the child's parents;
6. Where the child's parent is a child, the names and addresses of the parent's parents or guardian; and where the parent or guardian, the members of the parent's extended family.
7. The name and address of the person or agency having legal or temporary custody of the child;
8. The grounds on which the termination is sought under section 2 of this code (unless voluntary termination);
9. A statement that the pre-filing requirements set forth in Section 3 of this code have been met (unless voluntary termination), and
10. A list of the assets of the child together with a statement of the value thereof.

SECTION 6. NOTICE

After a petition for the involuntary termination of parental rights has been filed, the family court shall set the time and place for a hearing and shall cause notice thereof to be given to the petitioner, the parents of the child, the guardian of the person of the child, the person having legal custody of the child, and the child's extended family as determined by the court.

1. When the child's parent is a child, notice shall also be given to the parent's parents or guardian of the person unless the court is satisfied, in exercise of its discretion, that said notice is not in the best interest of the parent and that it would serve no useful purpose.
2. Notice shall be given by personal service. If service cannot be made personally, the court may authorize service by registered mail at the last known address of the person to be served. If notice cannot be served by registered mail, the court may authorize service by publication in either the tribal newspaper of the Blackfeet Reservation, or a newspaper of general circulation in the county where the court is located, once a week for three consecutive weeks. All notices served whether personally or by registered mail shall be received by the person named therein no less than ten (10) days prior to the date set for the hearing. No hearing can be held sooner than (10) days after the last publication where service is made.
3. Notice and appearance may be waived by a parent in writing before the court in the presence of, and witnessed by a clerk of the court, provided that such parent has been apprised by the court of the meaning and consequences of the termination action. The parent who has executed such a waiver shall not be required to appear at the hearing. When the parent is a minor, the waiver shall be effective only upon approval by the court.

SECTION 7. PRE-TERMINATION REPORT

Upon the filing of a petition under this chapter for the involuntary termination of parental rights, the family court shall request that the social services department or other qualified agency prepare and submit to the court a report in writing. The report shall be submitted to the Blackfeet Family Court no later than ten (10) days before the hearing with copies given to the parents. The purpose of the report is to aid the court in making a determination on the petition and shall be considered by the court prior to the hearing. The Blackfeet Family Court may request additional reports when it deems necessary.

1. The report shall include, but not be limited to, the circumstances of the petition, the investigation, the present condition of the child and parents, proposed plans for the child, and other such facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefore as to whether or not the parent and child relationship should be terminated.

SECTION 8. VOLUNTARY RELINQUISHMENT OF PARENTAL RIGHTS

Parental rights may be relinquished (voluntarily terminated) by a parent in writing, if signed by the parent in the presence and with the approval of the Blackfeet Family Court. Relinquishment shall not be accepted or acknowledged by the court prior to ten (10) days after birth of the child. The family court shall ensure that the parent understands the consequences of the voluntary termination prior to approving it. A parent who wishes to relinquish parental rights shall be provided an interpreter if he/she does not understand English.

SECTION 9. HEARING PROCEDURES

The procedures for termination of parental rights hearings shall be in accordance with procedures of the Blackfeet Law and Order Code.

SECTION 10. BURDEN OF PROOF

The burden of proof lies with the petitioner to prove that the allegations in the terminations petition are supported by clear, cogent and convincing evidence, and that the best interest of the child will be served by termination of parental rights.

SECTION 11. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Blackfeet Family Court will make formal findings of fact and conclusions of law as a basis for the written order terminating the parent-child relationship.

SECTION 12. RESULT OF TERMINATION ORDER

Upon the termination of parental rights, all rights, powers, privileges, immunities, duties and obligations including any rights to custody, control visitation or support existing between the child and parent shall be severed and terminated unless otherwise directed by the Blackfeet Family Court. The parent shall have no standing to appear at any future legal proceeding concerning the child. Any support obligation existing prior to the effective date of the order

terminating parental rights shall not be severed or terminated. The rights of one parent may be terminated without affecting the rights of the other parent. A termination order shall not prevent a child from inheriting property or interest in the same manner as any other natural child from the natural parent. A natural parent may not, however, inherit from a natural child after termination.

SECTION 13 **CHILD'S CONTINUED RIGHT TO BENEFITS**

An order terminating the parent-child relationship shall not disentitle a child to any benefit due the child from any third person, agencies, state of the United States, nor shall any action under this code be deemed to affect any rights and benefits that the child derives from the child's descent from a member of a federally recognized Indian Tribe.

SECTION 14. **CUSTODY AFTER TERMINATION ORDER**

If upon entering an order terminating the parental rights of a parent there remains no parent having parental rights, the Blackfeet Family Court shall commit the child to the custody of a social services agency for the purpose of placing the child for adoption, or in the absence of an adoptive home the agency may place the child in a licensed foster home or with a relative, or take other suitable measures for the care and welfare of the child. The custodian shall have the authority to consent to the adoption of the child, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child and consent to such matters as might normally be required of the child's parent.

SECTION 15. **FUTURE REVIEW HEARINGS**

If a child has not been adopted or permanently placed within six (6) months of the termination order, another six (6) month review hearing will be held. Such six (6) month hearings will continue until the child is adopted or permanently placed.

CHAPTER 17

GUARDIANSHIPS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Purpose..... | 160 |
| | A. Types of Guardianship..... | 161 |
| | B. Guardianship of Property..... | 161 |
| | C. Temporary Guardianship..... | 161 |
| | D. Permanent Guardianship..... | 161 |
| | E. Who May File a Guardianship..... | 161 |
| | F. Contents of a Guardianship Petition..... | 161 |
| | G. Guardianship Report..... | 162 |
| | H. Notice-Waiver-Guardian Ad Litem..... | 162 |
| | I. Hearings..... | 162 |
| | J. Management of Property..... | 162 |
| | K. Incompetent Persons..... | 163 |

CHAPTER 17

GUARDIANSHIPS

SECTION 1. PURPOSE

The Blackfeet Family Court, when it appears necessary or convenient, may appoint guardians for the persons and/or property of either children under the court's jurisdiction or incompetents who have no guardian legally appointed by will or deed. Such appointment may be made on the petition of a relative or other person on behalf of the child or incompetent, or a petition of the child if fourteen (14) years of age or older. Before making such appointment, the Family Court must cause such notice as the court deems reasonable to be given to any person having the care of the child, and to such other relatives of the child residing on the Blackfeet Reservation as the court may deem proper, and in cases of adult incompetents, the family court may cause notice to be given to the incompetent at least five (5) days before hearing the petition.

If a child is under the age of fourteen (14) years, the court may nominate or appoint a guardian. If the child is fourteen (14) years of age or older, the child may nominate his/her own guardian who, if approved by the court, must be appointed accordingly. If the guardian nominated by the child is not approved by the court, or if the child resides outside the external boundaries of the Blackfeet reservation, or if, after being duly cited by the court, neglects for ten (1) days to nominate a suitable person, the family court may nominate and appoint the guardian in the same manner as if the child were under the age of fourteen (14) years of age.

When a guardian has been appointed by the court for a child under the age of fourteen (14) years, the child, at any time after attaining that age, may nominate another guardian, subject to the approval of the court. A guardian appointed by the family court have the custody and care of the education of the child and the care and management of their property until such child reaches the age of eighteen (18) years, marries, is emancipated by the court under Chapter 11 of this code, or until the guardian is legally discharged, provided, however, that said guardian shall not have the authority, without express written consent of the court, to dispose of any real or personal property of the child in any manner, including, but not limited to, the child's Individual Indian Money Account. Said guardian shall also have the authority to consent to the medical care and treatment of the child.

The Blackfeet Family Court may order that court disburse monthly reimbursement payments to the person or agency to whom custody is granted under this code, provided sufficient funds have been appropriated by the Blackfeet Tribal Council. Said disbursements must be used by the person or agency with custody of the child for the sole purpose of covering expenses incurred in the care and custody to said child and shall not be used for any other purpose. The use of said funds for any purpose other than that described in this section shall subject said person or agency to contempt of court and to a criminal and civil penalties or remedies provided by the Blackfeet Law and Order Code.

A. **Types of Guardianship.** The types of guardian ship shall include guardianship of property and/or guardianship of the person. Guardianship of the person shall include both temporary guardianship and permanent guardianship.

B. **Guardianship of Property.** The Family Court may appoint a guardian of the property of a child or incompetent person under such terms and conditions as the court sets forth in the written order. The guardianship may cover all property until the child reaches the age of eighteen (18) years or until the incompetent person becomes competent or it may be limited to only specific property or a specific legal action as set forth in the written order. A temporary or permanent guardianship of the person may also include guardianship of eh child's property if set forth in the written order.

C. **Temporary Guardianship.** The Blackfeet Family Court may appoint a temporary guardian under such terms and conditions as the court sets forth in the written order. A temporary guardianship may be terminated if the court determines that it is in the best interests of the child to change custody from the temporary guardian to a new guardian or to return the child to a parent, guardian or custodian. The parent(s) and the child's extended family shall be granted liberal visitation rights unless deemed inappropriate by the court.

D. **Permanent Guardianship.** The Blackfeet Family Court may appoint a permanent guardian or the child under such terms and conditions as the court sets forth in the written order. Permanent guardianship provides for permanent custody of a child to someone other than the parent(s), although there is no termination of the parental rights of the parents. There shall be a presumption of continued permanent guardianship in order to provide stability for the child. Permanent guardianship shall only be terminated based upon the unsuitability of the permanent guardian(s) rather than the competency of suitability of the parent(s). The parent(s) and the child's extended family shall be granted liberal visitation rights unless deemed inappropriate by the court.

E. **Who May File a Guardianship Petition.** Any person may file a petition for guardianship with the Blackfeet Family Court Presenting Officer. The petition shall be initiated either by the proposed guardian or by the child if fourteen (14) years of age or older.

F. **Contents of a Guardianship Petition.** The petition for guardianship shall include the following, to the best information and belief of the petitioner:

1. The fully name, address and tribal affiliation of the petitioner;
2. The fully name, sex, date and place of birth, residence, and tribal affiliation of the proposed ward;
3. The basis for the Blackfeet Family Court's jurisdiction;
4. The relationship of the proposed guardian to the proposed ward, if any;
5. proposed ward;
6. The type of guardianship requested;

7. In the case of an alleged incompetent person, the grounds for incompetency under this Chapter; and

8. A full description and statement of value of all property owned, possessed, or in which the proposed ward has an interest (if guardianship of property is requested).

NOTE: All petitions must be signed and dated by the petitioners, and must be notarized or witnessed by a clerk of the court.

G. **Guardianship Report.** Upon the filing of a guardianship petition, the Blackfeet Family Court shall immediately request that the social services department or other qualified agency conduct a guardianship report on the proposed guardian and report on the proposed ward. The guardianship report shall contain all pertinent information necessary to assist the court in determining the best interests of the proposed ward.

No determination can be made on a petition for guardianship until the report has been completed and submitted to the court no later than ten (10) days before the hearing. The Blackfeet Family Court may order additional reports as it deems necessary.

H. **Notice-Waiver-Guardian Ad Litem:** After a petition has been filed, the court shall set the time and place for a hearing, and shall cause notice thereof to be given to the petitioner, the parents of the child, the guardian of the child, the person having legal custody of the child, and any individual standing in loco parentis to the child. When the child's parent is a minor, notice shall also be given to said minor's parents or guardian unless the court is satisfied in the exercise of its discretion, that such notice is not in the best interest of said minor and that it would serve no useful purpose. Notice shall be given by personal service. However, when reasonable efforts have been expended, the notice shall be delivered by registered mail to the last known address of the person(s) entitled to receive a notice.

I. **Hearings.** Cases under this Section shall be heard by the Family Court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. A record of the hearing shall be made. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under Subsection C, or as the Family Court Judge shall find a direct interest in the case or in the work of the Family: Provided, that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child, guardian, or parent. In addition, the Family Court may require the presence of witnesses, (including persons making any report, study or examination which is before the Family Court when such persons are reasonably available) deemed necessary to the disposition of the petition.

J. **Management of Property.** In the event than any guardian shall receive any money or funds of any child or incompetent person during his/her term of office as guardian, before taking and receiving into custody such money or funds, the court must require of such person a bond with sufficient surety to be approved by the court and in such sum as he shall order, conditioned what the guardian will faithfully execute the duties of trust, and the following conditions shall form the part of such bond without being expressed therein:

1. To make an inventory of all the ward's estate and to return the same within such time as the court may order; and
2. To dispose of and manage the estate according to law and for the best interests of the ward, and faithfully to discharge his/her trust in relation thereto, and also in relation to the care, custody and education of the ward; and
3. To render an account on oath of the property, estate and money of the ward in his/her hands and all the proceeds or interests derived thereof, and of the management and disposition of the same, within three (3) months after appointment, and at such other times as the Blackfeet Family Court directs, and at the expiration of his/her trust, to settle all accounts with the Family Court, or with the ward if he/she shall be of full age, or the legal representative, and to pay over and deliver all the estate, monies and effects remaining, or due on such settlement to the person who is legally entitled thereto.

NOTE: The funds of any child or incompetent must be used by the guardian solely for the support and education of such child and the support of such incompetent, and shall be expended by the guardian in a reasonable manner according to the circumstances and station in life of such ward, and in such manner as can reasonably be afforded according to the income and estate of said ward. If determined to be appropriate by the Blackfeet Family Court, the written order may set forth that the child's property may not be used for child's care, but rather to be managed for the child until the child reaches the age of eighteen (18) years of age or is emancipated by the court.

K. **Incompetent Persons.** In the case of an incompetent person, if after a full hearing and examination upon such petition and upon further proof by the certificates of at least two qualified physicians showing that any person is incompetent as defined by the Blackfeet Law and Order Code, it appears to the court that the person in question is not capable of taking care of his/herself and of managing his/her property, such court must appoint a guardian of this person and any estate within the powers and duty specified in this chapter.

Every guardian of an incompetent person appointed as provided herein [missing;; illegible copy] the care and custody of the person and the management of the [missing text; illegible copy] state until such guardian is legally discharged; the guardian must give bond to such ward in like manner and with like conditions as before specified with respect to the guardianship of a child. A person who has been declared insane, incompetent, a guardian or any relative of such person within the third degree or any friend, may apply by petition to the court in which he was declared insane, to have the fact of his restoration to capacity judicially determined. The petition shall be verified and shall state that such person is then sane or competent. The Blackfeet Family Court shall require notice to be given a hearing upon said petition at some date after said petition has been filed; and at the hearing upon said petition, witnesses shall be examined and a determination made by the Family Court as to whether the petition should be granted and the insane or incompetent person be declared of sound mind and

capable of taking care of him/herself and property, [missing text; illegible copy] the restoration to capacity shall be adjudged and the guardianship of such person, if such person shall not be child, shall cease.

CHAPTER 18

ADOPTIONS

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Open Adoptions..... | 165 |
| Section 2. | Purpose..... | 165 |
| Section 3. | Consent to Adoption..... | 165 |
| Section 4. | Execution of Consent to Adopt..... | 166 |
| Section 5. | Who may File an Adoption Petition..... | 166 |
| Section 6. | Content of Adoption Petition..... | 166 |
| Section 7. | Notice..... | 167 |
| Section 8. | Home Studies..... | 167 |
| Section 9. | Withdrawal of Consent..... | 167 |
| Section 10. | Adoption Preferences..... | 167 |
| Section 11. | Hearing Procedures..... | 168 |
| Section 12. | Adoption Decree..... | 169 |

CHAPTER 18

ADOPTIONS

SECTION 1. OPEN ADOPTIONS

Adoptions under this code shall be in the nature of "Open Adoptions."

SECTION 2. PURPOSE

The purpose of such open adoptions is not to permanently deprive the child of connections to, or knowledge of, the child's natural family. The purpose of adoptions shall be to give the adoptive child a permanent home. To this and the following shall apply and be contained in all adoptive orders and decrees:

1. The adoptive parents and adoptive child shall be treated under the law as if the relationship was that of a natural child and parent, except as set for the herein.
2. The adoptive child shall have an absolute right, absent a convincing and compelling reason to the contrary, to information and knowledge about his natural family and his Blackfeet Tribal heritage.
3. The adoptive child and members of the child's natural extended family (including parents) shall have a right of reasonable visitation with each other, subject to reasonable controls of the adoptive parents.
4. Adoption shall not serve to prevent an adoptive child from inheriting from a natural parent in the same manner as any other natural child. The natural parents shall not be entitled to inherit from an adoptive child in the same manner as parents would otherwise be entitled to inherit. An adoptive child shall be entitled to inherit from adoptive parents, and vice versa, in the same manner as if natural parents and child.

SECTION 3. CONSENT TO ADOPTION

- A. **When not required.** Written consent to an adoption is not required if:
 1. The parent has abandoned the child;
 2. The parent's rights have been terminated;
 3. The parent has relinquished parental rights;
 4. The parent has been declared incompetent.
- B. **When required.** Written consent to an adoption is required from:
 1. The biological or adoptive mother;
 2. The biological, adoptive, or acknowledged father;

3. The custodian, if empowered to consent;
4. The court, if the custodian is not empowered to consent;
5. The child, if twelve (12) years of age or older.

SECTION 4. EXECUTION OF CONSENT TO ADOPT

Written consent to an adoption shall be executed and acknowledged before the court. Consent shall not be accepted or acknowledged by the court prior to ten (10) days after birth of the child. An interpreter shall be provided if the person consenting to the adoptions does not understand English. Consents of a child twelve (12) years of age or older shall be made orally either in open court, or in chambers with only the judge and any other person(s) deemed necessary, and the child present.

SECTION 5. WHO MAY FILE AN ADOPTION PETITION

Any person may file a petition for adoption with the Family Court Presenting Officer. The petition shall be initiated by the person proposing to adopt. In the case of married persons maintaining a home together, the petition shall be the joint petition of husband and wife, except that if one of the spouses is the natural or adopted parent of the proposed adoptee, said parent shall not be required to join in the petition.

SECTION 6. CONTENT OF ADOPTION PETITION

The petition for adoption shall include the following, to the best information and belief of the petitioner:

1. The full name, address, and tribal affiliation of the petitioner;
2. The full name, sex, residence, date and place of birth, and tribal affiliation of the proposed adoptee;
3. The basis for the Blackfeet Family Court's jurisdiction;
5. For the proposed adoptee is a child, a full description and statement of value of all property owned, possessed or in which the child has an interest;
6. The relationship of the petitioner to the proposed adoptee; and
7. The names and addresses of any person or agency whose consent to aid adoption is necessary.

NOTE: Where there are more than one proposed adoptee, and the proposed adoptee are siblings, only one petition shall be required for the adoption of all or any combination of the siblings, provided that each sibling proposed to be adopted be named in the petition. All petitions must be signed and dated by the petitioner, and must be notarized or witnessed by a clerk of the court.

SECTION 7. NOTICE

Notice shall be provided in accordance with the notice procedures set forth in Chapter 17, section 6 of this code except that the court may determine that it is unnecessary to give notice to specific individuals, including a parent whose parental rights have been terminated.

SECTION 8. HOME STUDIES

When a petition for the adoptions of a child is filed with the Blackfeet Family Court, the court shall immediately request that the social services department or other qualified agency, conduct a home study on the petitioner and a report on the child. The home study and report shall relate the circumstance of the home, the petitioner and his/her ability, both physical and mental, to assume the responsibilities of a parent of the child. The home study shall contain other pertinent information designed to assist the Blackfeet Family Court in determining the best placement for the child. The home study will also address the issue of whether or not the home most closely resembles that of the child's culture, identity, and where applicable, tribal affiliation. The home study or report shall not be required where the proposed adoptee is an adult.

No determination can be made on a petition for adoption until the home study and/or report has been completed and submitted to and considered by the Blackfeet Family Court. The home study shall be submitted to the court no later than ten (10) days before the hearing. The home study and/or report may be consolidated into one document. The Blackfeet Family Court may order additional home studies or reports if deemed necessary.

SECTION 9. WITHDRAWAL OF CONSENT

Any consent given under the provisions of this chapter may be withdrawn by the person or agency which gave the consent at any time prior to the entry of a final decree of adoption. No reason need be stated and no hearing need be held on such withdrawal.

1. All withdrawals must be in writing and notarized or witnessed by a clerk of the Blackfeet Family Court and the original document filed with the court.
2. Within two (2) years after the entry of a decree of adoptions, said decree maybe vacated upon a petition being filed and a showing that the consent which made the decree possible was obtained through fraud or duress. Upon such showing the court shall vacate the decree and return the adopted person to that status had prior to entry of the decree.

SECTION 10. ADOPTION PREFERENCES

The preference of placement in adoption shall be in the following order unless the Blackfeet Family Court determines that the child's best interests require deviation from the preferences:

1. Extended family member;
2. A Blackfeet Tribal member or person eligible for Blackfeet Tribal membership;

3. Other Indian person(s), and
4. If this order preference cannot be met, then placement may be made with any person who has some knowledge of the child's tribal affiliation and special needs.

SECTION 11. HEARING PROCEDURES

An adoption hearing shall be held within ninety (90) days of receipt of an adoption petition from the prospective parent(s). The Blackfeet Family Court shall conduct the hearing to determine if it is in the best interests of the child, the Blackfeet Family Court shall examine the following:

1. Validity of written consent;
2. Termination of parental rights order;
3. Length of time of the child's ward ship by the court;
4. Special conditions of the child;
5. Parental communication with the child;
6. Minor's consent to adoption, if twelve (12) years of age or older;
7. Home studies or other reports; and
8. Order of preference of placement.

The petitioner and the proposed adoptee shall appear personally at the hearing. During the hearing the Blackfeet Family Court shall advise the party(s) of their basic rights as provided in the Blackfeet Law and Order Code. The judge shall examine all persons separately, and may, if satisfied that all other requirements of this chapter have been met, enter a final decree of adoption, or may place the person to be adopted, if a child, in the legal custody of the petitioner for a period not to exceed six (6) months prior to entering a final decree of adoption.

If the Blackfeet Family Court is satisfied that the adoption will not be in the child's best interest, or finds that all of the requirements of this chapter have not been met, it may deny the petition and make any other order it deems necessary for the care and custody of the child not inconsistent with this code.

Proceedings for termination of the parent-child relationship and proceedings for adoption may be consolidated and determined at one (1) hearing provided that all the requirements of this chapter as well as Chapter 17 of this code governing termination are complied with fully.

The hearing shall be informal in nature. Concerned parties may present evidence relating to the situation. Hearsay evidence will not be excluded from the proceedings. Only the parties, their counsel, witnesses, the child's extended family and other persons determined to be appropriate by the court shall be admitted.

SECTION 12. **ADOPTION DECREE**

If the Blackfeet family Court finds that the requirements of this chapter have been met and the child's best interests will be satisfied, a final decree of adoption may be entered.

NOTE: A person, when adopted, may take the name of the person adopting, and the two shall thenceforth sustain toward each other the legal relationship of parent and child, and shall have all the rights and shall be subject to all the duties of that relationship, including all of the rights of a child of the whole blood to inherit from any person, in all respects, under the provisions of inheritance and succession of this code.

CHAPTER 19

MODIFICATION, REVOCATION OR EXTENSION OF COURT ORDERS

TABLE OF CONTENTS

| | | |
|------------|---|-----|
| Section 1. | Purpose..... | 170 |
| Section 2. | Motion to Modify, Revoke, or Extend Family..... | 170 |
| Section 3. | Hearing Procedure..... | 170 |

CHAPTER 19**MODIFICATION, REVOCATION OR EXTENSION OF COURT ORDERS****SECTION 1. PURPOSE**

The purpose of this Chapter is to set procedures for motions to modify, revoke, or extend Blackfeet Family Court Orders.

SECTION 2. MOTION TO MODIFY, REVOKE, OR EXTEND FAMILY

Court Orders the Blackfeet Family Court may hold a hearing to modify, revoke, or extend a court order under this code at any time upon the motion of:

1. The Child;
2. The Child's parent, guardian or custodian;
3. The prospective adoptive parent(s) upon court order;
4. The child's counsel or guardian ad litem;
5. The Family Court Probation Officer;
6. The Family Court Presenting Officer;
7. The institution, agency, or person vested with the legal custody of the child, or responsible for protective supervision, or;
8. The Blackfeet Family Court on its own motion.

SECTION 3. HEARING PROCEDURE

Any hearing to modify, revoke or extend a Blackfeet Family Court Order shall be held in accordance with the procedures established for the order at issue.

CHAPTER 20

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 171 |
| Section 2. | Family Court Records Involving Minors..... | 170 |
| Section 3. | Law Enforcement and Social Services Records..... | 170 |
| Section 4. | Penalties..... | 172 |
| Section 5. | Expungement of Juvenile Records..... | 172 |

CHAPTER 20**FAMILY COURT RECORDS****SECTION 1. PURPOSE**

The purpose of this chapter is to insure that records are kept and preserved of all proceeding in the Blackfeet Family Court.

SECTION 2. FAMILY COURT RECORDS INVOLVING MINORS

All Blackfeet Family Court Records involving minors shall be kept confidential and shall not be open to inspection to any but the following except as provided for in this section, reports of child abuse or neglect and the name and address of any child, family, or informant or any other identifying information contained in such reports shall be confidential and shall not be public information:

1. The child;
2. The child's parent(s), guardian, or custodian;
3. The child's counsel or guardian ad litem;
4. The Law Enforcement agency or department investigating a report of known or suspected child abuse or neglect, treating a child or family which is the subject of the report;
5. The Blackfeet Family Court personnel directly involved in the handling of the case;
6. Any other person by order of the Blackfeet Family Court, having legitimate interest in the particular case or the work of the Blackfeet Family Court.
7. Disclosure of the name and address of the child and family and other identifying information involved in such reports shall be permitted only when authorized by a court for good cause. Such disclosure shall not be prohibited when there is a death of a suspected victim of child abuse or neglect and the death becomes a matter of public record, the subject of an arrest by a law enforcement agency, or the subject of the filing of a formal charge by a law enforcement agency.
8. Any Court upon finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to any in camera inspection unless the Blackfeet Family Court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before such court.

SECTION 3. LAW ENFORCEMENT AND SOCIAL SERVICES RECORDS

Law enforcement and Social Services records and files delivered to the Blackfeet Family Court concerning a minor shall be kept separate from the records and files of adults. All law

enforcement and social services records shall be kept confidential and shall not be open to inspection to any but the following:

1. The child;
2. The child's parent(s), guardian or custodian;
3. The child's counsel or guardian ad litem;
4. Law enforcement and social services personnel directly involved in the one handling of the case;
5. The Blackfeet Family Court personnel directly involved in the handling of the case;
6. Any other person by order of the Blackfeet Family Court, having legitimate interest in the particular case or the work of the Blackfeet Family Court.

SECTION 4. PENALTIES

Any person who violates any provision of this Chapter shall be subject to a civil penalty of not more than FIVE HUNDRED DOLLARS (\$500.00).

SECTION 5. EXPUNGEMENT OF JUVENILE RECORDS

When a juvenile who has been the subject of any proceeding before the Family Court attains his/her eighteenth (18th) birthday, the Chief Judge of the Blackfeet Family Court shall order the Clerk of the Family Court to destroy all court records and the law enforcement records, except: where jurisdiction has been extended to age twenty-one (21) pursuant to the Blackfeet Law and Order Code.

CHAPTER 21

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|-----------------------------|-----|
| Section 1. | Purpose..... | 173 |
| Section 2. | Who Can Appeal..... | 173 |
| Section 3. | Time Limit for Appeal..... | 173 |
| Section 4. | Record..... | 173 |
| Section 5. | Stay of Appeal..... | 173 |
| Section 6 | Conduct of Proceedings..... | 173 |

CHAPTER 21

FAMILY COURT APPEALS

SECTION 1. PURPOSE

The purpose of this chapter is to establish a process for appealing decisions by the Blackfeet Family Court.

SECTION 2. WHO CAN APPEAL

Any party to a Blackfeet Family Court hearing may appeal a final Blackfeet Family Court Order.

SECTION 3. TIME LIMIT FOR APPEAL

Any party seeking to appeal a final Blackfeet Family Court Order shall file a written notice of appeal with the Blackfeet Family Court within thirty (30) days of the final order.

SECTION 4. RECORD

For purposes of appeal, a record of proceedings shall be made available to the child, his parent(s), guardian or custodian, the child's counsel and other upon court order. Costs of obtaining this record shall be paid by the party seeking the appeal.

SECTION 5. STAY OF APPEAL

A Blackfeet Family Court Order may be stayed by such appeal.

SECTION 6. CONDUCT OF PROCEEDINGS

All appeals shall be conducted in accordance with the Blackfeet Law and Order Code and tribal court rules of procedure as long as those provisions are not in conflict with the provisions of the Blackfeet Family Code.

CHAPTER 22

FAMILY COURT RECORDS

TABLE OF CONTENTS

| | | |
|------------|--|-----|
| Section 1. | Purpose..... | 174 |
| Section 2. | Definitions of Crimes..... | 174 |
| | A. Child Abuse..... | 174 |
| | B. Child Neglect..... | 174 |
| | C. Child..... | 174 |
| | D. Failure to Supervise..... | 175 |
| | E. Sexual assault on a Minor..... | 175 |
| | F. Sexual Intercourse with a Minor..... | 175 |
| | G. Deviate Sexual Conduct..... | 175 |
| Section 3. | Bail..... | 176 |
| Section 4. | Penalties..... | 176 |
| | A. Child abuse/Neglect/Endangerment resulting in..... | 176 |
| | hospitalization broken bones, or lacerations requiring stitching. | |
| | B. Child Abuse/Neglect/Endangerment resulting in serious bodily..... | 176 |
| | Injury Defined as bruising, spraining, extreme fear, or pulled | |
| | hair-this level | |
| | is to be interpreted as a “combination” of injury factors..... | 176 |
| | C. Failure to Supervise-A person convicted of the offense | 176 |
| | of “Failure to Supervise” shall be sentenced as follows: | |
| | D. Sexual Assault on a Minor, Sexual Intercourse with a Minor..... | 176 |
| | or Deviate Sexual Conduct-A person convicted of ‘the offense | |
| | of “Sexual assault on a minor”, Sexual Intercourse with a Minor,” | |
| | or Deviate Sexual Conduct shall be sentenced as follows: | |

CHAPTER 22

PENALTIES

SECTION 1. PURPOSE

The purpose of this Law is to recognize that Child Abuse/Neglect/Endangerment, Sexual Crimes, and Failure to Supervise a child are serious crimes against our society's youth. It is the intent of the Blackfeet Family Court that the official response to case of Child Abuse/Neglect/Endangerment, and Failure to Supervise a minor are not to be excused or tolerated.

SECTION 2. DEFINITIONS OF CRIMES

The following definitions of crimes shall apply to the Blackfeet Family Court Code:

A. **"Child Abuse"** – A person commits the Offense of Child Abuse by inflicting or causing physical or mental injury, harm or imminent danger to the physical or mental health or welfare of a child other than by accidental means, including abandonment, sexual abuse, excessive or unreasonable corporal punishment, malnutrition or substantial risk thereof, or any other acts and omissions by the parent(s) or other person responsible for the child's welfare.

B. **"Child Neglect"** – A person commits the Offense of Child Neglect by failure or refusal by those responsible for a child's welfare to provide reasonable adequate care (food, shelter, clothing), maintenance, emotional support, supervision, education, medical, surgical or any other care on behalf of the child. "Neglect" shall include "abandoned" children.

C. **"Child"** – A person commits the Offense of Child Endangerment by failure or refusal by those responsible for a child's welfare to provide a reasonable adequate and safe environment for a child/children, including but not limited to the following:

1. Parents or guardians intoxicated leaving the child/children without proper supervision or care.
2. Leaving an unattended child, under the age of six (6) years in a motor vehicle.
3. Any other situation in which the child/children are placed in an environment for which there is a substantial risk or injury.
4. A parent or guardian or any other person who is eighteen (18) years of age or older, whether or not he/she is supervising the welfare of the child, commits the offense of "Child Endangerment" if he/she knowingly contributes to the delinquency of a child by encouraging or aiding the child to:

- a. Escape from the care, custody, and control of his/her parent or guardian;
- b. Engages in sexual misconduct; or
- c. Violates any Tribal or Federal Law.

D. **“Failure to Supervise”** – A person commits the offense of Failure to Supervise by failure or refusal by those responsible for a child’s welfare to provide adequate supervision for a minor, including but not limited to the following:

1. If a child has NOT been reported to Law Enforcement as “Runaway” and is out after “Curfew” the parents or guardians may be charged with the offense of “Failure to Supervise”.

2. If a child has NOT been reported to Law Enforcement as a “Runaway” and commits any unlawful offense, the parents or guardians may be charged with the offense of “Failure to Supervise”.

E. **“Sexual Assault on a Minor”** – A person commits the offense of Sexual Assault on a Minor by:

1. Knowingly subjecting any person who is less than sixteen (16) years of age to any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying the sexual desires of either party;

2. A person over the age of eighteen (18) years of age who knowingly permits or assists another to commit the offense of Sexual Assault on a Minor commits the offense of Sexual Assault on a Minor.

F. **“Sexual Intercourse with a Minor”** – a person commits the offense of “Sexual Intercourse with a Minor” by:

1. Knowingly having sexual intercourse (either genital, anal, or oral) with a member of the opposite sex who is less than sixteen (16) years old commits the offense of “Sexual Intercourse with a Minor” or;

2. A person over the age of eighteen (18) years of age who knowingly permits or assists another to have sexual intercourse with a minor commits the offense of “Sexual Intercourse with a Minor”.

G. **“Deviate Sexual Conduct”** – a person commits the offense of “Deviate Sexual Conduct” by:

1. Knowingly subjecting a person of the same sex, who is less than sixteen (16) years old to either genital, oral or anal intercourse commits the offense of "Deviate Sexual Conduct".

2. A person over the age of eighteen (18) years of age who knowingly permits or assists another to commit the offense of "Deviate Sexual Conduct" commits the offense of Deviate Sexual Conduct.

SECTION 3. BAIL

Any person arrested for any of the offenses listed under Section 2. A.B.C. and D shall have a bail set in the amount of SIX HUNDRED DOLLARS (\$600.00) (no reduction). Any person arrested for any of the offenses listed under Section 2. E.F. and G. shall have a bail set in the amount of ONE THOUSAND DOLLARS (\$1,000.00) (NO REDUCTION).

SECTION 4. PENALTIES

A person convicted in the Blackfeet Family Court of any of the offenses listed under Section 2, shall have the following penalties imposed:

A. Child abuse/Neglect/Endangerment resulting in hospitalization, broken bones, or lacerations requiring stitching.

1. First Offense, - A person convicted of a first offense of Child Abuse/Neglect/Endangerment resulting in hospitalization, broken bones, or lacerations requiring stitching shall be fined in an amount not less than ONE HUNDRED DOLLARS (\$100.00) nor more than FIVE HUNDRED DOLLARS (\$500.00) and shall be imprisoned for a term of not less than ten (10) days nor more than thirty (30) days. The Blackfeet Family Court shall require mandatory counseling as part of the sentence. Such counseling shall include, but is not limited to: Counseling, Anger Control Counseling, and Family Counseling. Counseling as indicated herein shall mean completion of the program. Persons who practice Traditional Indian Religion shall be entitled to counseling by a Medicine Man recognized in the Blackfeet Community as such.

2. Second and Subsequent Offenses – A person convicted of a second or subsequent offense of Child Abuse/Neglect/Endangerment resulting in hospitalization, broken bones, or lacerations requiring stitching shall be fined in an amount not less than THREE HUNDRED DOLLARS (\$300.00) nor more than FIVE HUNDRED DOLLARS (\$500.00) and shall be imprisoned for a term of not less than thirty (30) days nor more than ninety (90) days. The Blackfeet Family Court shall require Counseling as directed in Section 4. A.1.

B. Child Abuse/Neglect/Endangerment resulting in serious bodily injury defined as bruising, spraining, extreme fear, or pulled hair. – this level is to be interpreted as a "combination" of injury factors.

1. First Offense – A person convicted of a first offense of Child Abuse/Neglect/Endangerment as outlined in Section 4. B. shall be fined I an amount not less than FIFTY DOLLARS (\$50.00) nor more than TWO HUNDRED DOLLARS (\$200.00) and be imprisoned for a term not to exceed fifteen (15) days. The Blackfeet Family Court shall require Counseling as directed in Section 4. A.1.

2. Second and Subsequent Offenses – A person convicted of a second or subsequent offense of Child Abuse/Neglect/Endangerment as outlined in Section 4. B. shall be fined in an amount not less than ONE HUNDRED DOLLARS (\$100.00) nor more than TWO HUNDRED FIFTY DOLLARS (\$250.00) and be imprisoned for a term of not less than five (5) days, nor more than thirty (30) days. The Blackfeet Family Court shall require Counseling as directed in Section 4. A.1.

C. Failure to Supervise – A person convicted of the offense of “Failure to Supervise” shall be sentenced as follows:

1. First Offense – A person convicted of a first offense of “Failure to Supervise” shall be fined in an amount not less than FIFTY DOLLARS (\$50.00) nor more than TWO HUNDRED DOLLARS (\$200.00) and may be imprisoned not to exceed thirty (30) days. The Blackfeet Family Court may require mandatory counseling as part of the sentence, such counseling may include, but is not limited to: Alcohol/Drug Abuse Counseling, Child Abuse/Neglect/Endangerment Counseling, Anger Control Counseling, and Family Counseling. Counseling as indicated herein shall mean completion of the program. Persons who practice Traditional Indian Religion shall be entitled to counseling by a Medicine Man recognized in the Blackfeet Community as such.

2. Second and Subsequent Offenses – A person convicted of second or subsequent offenses of “Failure to Supervise” shall be fined in an amount not less than ONE HUNDRED DOLLARS (\$100.00) nor more than THREE HUNDRED DOLLARS (\$300.00) and shall be imprisoned not less than ten (10) days, nor more than forty-five (45) days. The Blackfeet Family Court may require mandatory counseling as directed in Section 4. C.1.

D. Sexual Assault on a Minor, Sexual Intercourse with a Minor, or Deviate Sexual Conduct – A person convicted of “the offense of “Sexual Assault on a Minor”, Sexual Intercourse with a Minor”, or Deviate Sexual Conduct shall be sentenced as follows:

1. First Offense, - A person convicted of a first offense of “Sexual Assault on a Minor”, Sexual Intercourse with a Minor”, or “Deviate Sexual Conduct” shall be fined in an amount not less than FIVE HUNDRED DOLLARS (\$500.00) nor more than ONE THOUSAND DOLLARS (\$1,000.00) and shall be imprisoned for a term of not less than ninety (90) days nor more than three hundred and sixty five (365) days. The Blackfeet Family Court may require mandatory counseling as directed in Section 4. A. 1.

2. Second and Subsequent Offenses – A person convicted of second or subsequent offenses of “Sexual Assault on a Minor”, or “Deviate Sexual Conduct” shall be fined in an amount not less than ONE THOUSAND DOLLARS (\$1,000.00) and imprisoned for a term of

three hundred and sixty five (365) days. The Blackfeet Family Court may require mandatory counseling as directed in Section 4. A. 1.





BLACKFEET NATION

P O BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax: (406) 338-7530

EXECUTIVE COMMITTEE
HARRY BARNES - CHAIRMAN
CLIFF SCOTT KIPP, SR. - VICE CHAIRMAN
TYSON T. RUNNING WOLF - SECRETARY
TINSUWELLA BIRDRAETTLER - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
EARL OLD PERSON
HARRY BARNES
JOSEPH "JOE" MCKAY
NELSE ST. GODDARD
FORRESTINA CALFBOSSEBIBS
TYSON T. RUNNING WOLF
WILLIAM OLD CHIEF
CLIFF SCOTT KIPP SR.
CHERYL LYNN LITTLE DOG

RESOLUTION

No. 94-2015

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Blackfeet Indian Reservation; and
- WHEREAS,** Pursuant to Article VI, Section 1(k) of the Blackfeet Constitution, the Blackfeet Tribal Business Council has the enumerated power to, among other things, "establish minor courts for the adjudication of claims or disputes arising amongst members of the Tribe," and that such establishment of minor courts has been effectuated and implemented primarily through the adoption of the Blackfeet Tribal Law and Order Code of 1967, as amended; and
- WHEREAS,** Chapter 7 of the Blackfeet Tribal Law and order Code of 1967, as amended contains a provision in Section 19 F on "Truancy" which makes compulsory school attendance up to the age of 16 mandatory; and Chapter 13, Section 1 of that same Chapter defines the penalty for Failure to Send a child to school under the age of sixteen (16); and
- WHEREAS,** The Blackfeet Tribal Business Council desires to increase the compulsory age at which children must attend school from the age of sixteen (16) up to the age of eighteen (18) years; now

THEREFORE BE IT RESOLVED as follows:

1. That the Blackfeet Tribal Business Council hereby amends The Blackfeet Family Court Code, Chapter 7, Blackfeet Law and Order Code of 1967, as amended at Chapter 4, Section 19 F, to read as follows:

"F. Truancy. Any child up to the age of eighteen (18) years or younger who is found to be not attending school, where required, commits a Status Offense."

2. That the Blackfeet Tribal Business Council hereby amends The Blackfeet Family Court Code, Chapter 7, Blackfeet Law and Order Code of 1967, as amended at Chapter 13, Section 1, to read as follows:

“**FAILURE TO SEND** *It shall be unlawful for any person or persons on the Blackfeet Indian Reservation without good cause, to neglect or refuse to send any child in his or her care, up to the age of eighteen (18) years or younger, to school.”*

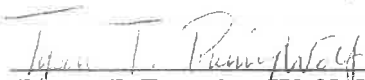
3. That it is hereby declared by the Blackfeet Tribal Business Council that the compulsory school age for all children on the Blackfeet Reservation is up to the age of eighteen (18) years of age and that all the laws of the Blackfeet Tribe shall reflect this age limit, with the exceptions being an Order of the Court or a plan for post secondary education after the age of sixteen (16) which results in a General Equivalency Degree (GED) or training or education up to the age of eighteen years of age.

4. That a copy of this Resolution be sent to the Blackfeet Legal Department for inclusion in the Blackfeet Tribal Law and order Code of 1967, as amended, to the Superintendents of Schools in Browning, Heart Butte, Babb and East Glacier as well as to The Blackfeet Law Enforcement Services.

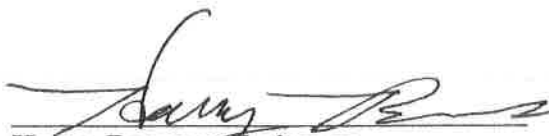
5. That the Chairman and Secretary of are hereby authorized to sign this Resolution on behalf of the Blackfeet Tribal Business Council.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



**Tyson T. Running Wolf, Secretary
Blackfeet Tribal Business Council**



**Harry Barnes, Chairman
Blackfeet Tribal Business Council**

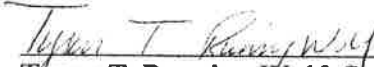
Resolution No. 94-2015

Page 3

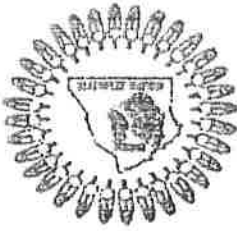
CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened Regular Session assembled the 5th day of February, 2015, with Eight (8) Members present to constitute a quorum and with a vote of Eight (8) Members FOR, Zero (0) Members OPPOSED, and Zero (0) Members ABSTAINING.

(SEAL)



Tyson T. Running Wolf, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850, BROWNING, MONTANA 59417

(406) 338-7521 FAX (406) 338-7530

Executive Committee

Terry J. Show, Chairman
Peter "Rusty" Taisey, Vice-Chairman
Reis Fisher, Secretary
Kenneth Augare, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

Terry J. Show
Peter "Rusty" Taisey
Reis Fisher
Henry Butterfly
Paul McEvers
Willie Sharp Jr.
Jesse "Juy" St. Goddard
Shannon J. Augare
Woodrow "Jay" Wells

RESOLUTION

No. 20-2012

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituting governing body within the exterior boundaries of the Blackfeet Reservation; and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nations empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS,** It has come to the attention of the Blackfeet Tribal Business Council that the Blackfeet Law and Order Code lacks a criminal offense for consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).
- WHEREAS,** It has also come to the attention, that the Blackfeet Tribal Court has received a substantial number of defendants wrongfully charged with other offenses resulting in case dismissal. This statistic represents a large number of people consuming or possessing alcohol under the legal age limit of twenty-one (21), but over the age of eighteen (18).
- WHEREAS,** It is the desire that the Blackfeet Tribal Business Council implement a new ordinance under the Blackfeet Law and Order Code Title 5 to criminalize consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).

THEREFORE BE IT RESOLVED,

1. That the Blackfeet Tribal Business Council hereby adopts the ordinance criminalizing consumption or possession of alcohol by persons under the legal age limit of twenty-one (21), but over the age of eighteen (18).
2. That this new ordinance shall be codified in the Blackfeet Law and Order Code of 1967, as amended under Chapter 5, Part IV Offenses Against Administration and Order, Section 18. That a copy of the Ordinance is attached hereto and made a part of this Resolution by reference. The Ordinance shall be codified as 112.
3. The Chairman and Secretary are authorized to sign this Resolution and Ordinance on behalf of the Blackfeet Tribal Business Council.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



Reis Fisher, Secretary
Blackfeet Tribal Business Council



Terry J. Show, Chairman
Blackfeet Tribal Business Council

certification

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called and convened special session, assembled the 24th day of October, 2011, with (6) members present to constitute a quorum, and with a voice vote of (6) FOR, (0) OPPOSED, and (0) ABSTAINING that being at least two-thirds (2/3) of the members voting for the Resolution.

(SEAL)

SPECIAL SESSION



Reis Fisher, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

1

P.O. BOX 850 BROWNING, MONTANA 59417
Telephone (406) 338-7521 Fax (406) 338-7530

EXECUTIVE COMMITTEE
WILLIE A. SHARP, JR. - CHAIRMAN
PETER D. TATSEY - VICE CHAIRMAN
T.J. SHOW - SECRETARY
KENNETH AUGARE - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL
WILLIE A. SHARP, JR.
PETER D. TATSEY
T.J. SHOW
HENRY BUTTERFLY
PAUL MCEVERS
REIS FISHER
JESSE "JAY" ST. GODDARD
SHANNON J. AUGARE
WOODROW "JAY" WELLS

AMENDING ORDINANCE 73

No. 214-2011

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Nation, and
- WHEREAS,** The Blackfeet Tribal Business Council is empowered pursuant to Article VI, Section 1 (k), to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has always viewed the health and welfare of the residents of the Blackfeet Indian Nation as a high priority, and acknowledges the need for the residents to continue to strive toward self empowerment, and
- WHEREAS,** The Blackfeet Tribal Business Council is aware that alcohol kills five times more teens than all other drugs combined and is a leading factor in the four leading causes of adolescent mortality; motor vehicle crashes, homicide, suicides, and accidents, and
- WHEREAS,** The Blackfeet Tribal Business Council is aware that alcohol underage drinking is linked with increased risk of physical and sexual assault, vandalism, teen pregnancy, poor academic performance, school drop-outs, depression, and family and interpersonal problems, among other serious consequences, and
- WHEREAS,** The Blackfeet Tribal Business Council research shows that underage alcohol use may permanently impair functioning of the adolescent brain and physically damage its structure. Forty percent (40%) of youth who begin drinking before the age of 15 will be diagnosed as alcohol dependent late in their lives, and

Amendment to ordinance 73

Page 2

WHEREAS, The Blackfeet Tribal Business Council believes the only effective way to prevent underage drinking is through a coordinated effort involving youth, law enforcement, the justice system, schools, alcohol retailers, healthcare workers, prevention leaders, policy makers, neighbors, and parents, and

WHEREAS, The Blackfeet Tribal Business Council adopted Ordinance 73 on November 3, 1994, hereby regulating alcohol use on the Reservation and that there is a need for an amendment, now

THEREFORE BE IT RESOLVED:

1. That the Blackfeet Tribal Business Council hereby amends Ordinance 73 part 7 Section 4.0 Social Host as follows:

“(A) No person shall sell, give, purchase, or otherwise supply alcoholic beverages to any person under the age of twenty one (21) years of age or permit any person under that age to consume an alcoholic beverage, including cases of alcohol beverages given to a person under twenty one (21) years of age by his/her parent or guardian, and no person shall knowingly provide a place for underage drinkers to consume alcohol, regardless of whether or not that adult provides the alcohol.

(B) The penalty for violation of this Section shall be the same as for the offense of Contributing to the Delinquency of a Minor, in chapter 7, Blackfeet Law and Ordinance Code of 1957, as amended Chapter 14, Section 5.”

2. That a copy of this Resolution shall be published in the local newspaper and simultaneously on local radio and television stations for a period of two weeks by Pikuni Action Team prior to it going into effect.
3. That the Chairman and the Secretary are hereby authorized to sign this Resolution on behalf of the Blackfeet Tribal Business Council.

ATTEST:

**BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



T. J. SHOW, Secretary
Blackfeet Tribal Business Council



WILLIE A. SHARP, JR. Chairman
Blackfeet Tribal Business Council


Resolution No: 214-2011

Amendment to Ordinance 73

Page 3

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened General Session, assembled the 5th. Day of May, 2011, with Nine (9) members present to constitute a quorum, and with a vote of Nine (9)) FOR, Zero (0) OPPOSED, and Zero (0) ABSTAINING.



T.J. SHOW, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

JAY ST. GODDARD - CHAIRMAN
JIMMY ST. GODDARD - VICE CHAIRMAN
GORDON MONROE - SECRETARY
CLIFFORD TAILFEATHERS - ACTING SECRETARY
JOE A. GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

JAY ST. GODDARD
JIMMY ST. GODDARD
GORDON MONROE
CLIFFORD TAILFEATHERS
FRED GUARDIAN
EARL OLD PERS
WILLIAM "ALLEN" TALKS ABO
ERVIN C. CARLSON
HUGH MONROE

RESOLUTION

No. 71-2004

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body of the Blackfeet Indian Tribe with jurisdiction over the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, protect, develop, and advance the views, interests, education, and resources of the Blackfeet Indian Tribe, and
- WHEREAS,** Pursuant to Article VI, Section 1(k) and 1(o) of the Blackfeet Constitution, the Blackfeet Tribal Business Council is empowered to promulgate ordinances regulating the conduct of Tribal members and to enact laws governing members of the Tribe who are minors, and
- WHEREAS,** The Board of Trustees of Browning Public Schools, School District No. 9, and its Administrative staff, have brought to the attention of the Blackfeet Tribal Business Council an issue regarding mandatory attendance in school and the adverse affect the current law is having on children who live within the exterior boundaries of the Reservation, and
- WHEREAS,** There is a problem with both younger and older children not attending school, which in turn is detrimental to the emotional, mental and psychological health and well-being of those children, and
- WHEREAS,** Under current State and Tribal law, parents are not required to send their children to school until the child is seven (7) years old, and children are not required to continue to attend school once they turn sixteen (16) years old, and

WHEREAS, As a result, children are being put at a great disadvantage by not being required to start school until they are seven years old, because the other children their age are already a grade or two ahead of them, and the children in the same grade are younger. This creates problems with interaction, learning and ultimately a desire to be in school, and

WHEREAS, Because older students are not required to attend school beyond the age of fifteen (15) years of age (in other words, once they turn 16, they are no longer legally required to attend school), the School District has a problem with students 16 years of age and older simply walking out of class and out of school. In many cases these students are just sophomores and juniors. Not only is this loss of education detrimental to the child who leaves school, continually having students just get up and leave class and school is detrimental to the learning environment of those children who do want to be in school and learn, and

WHEREAS, Education may be the most important tool that young people need in order to succeed in life and to become healthy, caring and productive members of the Tribe and citizens of the Reservation, and

WHEREAS, The Blackfeet Tribal Business Council recognizes the importance of education for our children, and it recognizes the importance of our children as a resource and the future of the Tribe, and

WHEREAS, The Blackfeet Tribal Business Council believes that it would be in the best interest of children who live within the Reservation to have an appropriate education and that to be in school with their peers is also an important aspect of social growth and development which is essential to a healthy Reservation society, now

THEREFORE BE IT RESOLVED:

1. That Chapter 13, (FAILURE TO SEND TO SCHOOL), Section 1, of the Blackfeet Family Code, is hereby amended as follows:

"Section 1. Failure to Send. It shall be unlawful for any person or persons on the Blackfeet Indian Reservation, without good cause, to neglect or refuse to send any child from the ages of six (6) to seventeen (17) years of age, in their care, to school."

2. That Chapter 4, Section 19, Status Offenses, of the Blackfeet Family Code is hereby amended as follows:

NEW SUBSECTION -

"I. FAILURE TO ATTEND SCHOOL. Any minor from the ages of six (6) to seventeen (17) years of age, who willfully and/or knowingly fails and/or refuses to attend school, without good cause, shall have committed a status offense under this Chapter, and shall be subject to Court ORDERED supervision for a period of time equal to the remainder of the school year in which the offense occurs (current school year); including mandatory school attendance, curfew restriction, and the suspension or other modification of their right to operate a motor vehicle within the exterior boundaries of the Blackfeet Indian Reservation.

- 3. These amendments shall be advertised in the local newspaper and on the television and radio for a period of 30 days immediately after their enactment by this Resolution, and shall become effective at the expiration of said 30-day advertising period.
- 4. The Chairman and Secretary are authorized to sign this Resolution.

DATED this 8th day of January, 2004.

ATTEST:

**THE BLACKFEET TRIBE OF
THE BLACKFEET INDIAN
RESERVATION**


GORDON MONROE
Secretary


JAY ST. GODDARD
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened Regular Session assembled for business on the 8th day of January, 2004, with Seven (7) members present to constitute a quorum, and by a unanimous vote to approve said Resolution.

(Corporate Seal)


GORDON MONROE, Secretary
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O BOX 850 BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

WILLIAM "ALLEN" TALKS ABOUT - CHAIRMAN
JIMMY ST. GODDARD - VICE CHAIRMAN
GORDON MONROE - SECRETARY
FRED GUARDPEE - ACTING SECRETARY
JOE A. GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "ALLEN" TALKS ABOUT
JIMMY ST. GODDARD
GORDON MONROE
FRED GUARDPEE
EARL OLD PERSON
JAY ST. GODDARD
ERVIN C. CARLSON
HUGH MONROE
CLIFFORD TAILFEATHERS

RESOLUTION

No. 15-2003

WHEREAS, the Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation; and

WHEREAS, the Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, pursuant to the Blackfeet Tribal Constitution, Article VI, Section 1, (k), the Blackfeet Tribal Council is empowered to promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the tribe charged with the commission of offenses set forth in such ordinances, and

WHEREAS, the Blackfeet Tribe's tradition and custom has always recognized the value of extended families and their role in raising children, and

WHEREAS, the purpose of this resolution is to codify this unwritten custom, and

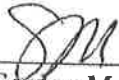
THEREFORE BE IT RESOLVED, the Blackfeet Tribe recognizes a customary adoption is the placement of a child by his/her natural parent(s) or an appropriate child welfare agency with another member of the child's family. According to custom and tradition this movement of the child is to be done with a minimum of court proceedings or involvement.

There is to be no termination of parental rights in a customary adoption, as it is the hope and desire of the Blackfeet Tribe that the natural parent(s) can once again care for their child in the future. Those qualifying as a family member include but are not limited to grandparents, brothers, sisters, aunts, uncles, and cousins.

THEREFORE BE IT FUTHER RESOLVED, That the Blackfeet Tribal Business Council approves and adopts the attached draft of the Customary Adoption, Chapter 23, of the Family Court Act of the Blackfeet Law and Order Code.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**




Gordon Monroe, Secretary
Blackfeet Tribal Business Council



William Allen Talks About, Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened in a special session assembled for business the 28th day of August, 2002, with Six (6) members present to constitute a quorum and by a vote of Six (6) members for and Zero (0) members opposed.



Gordon Monroe, Secretary
Blackfeet Tribal Business Council
Blackfeet Tribe

- CHAPTER 23. CUSTOMARY ADOPTION
- Section 1. Purpose.
- The Blackfeet Tribe's tradition and custom has always recognized the value of extended families and their role in raising children. The purpose of this statute is to codify this unwritten custom.
- Section 2. Definition.
- A customary adoption is an adoption according to Blackfeet Tribal custom and tradition. It involves the placement of a child by his/her natural parents or parent having custody of the child, with another member of his/her family, without any court proceedings or involvement.
- Section 3. Terms of Customary Adoption
- After a period of one (1) year in the care of another family or extended family member, the Court will recognize that the adoptive parent(s) as a customary adoption. The adoptive parents have certain rights over a child even though parental rights of the natural parents have been terminated.
- The Court may exercise its discretion on a case by case basis to resolve any questions that arise over who has greater rights over a child in a customary adoption, the adoptive parents or the natural parents, provided it is in the best interest of the child.
- The biological parent may petition the court at any time for the return of the child/ren.
- Under the customary adoption the child shall be legally determined to be raised as if the child is the biological child of the adoptive parents.
- Section 4. Inheritance.
- The child who is adopted under this provision shall inherit from his biological parents as the parental rights of the child have not been terminated.

Section 5. Name Change.

Under the terms of this statute the adoptive parent's shall not change the child's name.

BLACKFEET NATION

1

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
ELAINE GUARDIPEE, TREASURER

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUBRAY
GEORGE KICKING WOMAN
ROGER RUNNING CRANE
TED WILLIAMSON

RESOLUTION

No. 145-95

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation and
- WHEREAS,** There has been a need to address juvenile and family relationship legal issues in a court forum especially designed to hear such issues, and
- WHEREAS,** The Development Office through Director Frances Onstad has created and received funding for such a court forum entitled Family Court, and
- WHEREAS,** Such court forum has been in operation since the spring of 1994, and
- WHEREAS,** There has been confusion regarding the validity of the Family Court, now

THEREFORE BE IT RESOLVED:

1. That the Blackfeet Tribal Business Council hereby recognizes the validity of the Family Court since its inception and operation;
2. That the Blackfeet Tribal Business Council further ratifies all actions taken by the Family Court including action pursuant to Resolution No. 254-93 which adopted the Juvenile Code of the Blackfeet Tribe on August 12, 1993.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**


GABE GRANT, SECRETARY


EARL OLD PERSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session, assembled the 28th day of October, 1994, with Eight (8) members present to constitute a quorum, and with a vote of -8- FOR and -0- OPPOSED.

(SEAL)


GABE GRANT, SECRETARY

CHAPTER 8

TRIBAL COURT PROCEEDINGS

TABLE OF CONTENTS

| | | |
|-------------|--|-----|
| Section 1. | Initiation of Proceedings..... | 179 |
| Section 2. | Docket..... | 179 |
| Section 3. | Procedure..... | 179 |
| Section 4. | Formation of Trial Jury..... | 181 |
| Section 5. | Verdict..... | 181 |
| Section 6. | Sentence and Judgment..... | 182 |
| Section 7. | Execution of Judgment..... | 182 |
| Section 8. | Appeal..... | 183 |
| Section 9. | New Trial..... | 183 |
| | A. Definition and Effect..... | 183 |
| | B. Motion for a New Trial..... | 183 |
| Section 10. | Arrest of Judgment..... | 184 |
| | A. Definition and Effect..... | 184 |
| | B. Motion Filed - When..... | 184 |
| | C. Motion Granted - When..... | 184 |
| Section 11. | Sentence and Judgment..... | 185 |
| Section 12. | Pre-Sentence..... | 185 |
| Section 13. | Sentence..... | 186 |
| Section 14. | Withdrawal of Plea on a Deferred Imposition or Suspended Execution of Sentence..... | 187 |
| Section 15. | Statement on the Sentence..... | 187 |
| Section 16. | Entry of Judgment and Judgment Roll..... | 187 |
| Section 17. | Merger of Sentence..... | 188 |
| Section 18. | Credit for Time Served..... | 188 |
| Section 19. | Jail Work Release Program..... | 189 |

CHAPTER 8

TRIBAL COURT PROCEEDINGS

SECTION 1. INITIATION OF PROCEEDINGS.

In Tribal Court all criminal prosecutions must be commenced by a complaint under oath. The complaint shall:

- (1) Be in writing and in the name of the Tribe;
- (2) Specify the name of the Court in which the complaint is filed;
 - (a) Stating the name of the offense;
 - (b) Citing in customary form the Tribal rule, regulations or other provisions of law which the defendant is alleged to have violated;
 - (c) Stating the facts constituting the offense in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended;
 - (d) Stating the time and place of the offense as definitely as can be done; and
 - (e) Stating the name of the accused, if known, and if not known, designating the accused by name or description by which he can be identified with reasonable certainty.

SECTION 2. DOCKET.

A docket must be kept by the Tribal Judge, in which must be entered each action and the proceedings of the Court therein.

SECTION 3. PROCEDURE.

- (1) At the opening of the trial, after the Tribal Judge has directed that "The Court will come to order", the Clerk will read the name of the case to be heard and ask the defendant to step forward.
- (2) The trial may proceed in the absence of the defendant but if his presence is necessary for any purpose, the Court may require the personal attendance of defendant at the trial.
- (3) The Court will ask defendant if he desires to be represented by lay counsel and if he does, the name of such counsel shall be entered in the minutes.
- (4) The Clerk will then read the charge.
- (5) The Court will then ask the defendant how he pleads to the charge.

(6) If the defendant pleads "Guilty", the Court will inform defendant of the consequence of his plea. If the defendant persists in the plea of "Guilty", the Court will permit him to introduce evidence in amelioration or mitigation of the offense.

(7) If the defendant pleads "Not Guilty", the Court will ask defendant if he desires a jury trial. The prosecution may also ask for a jury trial.

(8) After a jury is waived or selected, the Court will ask defendant if he has special pleas bearing on the jurisdiction of the Court. If defendant has such a special plea, the Court will rule on the plea. If the Court sustains the special plea, the case will proceed.

(9) Questions of Law shall be decided by the Court and questions of fact by jury. Where no jury sits, the Court will decide the questions of fact.

(10) The prosecution will first introduce evidence of the commission of the offense. The defendant may object to any of such evidence and may cross-examine the prosecution's witnesses.

(11) The defense will then produce evidence in defense. The prosecution may object to any such evidence and may cross-examine the defendant's witnesses.

(12) When all the evidence is in for both the prosecution and the defendant, the prosecution and the defendant, or his lay counsel, may address the jury to urge the reasons for conviction or acquittal. If there is no jury, the argument may be addressed to the Judge.

(13) At any time during the trial, the defendant may change his plea to one of "Guilty", in which case the jury, if any, will be discharged, and the case will proceed as though the plea of "Guilty" had been made at the beginning of the trial.

(14) The Court may, following the plea of "Guilty", or "Not Guilty", order a recess or postponement to permit the defendant a reasonable time to prepare his case.

SECTION 4. **FORMATION OF TRIAL JURY.**

A. Number of Jurors. A jury of the Tribe shall consist of six (6) persons but the parties may agree to a number less than six (6).

B. Formation of Trial Jury. In January of each year the Judge shall select at least fifty names from the jury list, which is filed in the office of the Clerk of the Tribal Court. This list of names selected shall be posted in a public place and shall comprise the trial jury list for the ensuing year. Prospective trial jurors shall be summoned in an adequate number by notifying each orally that he is summoned and of the time and place at which his attendance is required.

The Judge shall question all trial jurors summoned for the trial of a case and shall determine if any of them may be challenged for any cause. All challenges for cause shall be made by the Judge. (After the Judge has completed his examination of the jury panel, each defendant shall be allowed three (3) pre-emptory challenges and the Tribe shall be allowed the same number of pre-emptory challenges and all of the defendants).

SECTION 5. **VERDICT.**

A. Return. The verdict of the jury must in all cases be general. It shall be returned by the jury to the Judge in open court, who must enter, or cause it to be entered in the minutes.

Two thirds (2/3) in number of the jury may render a verdict, and such verdict so rendered shall have the same form and effect as if all jurors had concurred therein.

B. Several Defendants. When several defendants are tried together, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those to whom they do agree, on which a judgment must be entered accordingly and the case as to the rest may be tried by another jury.

C. Poll of Jury. When a verdict is returned, the jury shall be polled at the request of any party or upon the Court's own motion. If upon the poll there is not a two-thirds (2/3) concurrence, the jury may be directed to retire for further deliberations or may be discharged.

D. Discharge of Jury. The jury will not be discharged after the cause is submitted to them, until they have agreed upon and rendered their verdict, unless for good cause the Court sooner discharges them.

SECTION 6. SENTENCE AND JUDGMENT.

If a judgment of acquittal is rendered the defendant must be immediately discharged.

After a plea or verdict of guilty, or after the judgment against the defendant, the Court must designate a time for sentencing, which must be within a reasonable time after the verdict or judgment is rendered. The sentence must be entered in the minutes of the Court as soon as it is imposed.

If the defendant pleads guilty, or is convicted either by the Court or by a jury, the Court must impose a sentence to hard labor or to pay a fine or both, as the case may be.

The determination and imposition of sentence shall be THE exclusive duty of the court.

SECTION 7. EXECUTION OF JUDGMENT

The Judgment must be executed by the Tribal Policeman of the jurisdiction in which the conviction was had.

When judgment to hard labor, including imprisonment, is entered, a certified copy thereof must be delivered to the Tribal officer which shall be a sufficient warrant for its execution.

If judgment is rendered imposing a fine only, without sentence to hard labor for non-payment, and the defendant is not detained for any other legal cause, he must be discharged as soon as the judgment is given.

A judgment that the defendant pay a fine may also direct that he be sentenced to hard labor until the fine is satisfied in the proportion of one day's labor for every Two Dollars (\$2.00) of the fine.

When such a judgment is rendered the defendant must be held in custody for the time specified in the judgment, unless the fine is sooner paid.

Any officer charged with the collection of fines, under the provisions of this Chapter, must return the execution to the Tribe within thirty (30) days from its delivery to him, and pay over to the Tribal Treasurer the money collected therefrom.

All fines imposed and collected by a Judge of the Tribal Court must be paid to the Treasurer of the Tribe as the case may, within thirty (30) days after the receipt of the same, and the Judge must take duplicate receipts therefrom, one of which he must deposit with the Tribal Treasurer.

SECTION 8. **APPEAL.**

All cases on appeal from Tribal Courts must be tried anew in the Appeal Court.

The defendant may appeal to the Appeal Court by giving written notice of his intention to appeal within ten (10) days after judgment. Within thirty (30) days the entire record of the Tribal Court proceedings shall be transferred to the Appeals Court or the appeal shall be dismissed. It shall be the duty of the defendant to perfect the appeal.

***History:** (This Secion 8 has been repealed by Ordinance No. 46, adopted December 13, 1974 by the Blackfeet Tribal Business Council. Appeals Procedures are found in Chapter 11 of this Code).*

SECTION 9. **NEW TRIAL.**

A. Definitions and Effect: A new trial is a re-examination of the issue in the same court, before another jury, after a verdict or finding has been rendered and the granting of a new trial places the parties on the same position as if there had been no trial.

B. Motion for a New Trial:

(1) Following a verdict or finding of guilty, the Court may grant the defendant a new trial if required in the interest of justice.

(2) The motion for a new trial shall be in writing and shall be filed by the defendant within thirty (30) days following a verdict or finding of guilty. Reasonable notice of the motion shall be served upon the Tribe.

(3) The motion for a new trial shall specify the grounds therefore.

C. Alternative Authority of the Court on Hearing Motion for New Trial: On hearing the motion for a new trial, if justified by law and the weight of the evidence, the Court may:

(1) Deny the motion;

(2) Grant a new trial; or

(3) Modify or change the verdict or finding by finding the defendant guilty of a lesser degree of the crime charged, finding the defendant guilty of a lesser crime or finding the defendant not guilty.

SECTION 10. ARREST OF JUDGMENT

A. Definition and Effect: A motion in arrest of judgment is an application on the part of the defendant that no judgment is rendered. The effect of granting the motion places the defendant in the same position in which he was before the indictment was found or information filed.

B. Motion Filed – When: The motion shall be filed within thirty (30) days following the entry of a verdict or a finding of guilty of within such further times as the Court may fix during the thirty (30) days following the entry or a finding of guilty. Reasonable notice of the motion shall be served upon the Tribe.

C. Motion Granted - When: The Court shall grant the motion when:

(1) The indictment, information, or complaint does not charge an offense, or

(2) The court is without jurisdiction of the offense charged.

SECTION 11. **SENTENCE AND JUDGMENT.**

The judgment shall be rendered in open Court.

If the verdict of finding is not guilty, judgment shall be rendered immediately and the defendant shall be discharged from the obligation of his bail bond. If the verdict or finding is guilty, sentence shall be pronounced and judgment rendered within reasonable time.

SECTION 12. **PRE-SENTENCE.**

No defendant convicted of a crime which may result in commitment for nine (9) months or more in the Tribal Jail, shall be sentenced or otherwise disposed of before a written report of investigation by a probation officer is presented to and considered by the Court, unless the Court deems such report unnecessary. The Court, may, in its discretion, order a pre-sentence investigation for a defendant sentenced to a lesser period than nine (9) months at hard labor.

A. Content of Investigation: Whenever an investigation is required, the probation officer shall promptly inquire into the characteristics, circumstances, needs, and potentialities of the defendant; his criminal record and social history; and circumstances of the offense; the time the defendant has been in detention; and the harm to the victim, his immediate family and the community. All local and state mental and correctional institutions, courts, and police agencies shall furnish the probation officer on request, the defendant's criminal record and other relevant information. The investigation shall include a physical and mental examination of the defendant when it is desirable in the opinion of the Court.

B. Availability of the Report to Defendant and Others: As to defendants sentenced under this Act, the Judge may, in his discretion, make the investigation reports or parts of it available to the defendant or others, while concealing the identity of persons who provided confidential information. If the Court discloses the identity of persons who provided information, the Judge may, in his discretion,

allow the defendant to cross-examine those who rendered information. Such reports shall be part of the record but shall be sealed and opened only on order of the Court.

If a defendant is committed to a state institution, the investigation report shall be sent to the institution at the time of commitment.

SECTION 13. **SENTENCE.**

Whenever any person has been found guilty of a crime or offense upon a verdict or plea, the Court may impose any of the following sentence:

- (1) Release the defendant on probation;
- (2) Defer the imposition of sentence for a period not to exceed nine (9) months;
- (3) Suspend the execution of the sentence up to the maximum sentence allowed for a particular offense. However, if any restrictions or conditions are violated, any elapsed time shall not be a credit against the sentence, unless the Court shall otherwise order;
- (4) Impose a fine as provided by law for the offense;
- (5) Commit the defendant to a Tribal Jail to serve at hard labor with or without a fine as provided by law for the offense; or
- (6) Impose any combination of the above, and the Court may also impose any restrictions or conditions on the above sentence which it deems necessary. Any judge who has suspended the execution of a sentence or deferred the imposition of a sentence of hard labor under this Section, or his successor, is authorized thereafter, in his discretion, during the period of such suspended sentence, or deferred imposition of a sentence of hard labor under this section, or his successor, is authorized thereafter, in his discretion, during the period of such suspended sentence, or deferred imposition of sentence to revoke such suspension or impose sentence and order such person committed, or may, in his discretion order the prisoner placed under the jurisdiction of the Tribal Board of Pardons

as provided by law, or retain such jurisdiction with this Court. Prior to revocation of an order suspending or deferring the imposition of sentence, the person affected shall be given a hearing.

Subsection (2) is designed and shall be applied principally for the benefit of a young offender who has no previous criminal record, so that the fact an individual made one mistake will not plague him for the rest of his life. Subsection (3) is for application where the judge feels a credit for elapsed time will be an incentive for better behavior. The conditions which may be imposed are within the discretion of the individual judge.

SECTION 14. WITHDRAWAL OF PLEA ON A DEFERRED IMPOSITION OR SUSPENDED EXECUTION OF SENTENCE.

Whenever the Court has deferred the imposition or suspended the execution of sentence, and after termination of the time period during which imposition of sentence has been deferred or execution of sentence has been suspended upon motion of the Court, the defendant or the Court may allow the defendant to withdraw his plea of guilty and order that the charge or charges against him be dismissed.

SECTION 15. STATEMENT ON THE SENTENCE.

The sentencing judge shall, in addition to making the findings required by this Chapter, make a brief statement of the basic reasons for the sentence he imposes. If the sentence is a commitment, a copy of the statement shall be forwarded to the Tribal Jail

SECTION 16. ENTRY OF JUDGMENT AND JUDGMENT ROLL.

A. Entry: When a judgment upon a conviction is rendered, the Clerk must enter the same in the minutes, stating briefly the offense for which the conviction was had, and the fact of prior convictions (if any) and must, within five (5) days, annex together and file the following papers, which will constitute the judgment roll:

(1) The indictment or information and a copy of the minutes of the arraignment, pleas and motions;

(2) A copy of the minutes of the trial;

(3) The instructions given or refused and the endorsement thereon; and

(4) A copy of the judgment.

B. Information from Courts: It shall be the duty of the Court disposing of any criminal case to cause to be transmitted to the Board of Pardons statistical data in accordance with regulations issued by the Board regarding all dispositions of defendant whether found guilty or discharged.

C. Review of Sentence: Every sentence shall be subject to review in accordance with the Tribal Code.

D. Sentence to be Imposed by Judge: All sentences under this Act shall be imposed exclusively by the Judge of the Court.

SECTION 17. MERGER OF SENTENCE.

Unless the Judge otherwise orders:

(1) When a person serving a term of commitment imposed by a Court in the Tribe, is committed for another offense, the shorter term or consecutively shorter remaining term shall be added in the other term; and

(2) When a person under suspended sentence or on probation or parole for an offense committed against the Tribe is sentenced for another offense, the period still to be served on suspended sentence, probation or parole, shall be added to any new sentence of commitment or probation.

SECTION 18. CREDIT FOR TIME SERVED.

A. Where defendant has served any portion of his sentence under a commitment based upon a judgment which is subsequently declared invalid or which is modified during the term of

imprisonment, such time shall be credited upon any subsequent sentence he may receive upon a new commitment for the same criminal act or acts. In calculating the time imprisoned, the person so convicted shall have the credit for all time earned in diminution of sentence as provided under Tribal Law, unless the sentencing authority in its discretion may choose to deny such credit.

B. Any person incarcerated on a bailable offense and against whom a judgment of imprisonment is rendered shall be allowed credit for each day of incarceration prior to conviction except that in no case shall the time allowed on a credit exceed the term of the prison sentence rendered.

C. Any person incarcerated on a bailable offense who does not supply bail and against whom a fine is levied on conviction of such offense shall be allowed a credit of Two Dollars (\$2.00) for each day so incarcerated prior to conviction except that in no case shall the amount so allowed or credited exceed the amount of the fine.

SECTION 19. JAIL WORK RELEASE PROGRAM.

A. A Court, after having sentenced a person to confinement in a jail, may, in its discretion, upon the request of the Tribal Jailor, or Chief of Police, and with the consent of the convicted person, order that any part of the imprisonment so imposed be served in confinement, with parole during the hours or periods the convicted person is actually employed.

B. Upon the issuance of such an order under this act, the Tribal Jailor or Chief of Police shall arrange for the convicted person to continue his regular employment without interruption insofar as reasonably possible. However, that said prisoner shall be confined in the Tribal Jail during the hours when he is not employed and, in to the extent directed by the Court, pay the support of his dependents, if any, and balance shall be retained until his discharge.

C. The committing Court may, in its discretion, upon request, reduce the sentence of the prisoner up to one-fourth (1/4) of the full term, if in the opinion of the Court, the prisoner's conduct, diligence and general attitude merit such diminution.

D. In cases where the convicted person violates the conditions of said sentence, he shall be returned to Court, the Court may then require that the balance of his sentence be spent in full confinement and, further, the Court may cancel any diminution of sentence granted under this act.

NOTE: Any conflict between this Chapter and Chapter 9 of this Code of Rules of Procedures shall be resolved in favor of the provisions of Chapter 9.



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417

(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

WILLIAM "ALLEN" TALKS ABOUT - CHAIRMAN
PATRICK THOMAS - VICE CHAIRMAN
FRED GUARDIPEE - SECRETARY
JOE GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "ALLEN" TALKS ABOUT
PATRICK THOMAS
FRED GUARDIPEE
JAY ST. GODDARD
JIMMY ST. GODDARD
HUGH MONROE
EARL OLD PERSON
PATRICK SCHILDT
BETTY COOPER

RESOLUTION

Number 98-2005

- WHEREAS:** The Blackfeet Tribal Business Council is the duly constituted governing Body within the boundaries of the Blackfeet Indian Reservation, and
- WHEREAS:** The Blackfeet Tribal Business Council has been organized to represent, Develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS:** According to the Blackfeet Constitution and By-Laws of the Blackfeet Indian Reservation Article VI Section (k). To promulgate ordinances for the purposes of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts and adjudication of claims or disputes arising amongst the members of the tribe, and for the trial and punishment of members of the Tribe charged with the commission of offenses set forth in such ordinances.
- WHEREAS:** Past councils have approved a jury list that was formed by selecting names from the Blackfeet tribal enrollment book, and
- WHEREAS:** The Blackfeet Law & Order Code, Chapter 8, Section 4, B contains language that does not reference the enrollment book and contains language that is outdated in a jury trial proceedings, and
- THEREFORE BE IT RESOLVED,** That the Blackfeet Law & Order Code, Chapter 8, Section 4, B of the law and order code is hereby stricken as indicated below:
- ~~Formation of Trial Jury. In January of each year the Judge shall select at least fifty names from the jury list which is filed in the office of the Clerk of Tribal Court. This list of names selected shall be posted in a public place and shall comprise the trial jury list for the ensuing year. Prospective trial jurors shall be summoned in an adequate number by notifying each orally that he is summoned and of the time and place which his attendance is required. The judge shall question all trial jurors summoned for the trial of a case and shall determine if any of them may be challenged for any cause. All challenges for cause shall be made by the judge. After the judge~~

~~has completed his examination of the jury panel, each defendant shall be allowed three (3) pre-emptory challenges and the Tribe shall be allowed the same number of pre-emptory challenges and all of the defendants.~~

BE IT FURTHER RESOLVED: That the Blackfeet Law & Order Code, Chapter 8, Section 4, B shall be replaced with the following language:

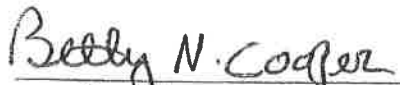
Formation of Trial Jury

B. On or before December 1st of each year, the Enrollment Office of the Blackfeet Nation shall submit to the clerk of the Tribal Court a list of enrolled members. This list shall be identified as the docket. In January following submission of the docket to the Clerk of the Tribal Court (hereinafter "Clerk") and under the supervision of a Tribal Court Judge, the Clerk shall randomly select three hundred (300) names from the docket. The resulting list shall be posted in a public place and shall comprise the jury list. Before a scheduled jury trial, the Clerk of Court under the supervision of a Blackfeet Nation Tribal Court Judge shall select a sufficient number of names from the jury list. This list shall comprise the trial jury list. All members of the trial jury list shall be summoned by subpoena mailed to that prospective juror. The subpoena shall notify him/her of the time and place for trial at which her/his attendance is required.

The judge shall question all trial jurors summoned for trial of a case and shall determine if any shall be excused for cause. Following the judicial inquiry the advocate and/or counsel for each party may question all trial jurors and challenge any for cause. Upon showing of actual bias, the judge may excuse jurors for cause. After examination of the jury panel, each plaintiff and defendant shall be allowed three (3) preemptory challenges.

ATTEST:

**THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**


Fred Guardipee, Secretary *Acting*
Blackfeet Tribal Business Council


William Allen Talks About, Chairman
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council
In a duly called, noticed and convened Special Session assembled for business the 16th
Day of February with SIX (6) members present to constitute a quorum and by a vote of
(6) for and (0) opposed.

Betty N. Cooper
Fred Guardipee, Secretary ACTING
Blackfeet Tribal Business Council



BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
(406)338-7521 • FAX 338-7530

EXECUTIVE COMMITTEE

WILLIAM "BILL" OLD CHIEF-CHAIRMAN
ROGER RUNNING CRANE-VICE-CHAIRMAN
GEORGE HEAVY RUNNER-SECRETARY
HOWARD DOORE-ACTING SECRETARY
CHERYLE REEVIS-TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "BILL" OLD CHIEF
ROGER RUNNING CRANE
GEORGE HEAVY RUNNER
HOWARD DOORE
KEN TALKS ABOUT
BERNARD ST. GODDARD
CARL KIPP
HUGH MONROE
ROCK B. GOBERT JR.

RESOLUTION

No. 111-99

WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and

WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and

WHEREAS, According to the Constitution of the Blackfeet Tribe, Article VI, Section 1(g), the Blackfeet Tribal Business Council has the authority to manage tribal affairs in an acceptable and businesslike manner, and

WHEREAS, The Blackfeet Tribal Business Council has the duty to provide quality and equitable law enforcement services, and

NOW, THEREFORE BE IT RESOLVED as follows:

1. That due to the excessive number of defendants failing to appear before the Blackfeet Tribal Court it has become necessary to amend the Law and Order Code, Chapter 8, section 3, subsection 2, so that a trial may proceed in the absence of the defendant.
2. That, after amending, section 3, subsection 2 of Chapter 8 will no longer read "the trial may proceed in the absence of of the defendant, but if his presence is necessary for any purpose, the Court may require the personal attendance of defendant at the trial".
3. That, after amending, section 3, subsection 2 of Chapter 8 will

read as follows: (1) In a misdemeanor case, if the defendant fails to appear in person, either at the time set for the trial or at any time during the course of the trial and if the defendant's counsel is authorized to act on the defendant's behalf, the court shall proceed with the trial unless good cause for continuance exists.

(2) If the defendant's counsel is not authorized to act on the defendant's behalf as provided in subsection (1) or if the defendant is not represented by counsel, the court, in its discretion, may do one or more of the following:

- (a) order a continuance;
- (b) order bail forfeited;
- (c) issue an arrest warrant;
- (d) proceed with the trial after finding that the defendant had knowledge of the trial date and is voluntarily absent.

4. That the Chairman and Secretary are hereby authorized to sign this Resolution.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

George Heavy Runner
 GEORGE HEAVY RUNNER
 Secretary

Wm Old Chief
 WILLIAM OLD CHIEF
 Chairman

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held the 25th day of March, 1999, with six (6) members present to constitute a quorum and with a vote of 6 FOR, 0 OPPOSED and 0 ABSTAINING.

George Heavy Runner
 GEORGE HEAVY RUNNER
 Secretary

CHAPTER 9

TRIBAL COURT PROCEEDINGS

TABLE OF CONTENTS

PART I. GENERAL

| | | |
|-----------|--|-----|
| Rule 1 | Rules..... | 191 |
| Rule 2 | Forms of Pleadings..... | 191 |
| Rule 3 | Signing of Pleadings..... | 191 |
| Rule 4 | Subpoena..... | 192 |
| Rule 5 | Evidence..... | 192 |
| | A. Form and Admissibility..... | 192 |
| | B. Scope of Examination and Cross Examination..... | 192 |
| | C. Record of Excluded Evidence..... | 193 |
| | D. Evidence on Motions..... | 193 |
| | E. Interpreters..... | 193 |
| | F. Proof of Official Records..... | 193 |
| Rule 6 | Relief from Judgments..... | 193 |
| | A. Motion for New Trial..... | 193 |
| | B. Clerical Mistakes..... | 194 |
| | C. Newly Discovered Evidence, Etc..... | 194 |
| | D. Harmless Error..... | 194 |
| Rule 7 | Time..... | 195 |
| Rule 8 | The Record of Proceedings..... | 195 |
| Rule 9 | Clerk of Court..... | 196 |
| | A. Hours of Operations..... | 196 |
| | B. Books and Records Kept by the Clerk..... | 196 |
| | C. Fees, Fines, Forfeitures and Bail..... | 197 |
| | D. Certified Copies of Records..... | 198 |
| | E. Power to Issue Process..... | 198 |
| | F. Power to Administer Oaths..... | 198 |
| | G. Preparation of Pleadings..... | 198 |
| | H. Witness and Juror Fees..... | 199 |
| | I. Other Books and Records..... | 199 |
| Rule 10 | Attorneys and Counselors..... | 199 |
| Rule 10-A | time for Objecting to Motions..... | 200 |

PART II. CIVIL

| | | |
|---------|--|-----|
| Rule 11 | Filing Fee..... | 201 |
| Rule 12 | Service of Process..... | 201 |
| Rule 13 | Service by Notice and Publication..... | 203 |
| Rule 14 | Service on the Secretary of the Tribe..... | 205 |
| Rule 15 | Pleadings and Motions..... | 206 |
| Rule 16 | General Rules of Pleading..... | 206 |

| | | |
|---------|---|-----|
| Rule 17 | Defenses and Objections..... | 207 |
| Rule 18 | Service of Other Papers..... | 208 |
| Rule 19 | Proof of Service..... | 208 |
| Rule 20 | Amended and Supplemental Pleadings..... | 209 |
| Rule 21 | Capacity to Sue or be Sued..... | 210 |
| Rule 22 | Substitution of Parties..... | 210 |
| Rule 23 | Counterclaims and Crossclaims..... | 211 |
| Rule 24 | Third Party Practice..... | 211 |
| Rule 25 | Joinder of Parties..... | 212 |
| Rule 26 | Intervention..... | 213 |
| Rule 27 | Discovery..... | 214 |
| | A. Methods..... | 214 |
| | B. Scope of Discovery..... | 214 |
| | C. Insurance Agreements..... | 214 |
| | D. Trial Preparation..... | 215 |
| | E. Expert Witnesses..... | 215 |
| Rule 28 | Masters..... | 216 |
| | A. Appointment and Compensation..... | 216 |
| | B. The Master's Report..... | 216 |
| Rule 29 | Jurors..... | 217 |
| | A. Examination of Jurors..... | 217 |
| | B. Alternate Jurors..... | 217 |
| | C. Special Verdicts..... | 217 |
| | D. Instructions to the Jury..... | 218 |
| Rule 30 | Trials..... | 218 |
| Rule 31 | Motion for Directed Verdict..... | 218 |
| Rule 32 | Summary Judgment..... | 219 |
| Rule 33 | Default Judgment..... | 219 |
| Rule 34 | Dismissal..... | 220 |
| Rule 35 | Deposits in Court..... | 221 |
| Rule 36 | Injunctions..... | 221 |
| Rule 37 | Judgment and Costs..... | 222 |

PART III. CRIMINAL

| | | |
|---------|--|-----|
| Rule 51 | The Complaint..... | 223 |
| Rule 52 | Warrant or Summons Upon Complaint..... | 223 |
| Rule 53 | Arraignments..... | 224 |
| Rule 54 | Motions..... | 224 |
| Rule 55 | Joinder..... | 224 |
| Rule 56 | Depositions..... | 224 |
| Rule 57 | Discovery..... | 225 |
| Rule 58 | Trial..... | 226 |
| Rule 59 | Motion for Judgment of Acquittal..... | 226 |
| Rule 60 | Judgment and Sentence..... | 226 |
| Rule 61 | Right to Appeal..... | 226 |

| | | |
|---------|--|-----|
| Rule 62 | New Trial..... | 227 |
| Rule 63 | Correction or Reduction of Sentence..... | 227 |
| Rule 64 | Search and Seizure..... | 227 |

CHAPTER 9

RULES OF PROCEDURE, CIVIL AND CRIMINAL

PART I. GENERAL

RULE 1. These rules govern the procedure in the Blackfeet Tribal Court in all criminal and civil cases, and in all appeals. They shall be construed to secure the just, speedy, and inexpensive determination of every such action.

RULE 2. FORM OF PLEADINGS.

A. Caption and names of parties: Every pleading shall contain a caption setting forth the name of the Court, the title of the action, and the case number. In the complaint, the title of the action shall include the names of all parties, but in subsequent pleadings it will be sufficient to state the name of the first party on each side.

B. Separate Statements: All statements of claims, charges or defenses shall be made as far as practicable to a statement of a single set of circumstances. Statements in a pleading may be adopted in a different part of the same pleading or in another pleading or in any motion.

C. Size of paper: All pleadings, legal memoranda and other papers shall be typed, printed or legibly written on letter size: (8 1/2" x 11" or 8" x 10") white paper, or on forms provided by the Court.

RULE 3. SIGNING OF PLEADINGS.

Every pleading of a party represented by an attorney shall be signed by the attorney. A party who is not represented by an attorney shall sign his pleading. Criminal complaints and other pleadings filed by the Tribe in criminal cases shall be signed by the Prosecutor or complaining witness. Pleadings need not be verified or accompanied by an affidavit. The signature of an attorney or a signer constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not

signed or is signed with intent to defeat the purpose of this rule, it may be stricken as a sham. For a willful violation of this rule or if scandalous or indecent matter is inserted in the pleading, an attorney or other signer may be subjected to appropriate disciplinary action. No person shall sign a blank complaint for, either criminal or civil.

RULE 4. SUBPOENA.

A. Attendance of witnesses. Every subpoena shall be issued by the Clerk under the seal of the Court. It shall state the person who is being subpoenaed, the name and address of the party requesting the subpoena and his attorney, if any, and shall command each person to whom it is directed to attend and give testimony on the time and place therein specified.

B. Production of documentary evidence. The subpoena may also command the person to whom it is directed to produce the books, papers, documents, or tangible things designated therein; but the Court, upon motion, may quash or modify the subpoena if it is unreasonable and oppressive, or require the person requesting the production to advance the reasonable cost of producing the books, papers, documents, or tangible things.

C. Service. The subpoena may be served by a police officer or by an officer of the Court, or by any other person who is not a party and is not less than eighteen (18) years of age. Service of the subpoena upon a person named therein shall be made by delivering a copy thereof to such person.

RULE 5. EVIDENCE.

A. Form and admissibility. In all trials the testimony of witnesses shall be taken orally in open Court, unless otherwise provided by these Rules or by order of the Court.

B. Scope of examination and cross examination. A party may interrogate any unwilling or hostile witness by leading questions. The party may call an adverse witness and interrogate him by leading questions and contradict and impeach him in all respects as if he has been called by the adverse

party, and the witness thus called may be contradicted and impeached by the adverse party only upon the subject matter of his examination in chief.

C. Record of excluded evidence. In an action tried by a jury, if an objection to a question to a witness is sustained by the Court, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness. This "offer of proof" should be made out of the hearing of the jury. The Court may then make a statement showing the character of the evidence, the form in which it is offered, the objective made, and the ruling thereon.

D. Evidence on motions. When a motion raises an issue fact, the Court may hear the matter on affidavits presented by the respective parties or the Court may direct that the matter be heard wholly or partly on oral testimony or depositions.

E. Interpreters. The Court may appoint an interpreter of its own selection and may affix his compensation which shall be paid out of funds provided by the Tribe or by one or more of the parties as the Court may direct, and may ultimately be taxed as costs in the discretion of the Court.

F. Proof of official records. An official record kept within the United States, on any Indian Reservation in the United States or Canada, or in any state, district, commonwealth, territory or insular possession, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy presented by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that such officer has the original in his custody.

G. A written statement that after diligent search no record or entry of the specific type has been found in the official records is admissible evidence that the records contain no such record or entry.

RULE 6. RELIEF FROM JUDGMENTS.

A. Motion for new trial. A new trial may be granted by the Court to all or any of the parties and on all or part of the issue where justice so requires.

B. Clerical mistakes. Clerical mistakes in judgments, orders or other parts of the record and errors resulting from oversight or omission may be corrected by the Court at any time on its own initiative or a motion of any party.

C. Newly discovered evidence, etc. On motion and upon such terms as are just, the Court may relieve the party or his legal representative from a final judgment or order for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly, discovered evidence which by due diligence could not have been previously discovered;
- (3) fraud, misrepresentation or other misconduct of an adverse party;
- (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged; or
- (6) any other reason justifying relief from the operation of the judgment.

A motion shall be made within a reasonable time and for reasons (1), (2), and (3), not more than one year after the judgment or order was entered. This rule does not limit the power of the Court to entertain an independent action to relieve a party from a judgment or order, or to grant relief to a defendant not actually personally notified, or to set aside a judgment for fraud upon the Court.

D. Harmless error. No error in either the admission or the exclusion of evidence and no error or defect in any ruling or order or anything done or omitted by the Court or by any of the parties is grounds for granting a new trial or for setting aside a verdict or vacating, modifying or otherwise disturbing a judgment unless refusal to take such action appears to the Court inconsistent with substantial justice and fairness. The Court at every stage of the proceedings should disregard any error or defect in the proceedings which does not affect the substantial rights of the parties.

RULE 7. TIME.

A. Computation. In computing any period of time, the day for which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. When the period of time prescribed or allowed is less than ten (10) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. "Legal Holiday" includes New Year's Day, Washington's Birthday, Memorial Day, Christmas Day, Labor Day, Veteran's Day, Thanksgiving Day, and any other day appointed as a holiday by the President of the United States, by Congress of the United States, or by the Blackfeet Tribal Business Council.

The times prescribed shall not be automatically enlarged merely because service was by mail.

B. Extensions of time. The Court may at any time in its discretion with or without motion or notice, order the period enlarged if a request therefore is made before the expiration of the original period. If the time has been expired, the Court may, on motion and with notice to the other side, permit the act to be done if the failure to act within the original time period was the result of excusable neglect.

RULE 8. THE RECORD OF PROCEEDINGS.

If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the Court may direct the prevailing party to prepare a statement of the evidence or proceedings from the best available means, including his recollection. The statement shall be served on all other parties who may file objections or proposed amendments thereto within ten (10) days. Thereupon the statement and any objections or proposed amendments shall be submitted to the court for settlement and approval and the settled and approved statement shall be considered to be the official record of the proceedings held in Tribal Court

RULE 9. CLERK OF COURT.

A. Hours of operation. The Court shall be open on Monday, through Friday, except holidays, from 9:00 A.M. until 5:00 P.M. from September through May, and from 8:00 A.M. to 4:00 P.M. from June through August.

B. Books and records kept by the Clerk.

(1) The Clerk must keep a book entitled "**Register of Civil Actions**" in which must be entered the title and number of the action, the object of the action or proceedings, the names of the parties, the sum of money claimed, if any, and a reference to each and every paper filed and the date filed. Two indexes must be maintained, one to be kept of the plaintiffs in alphabetical order, and the other of the defendants in alphabetical order.

(2) The Clerk must keep a book entitled "**Register of Criminal Actions**", in which must be entered the title and number of the action, the charge, and a reference to every paper filed and the date filed. It must include an index of the defendants in alphabetical order.

(3) The Clerk must keep a book entitled "**Register of Juvenile Actions**", in which must be entered all juvenile delinquent, dependent and neglected children, and adoption matters. The child, the nature of the proceedings, and a reference to every paper filed and the date filed. An index must be kept of the juveniles in alphabetical order. This register and all file folders on juvenile matters must be maintained as confidential records and may not be examined by any person without the consent of the Tribal Judge.

(4) The Clerk must keep a file folder for each action filed. The folder shall bear the same number that is assigned to that action in the Register and each folder shall be filed in numerical order in a filing cabinet. All papers filed in the cause, all process issued and returned, all order, verdicts,

judgments, and any other written papers applicable to the action shall be placed in the file folder. All papers in each folder should be fastened together to prevent loss.

(5) The Clerk must act as Clerk during Court proceedings whether in open Court or in chambers and must keep a Minute Book, which must contain the daily proceedings of the Tribal Court. The minutes should reflect the title of every action heard that day by the Court, a summary of the matters heard, the names of witnesses, the date of the hearing, the name of the presiding judge, the findings, if any, other order or judgment issued by the judge. The minutes should also contain any other fact or circumstance signed by the Clerk and presented to the Tribal Judge for approval. After approval, the Tribal Judge, shall sign the minutes and they shall be placed in the individual file folder of that particular action.

In lieu of the above, there may be kept an accurate transcript of each action, taken verbatim by the Court Reporter and filed in the individual file folder of that particular action.

C. Fees, Fines, Forfeitures, and Bail. It shall be the duty of the Clerk to:

(1) Collect all fees and fines, issue a receipt number in a "Fee Register". The money must then be deposited as required by Tribal Ordinance;

(2) Receive and hold all bail bonds deposited with the Court pending further order of the Court;

(3) Receive and hold all cash bail which must be held separate and apart from all other funds in a special bail trust account located in a local bank. A receipt shall be issued for such bail funds and the amount and receipt number recorded in a "Bail Register". Thereafter, the Clerk must, upon order of the Court, either return the cash bail to the depositor or dispose of it as ordered by the Court on forfeiture of the bail. All bail declared forfeit by the Court shall be deposited and handled in the same manner as fines.

D. Certified copies of records. The Clerk must, on demand and upon payment of the required fees, issue certified copies of any Court records, except that certified copies of juvenile records cannot be issued without an order of a Tribal Judge.

E. Power to issue process. The Clerk of Court shall have the power and duty to issue process, in the name of the Tribal Court, when ordered to do so by the Court. Without prior order of the Court, the Clerk shall have the power to issue:

- (1) summons after a complaint is filed in a civil action;
- (2) subpoenas in civil actions;
- (3) subpoenas in criminal actions; and
- (4) notice of hearing civil and criminal matters.

F. Power to administer oaths. The Clerk of the Court shall have the power to administer oaths in a proceeding pending in Court and to take and certify the proof and acknowledgment of any written instrument or affidavit in the same manner as a notary public. The Clerk must administer oaths during Court proceedings to the following:

- (1) Jury panel;
- (2) Trial Jury;
- (3) All witnesses;
- (4) Interpreter; and
- (5) Bailiff, before jury deliberation.

G. Preparation of pleadings. It shall be the duty of the Clerk to assist any member of the Tribe, who desires to have the Tribal Court hear a matter, in the preparation of proper pleadings. After a pleading is filed, the Clerk shall not assist or counsel the party regarding the handling of the litigation except to inform the party of the date of any hearing and such other matters as are required by the Court.

H. Witness and juror fees. The Clerk must keep a record of all witnesses and jurors called to report to the Court and shall make payment to those entitled to be paid from Tribal funds or to those to be paid from monies deposited with the Clerk for that purpose by a party to the action.

I. Other books and records. The Clerk shall also keep such other books and records as may be acquired from time to time by the Chief Judge of the Tribal Court.

RULE 10. ATTORNEYS AND COUNSELORS.

A. Any attorney admitted to practice before the highest Court of a State or before the Supreme Court of the United States is eligible for admission to practice in the Blackfeet Tribal Court. Each applicant shall complete and file an application prepared or approved by the Chief Judge and shall be prepared to answer a set of questions about the Tribal Law and Order Code, and Tribal Court procedure prepared by the Chief Judge. Upon successful completion of said questions, and approval of the application, the applicant shall pay an admission fee of Twenty Five Dollars (\$25.00). This admission fee may be waived or reduced at the discretion of the Chief Judge. All funds received from such application shall be held in trust by the Clerk and dispersed by her at the direction of the Chief Judge, for such uses and purposes as will benefit the Blackfeet Tribal Court. The Clerk shall render annually to the Chief Judge, an accounting of all such filed funds held and distributed by her.

B. The Court may admit to practice on such terms and conditions as appear appropriate, a lay advocate who shall be a member of the Blackfeet Tribe and who shall agree to represent persons appearing in the Blackfeet Tribal Court.

C. The Court in its discretion may admit any other person to appear before it as an advocate, upon successful completion of an application and questionnaire on Tribal Law prepared by the Chief Judge and upon payment of a required admission fee, except that such fee may be waived or reduced in the discretion of the Chief Judge.

RULE 10-A. TIME FOR OBJECTING TO MOTIONS.

Any motion filed with the Court in a civil or criminal action must be objected to within five (5) days after service upon the opposing party. If no objection is made to the motion within this prescribed time period, the Court may allow or deny the motion without a hearing.

History: (*This rule adopted by Ordinance 31 on February 26, 1974.*)

PART II. CIVIL

RULE 11. FILING FEE.

A civil action is commenced by filing a complaint with the Clerk of the Tribal Court. A filing fee of Ten Dollars (\$10.00) must be paid when the complaint is filed. If the plaintiff is without funds to pay the filing fee and has filed an affidavit of poverty, the Court may waive the filing fee.

RULE 12. SERVICE OF PROCESS.

A. When a complaint is filed the Clerk shall issue a summons or notice of action and deliver it for service to the Chief of the Tribal Police or to a person appointed by the Court to serve process. Additional summons or notices of action shall issue against separately named defendants if requested by the plaintiff.

B. The summons or notice of action shall be signed by the Clerk, be under the Seal of the Court, contain the name of the Court and the names of the parties, be directed to the defendant, state the name and the address of the Plaintiff's attorney, if any, otherwise the plaintiff's name and address, and the time within which the defendant is required to appear and defend, and shall notify the defendant that if he fails to appear and defend the action, judgment by default will be entered against him for the relief demanded in the complaint.

C. Service of all process shall be made by a member of the Blackfeet Tribal Police or by anyone appointed by the Court for that purpose.

D. The summons and complaint shall be served together. The Clerk shall furnish the person making service with sufficient copies of the complaint as are necessary to serve all parties. Service shall be made as follows:

(1) Upon an individual other than a minor under the age of sixteen (16), or an incompetent person, by delivering a copy of the summons or the notice of action, and give the complaint

to him personally, or by leaving copies thereof where he lives with an adult living there, or by delivering a copy of the summons or notice of action and of the complaint to an agent authorized by appointment or by law to receive service of process.

(2) Upon a minor under the age of sixteen (16), by delivering a copy of the summons or notice of action and complaint to one of his parents or to his guardian, if he has one, or to such other person or agency having custody over him. If service cannot be made upon any of the above persons, the service is to be made as provided by order of the Court.

(3) On a person who has been adjudged of unsound mind by this Court or by any other court of competent jurisdiction, or for whom a guardian has been appointed by reason of incompetency, by delivering a copy of the summons or notice of action and complaint to his guardian, if there be a guardian residing on the Reservation. If there be no such guardian, the Court shall appoint a guardian ad litem for the incompetent person, with or without a personal service on the incompetent, as the Court may direct. When a party is alleged to be of unsound mind, but has not been so adjudged by a Court, such party may be brought in to Court by service of process personally upon him. The Court may then stay the action pending against the person and proceed to conduct a hearing on the person's incompetency.

(4) Upon a corporation, partnership, or other unincorporated association by delivering a copy of the summons or notice of action and complaint to an officer, director, superintendent, or manager or general agent, or partner, or associate, or any other agent authorized by appointment or by law to receive service. If the agent is authorized by law to receive service, then copies should also be mailed to the defendant. If none of the above persons can be found on the Reservation, then service may be made by leaving a copy of the summons or notice of action and complaint at the defendant's office or place of business with the person in charge.

(5) Upon a city, village, town, school district, county, or public agency, or board of any such public bodies, by delivering a copy of the summons or notice of action and complaint to any commissioner, trustee, board member, mayor, or head of the legislative department thereof.

(6) Upon the Blackfeet Tribe, its Tribal Business Council, or any committee or subdivision thereof, by delivering a copy of the summons or notice of action and complaint to the Tribal Secretary, or to any member of such committee or agency and also by delivering an additional copy of the summons and complaint to the Tribal Attorney, if there is one.

RULE 13. SERVICE BY NOTICE AND PUBLICATION.

A. A defendant who has not been served under the other provisions of this Rule can be served by notice and publication in the following situations only:

(1) When the subject of the action is real or personal property located on the Reservation and the defendant owns or has an interest in the property, or if the relief demanded consists wholly or partially in excluding the defendant from holding any interest in the property;

(2) When the action is to foreclose, redeem from or satisfy a mortgage, claim, or lien upon real or personal property located within the Reservation;

(3) When the action is for divorce or for annulment of marriage of a resident of this Reservation or for the modification of a decree of a divorce granted by this Court;

(4) When the defendant has property within the Reservation which has been attached or has a debtor within the Reservation who has been garnished.

When the defendant has been served by notice and publication as provided in this section, this Court may render a decree which will adjudicate any interests of such defendant in status, property or thing acted upon, but it may not bind the defendant personally.

B. Before service by notice and publication is authorized, the plaintiff must file with the Clerk of Court, a pleading setting forth a claim in one of the situations described above, and an affidavit that the plaintiff attempted without success to actually serve the defendant in the manner provided for in Rule 12 above. Upon complying with these provisions, the plaintiff may obtain an order for the service of summons to be made upon the defendant by publication.

C. Service of the summons by publication may be made by publishing three times, once each for three (3) successive weeks, in a newspaper of general circulation on the Reservation and by posting a notice in a prominent place in the following locations: The Tribal Law and Order Building, the Tribal headquarters, and the United States Post Office.

D. A copy of the summons or notice of action and complaint shall be mailed prior to the first publication to the defendant at his last place of residence unless the affidavit states that the residence of the defendant is unknown. If the defendant is a corporation a copy of the summons or notice of action and complaint shall be mailed to:

- (1) The manager of the office of the principle place of business of the corporation; or
- (2) To an agent or attorney in fact authorized by appointment or by law to receive or accept service on behalf of said corporation; or
- (3) If none of the persons mentioned can be found, then to the last known address of the corporation at its principal home office, if known, and also to the Secretary of State of the State of its incorporation. If the defendant is a corporation whose charter or right to do business has expired or has been forfeited, then copies shall be mailed to one of the persons who has become a trustee for the corporation or a stockholder or member, or if none can be found, to the last known address of the corporation at its principal home office, if known, and also to the Secretary of State of the State of its incorporation.

E. The first publication must be made within thirty (30) days of the request. If not so made, the action shall be dismissed as to any person not served within said thirty (30) day period. Service by publication is complete on the date of the last publication of the summons. The publication notice shall state in general terms the nature of the action, and a description of any real property involved, and a statement of the object of the action.

RULE 14. SERVICE ON THE SECRETARY OF THE TRIBE.

Whenever the Secretary of the Blackfeet Tribe has been appointed or is deemed by law to have been appointed as the agent to receive service of process for any person or corporation, partnership, etc., the plaintiff shall file an affidavit with the Clerk of the Court stating that the Secretary of the Blackfeet Tribe is such an agent and stating the residence and last known address of the person to be served. In such circumstances, service on the Secretary of the Blackfeet Tribe shall be sufficient personal service upon the defendant, provided that a notice of such service and a copy of the summons or notice of action and complaint are forthwith sent by certified or registered mail by the Clerk to the party to be served at his last known address, marked "Deliver to Addressee only", and "Return Receipt Requested", and provided further that such return receipt shall be received by the Clerk, signed by the addressee or that the postal authority has advised that delivery of said registered or certified mail was refused by the addressee. The date on which the Clerk receives said return receipt or notification by the postal authority shall be deemed the date of the service. As an alternative to sending the notice and summons and complaint by registered or certified mail, the Clerk may cause notice of the service and a copy of the summons or notice of action and complaint to be served by a qualified law enforcement officer, personally upon the Secretary of the Tribe.

RULE 15. PLEADINGS AND MOTIONS.

A. Pleadings: There shall be a complaint and an answer; a reply to a counterclaim if there is one; an answer to a cross-claim if there is one; a third party complaint if a person who is not an original party is brought into the lawsuit; and a third party answer if a third party complaint is served. No other pleading shall be allowed except with leave of the Court.

B. Motions and other Papers: An application to the Court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state with particularity the grounds therefore, and shall set forth the relief of order sought.

RULE 16. GENERAL RULES OF PLEADING.

A. Claims for Relief: A pleading which sets forth a claim for relief shall contain:

(1) a short and plain statement of the claim, and

(2) a demand for judgment for the relief of which the pleader deems himself entitled.

Relief in the alternative or of several different types may be demanded.

B. Defenses and Forms of Denials: A party shall state in short and plain terms his defenses to each claim asserted and shall admit or deny those statements of fact which the adverse party relies. If he is without knowledge or information as to the truth of any fact stated by the adverse party, he shall so state and this will have the effect of a denial.

C. Affirmative Defenses: The defendant shall set forth all affirmative defenses, including: assumption of risk, contributory negligence, duress, failure of consideration, fraud, illegality, payment, release, res judicata, statute of limitations, waiver, estoppel, statute of frauds, and any other matter constituting an avoidance or affirmative defense.

D. Effect of Failure to Deny or to Raise Affirmative Defense: All statements of fact in a pleading, other than those as to the amount of damage, are deemed admitted if not specifically denied in

the responsive pleading. Affirmative defenses not pleaded at the first opportunity will be considered waived except that the Court on a showing of excusable neglect and in the interest of justice may permit affirmative defenses to be raised at a later time.

E. Pleading to be Concise and Direct: Each factual statement of the pleading shall be simple, concise and direct. No technical forms of pleadings or motions are required. A party may state as many separate claims or defenses as he has regardless of whether or not they are consistent. All pleadings shall be so construed as to do substantial justice to the parties.

RULE 17. DEFENSES AND OBJECTIONS.

A. A defendant shall serve his answer within twenty (20) days after the service of the summons or notice of action and complaint upon him. A party served with a cross-claim shall serve an answer thereto within twenty (20) days. The plaintiff shall serve his reply to a counterclaim in the answer within twenty (20) days after service of the answer. If the Court denies a motion filed in lieu of a responsive pleading, or postpones its disposition until the trial on the merits, the responsive pleading shall be served within ten (10) days after notice of the Court's action.

B. Every defense in law or fact, or claim for relief shall be asserted in a responsive pleading except that the following defenses may be made by motion:

- (1) lack of jurisdiction over subject matter;
- (2) lack of jurisdiction over the person;
- (3) insufficiency of process or service thereof;
- (4) failure to state a claim upon which relief can be granted; and

(5) failure to join an indispensable party. A motion making any of these defenses must be made before pleading if a further pleading is permitted.

C. Motion for more definite statement. If a pleading is so vague or ambiguous that a party cannot reasonably respond thereto, he may move for a more definite statement before filing his responsive pleading. The motion shall point out the defects complained of or the denials desired. If the motion is granted and the order is not obeyed within ten (10) days or within such other time as the Court may fix, the Court may strike the pleading or make such order as it deems just.

D. Motion to Strike. On motion made by a party or upon the Court's own initiative, the Court may order stricken from any pleading, any insufficient defense or any redundant, immaterial, impertinent or scandalous matter. This motion may be made by a party before responding to a pleading.

RULE 18. SERVICE OF OTHER PAPERS.

Except as otherwise provided in these Rules, all orders, all pleadings, all written motions, all notices and similar papers shall be served upon each of the parties.

Where service is to be made upon a person represented by an attorney, the service shall be made upon the attorney by mailing a copy to his office unless service upon the party himself is ordered by the Court. If the party is not represented by an attorney then service shall be in a manner as described in Rule 12. All pleadings and other papers shall be filed with the Clerk of the Court.

RULE 19. PROOF OF SERVICE.

Persons serving the process shall make proof of service thereof to the Court promptly. Proof of service may be established in the following manner:

- (1) If process is served by a Tribal Police Officer or by an officer of the Court, by his certificate thereof;
- (2) If by any other person, by his affidavit thereof;
- (3) In case of publication, an affidavit of the publisher;

(4) The written admission of the defendant showing the time and the place of service. The certificate or affidavit of service must state the time and the date, place and manner of service.

At any time in its discretion and upon such notice and terms as it deems just, the Court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of a party.

RULE 20. AMENDED AND SUPPLEMENTAL PLEADINGS.

A. Amendments: A party may amend its pleadings as a matter of right at any time before a response to the pleading is filed; otherwise a party may amend his pleading only by leave of the Court or by written consent of the adverse party. Leave shall be freely given when justice so requires. A party shall plead in response to an amended pleading within twenty (20) days after service of the amended pleading.

B. Amendments to Conform to the Evidence: When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they have been raised in the pleading. If evidence is objected to at the trial on the ground that it is not within the issues made by the pleadings, the Court may allow the pleadings to be amended and shall do so unless the objecting party satisfies the Court that the admission of such evidence would prejudice him. The Court may grant a continuance to enable the objecting party to meet such evidence.

C. Relation back of the Amendments: Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transactions, occurrence set forth or attempted to be set forth in the original pleading, the amendments relate back in point of time to the date of the original pleading.

D. Supplemental Pleading: On motion of a party, the Court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions or occurrences or events which have happened since the date of the original pleading.

RULE 21. CAPACITY TO SUE OR BE SUED.

A. Real party and interest. Every action shall be prosecuted in the name of the real party and interest. No action shall be dismissed on the ground that it is not prosecuted in the name of the real party and interest until a reasonable time has been allowed for ratification of commencement of the action by, or joinder of substitution of, the real party or interest. A person eighteen (18) years of age or older, unless incompetent, shall sue and be sued in his own name.

B. Infant or incompetent persons. Whenever an infant under the age of eighteen (18) years of age or an incompetent person has a representative, guardian, conservator, or other like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. If an infant or incompetent person does not have a duly appointed representative he may sue by his next friend or by a guardian ad litem appointed by the Court for the protection of the infant or incompetent person.

RULE 22. SUBSTITUTION OF PARTIES.

A. Death. If a party dies and the claim is not hereby extinguished, the Court may order substitution of the proper parties.

B. Incompetency. If a party becomes incompetent, the Court upon motion may allow the action to be confirmed by or against his representative.

C. Transfer of Interest. In case of any transfer of interest, the action may be continued by or against the original party, unless the Court upon motion, directs that the person to whom the interest has been transferred by substitution or joined with the original party.

D. Public officers. When a public officer who is a party to an action in his official capacity dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the party shall be disregarded.

An order of substitution may be entered at any time but the omission to enter such an order shall not affect the substitution. When a public officer sues or is sued in his official capacity, he may be described by his official title rather than by name.

RULE 23. COUNTERCLAIMS AND CROSSCLAIMS.

A. Counterclaim. A pleading may state as a counterclaim any claim against an opposing party, whether or not arising out of the transaction or occurrence that is the subject matter of the opposing party's claim. When a pleader fails to set up a counterclaim through oversight, inadvertence, or excusable neglect or when justice requires, he may by leave of the Court, set up a counterclaim by amendment.

B. Cross claim. A pleading may state as a crossclaim, any claim by one party against a co-party arising out of the transaction or occurrence which is the subject matter either of the original action or of a counterclaim or relating to any property that is the subject matter of the original action. Such crossclaim may include a claim that the party against whom it is asserted is or may be liable to the cross-claimant for all or part of the claim asserted in the action.

RULE 24. THIRD PARTY PRACTICE.

A. At any time after commencement of the action, a defendant, as a third party plaintiff, may cause a summons or notice of action and complaint to be served upon a person not a party to the action who is or may be liable to him for all or part of the plaintiff's claim against him. If a third party complaint is filed more than thirty (30) days after the defendant has filed its original answer, the third party complainant must obtain leave of the Court before filing and serving the third party complaint. When a counterclaim is asserted against the plaintiff, he may cause a third party to be brought in under circumstances which would entitle a defendant to do so.

RULE 25. JOINDER OF PARTIES.

A. Persons to be joined if feasible. A person who is subject to service and process and whose joinder will not deprive the Court of jurisdiction shall be joined as a party if:

- (1) in his absence complete relief cannot be accorded among those already parties; or
- (2) he claims an interest relating to the subject of the action and is so situated that the disposition of the action in his absence may;
 - (a) as a practical matter impair or impede his ability to protect that interest; or
 - (b) leave any of the persons already parties, subject to a substantial risk of incurring multiple or inconsistent obligations.

If he should join as the plaintiff but refuses to do so he may be made a dependent, or in a proper case, an involuntary plaintiff.

B. Dismissal for failure to join an indispensable party. If a person described above cannot be made a party, the Court shall determine whether the action should proceed among the parties before it, or should be dismissed, the absent person being regarded as an indispensable party. The factors to be considered include:

- (1) to what extent a judgment rendered in the person's absence might be prejudicial to him or to those already parties;
- (2) the extent to which, by protective provisions in the judgment, by the shaping of relief, or by other measures, the prejudice can be lessened or avoided;
- (3) whether a judgment rendered in the person's absence will be adequate;
- (4) whether the plaintiff will have an adequate remedy if the action is dismissed for lack of joinder of an indispensable party.

C. Permissive joinder. All persons may join in one action as plaintiffs if they assert any right and if any question of law or fact common to all those persons will arise in the action. All persons may be joined in one action as the defendants if there is asserted against them any right to relief arising out of the same transaction or occurrence, and if any question of law or fact common to all defendants will arise in the action. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities. No class actions or other representative suits will be permitted but the Court should liberally permit the joining of parties under this Rule.

D. Misjoinder of parties. Misjoinder of parties is not grounds for dismissal of an action as parties may be dropped or added by order of the Court on motion of any party or on its own initiative at any stage of the action and on such terms as are just. Any claim by or against a party may be severed and proceeded with separately.

RULE 26. INTERVENTION.

A. Intervention of right. Upon timely application, anyone shall be permitted to intervene in any action when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair his ability to protect that interest.

B. Permissive intervention. Upon timely application, anyone may be permitted to intervene in any action when an applicant's claim or defense and the main action have a question of law or fact in common. Since class actions and other representative suits are not permitted, the Court should liberally grant motions for leave to intervene.

C. Procedure. A person desiring to intervene shall serve a Motion to Intervene upon all parties in the action, stating the grounds therefore and accompanied by a pleading setting forth the claim or defense for which intervention is sought.

RULE 27. DISCOVERY.

A. Methods. With leave of the Court, parties may obtain discovery by one or more of the following methods:

- (1) depositions upon oral examination or written questions;
- (2) written interrogatories;
- (3) production of documents or things or permission to enter upon land or other property for inspection and other purposes;
- (4) physical and mental examinations; and
- (5) requests for admission.

The Federal Rules of Civil Procedure (Rules 27-37) shall govern the practice and procedure for conducting discovery and depositions in Tribal Court.

B. Scope of discovery. Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking its discovery or to the claim or defense of any other party. It is not grounds for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

C. Insurance agreements. A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy all or part of the judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

D. Trial preparations. A party may obtain discovery of documents and tangible things prepared in anticipation of litigation or for trial by or another party or by or for that other party's attorney or other representative. Only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of his case and that he is unable without undue hardship to obtain the information by other means. In ordering discovery of such materials, the Court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of the party concerning the litigation.

E. Expert witnesses. Discovery of facts known and opinions held by experts acquired or developed in anticipation of litigation or for trial may be obtained only as follows:

(1) a party, may through interrogatories, request another party to identify each person whom it expects to call as an expert witness, to state the subject matter as to which the expert is expected to testify and a summary of the grounds for each opinion;

(2) the party may discover the facts known or opinions held by an expert who has been retained or especially employed by another party in anticipation of litigation or preparation of the trial and who is not expected to be called as a witness to trial and who is not expected to be called as a witness to trial upon the showing of exceptional circumstances under which it is impractical for the party seeking discovery to obtain such facts or opinions by any other means.

Unless manifest injustice will result, the Court, in its discretion, may require that the party seeking discovery, pay the expert a reasonable fee for time spent in responding to the discovery under this Rule.

F. Protective orders. Upon motion and for good cause shown, the Court may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including:

- (1) that the discovery may be had only in specific terms and conditions, including a designation of time and place;
- (2) that the discovery may not be had;
- (3) that the discovery may be had by a method other than that selected by the party seeking discovery;
- (4) that a certain matter not be inquired into or that the scope of the discovery be limited to certain matters;
- (5) that the discovery be conducted with no one person except persons designated by the Court;
- (6) that a deposition be sealed and only opened on order of the Court; or
- (7) that a trade secret or other confidential research, development, or commercial information not disclosed.

RULE 28. MASTERS.

A. Appointment and compensation. The Chief Judge of the Court may appoint a special master to assist in the preparation of or trial of any civil action with or without a jury. Compensation and expenses of the special master shall be fixed by the Court and shall, whenever possible, be taxed as costs to the losing party. The Order appointing a special master may specify or limit his powers and may direct him to report only upon particular issues or to do or perform a particular act. Subject to the conditions contained in the order appointing the special master, he has and shall exercise all the power of the Tribal Judge, and take all measures necessary or proper required in the efficient performance of his duties.

B. The Master's Report. The master shall prepare a report upon the matter submitted to him by the Court and if required, shall make findings of fact and conclusions of law. He shall file the report

with the Clerk of the Court, who shall send a copy to all parties. Within ten (10) days after receiving the master's report, any party may serve written objection thereto upon the other party. The Court, after hearing, may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence, or may re-commit it to the master with instructions.

Before filing his report, a master may submit a draft thereof to counsel of all parties for the purpose of receiving their suggestions.

RULE 29. JURORS.

A. Examination of jurors. The Court may permit the parties or their attorneys to conduct the examination of perspective jurors, but the preferable practice is for the Court to conduct the examination itself. If the Court conducts the examination itself, it shall permit the parties or their attorneys to supplement the examination by submitting question in writing to the Court which, if it deems them appropriate, will use in further examination of the jury.

B. Alternate jurors. If there is substantial likelihood that the trial will last more than one day, the Court may direct that one or two jurors in addition to the regular jury, be called to sit as alternate jurors. Alternate jurors, in the order in which they are called, shall replace jurors, who, prior to the time the jury retires to consider its verdict, become or are found to be unable to perform their duties, and hence, disqualified.

C. Special verdicts. The Court may require a jury to return only a special verdict in the form of a special written finding upon each issue of fact. In that event, the Court may submit to the jury written questions susceptible of brief answers or may submit written forms of several special findings which might be properly made under the pleadings and evidence or it may use such other method of submitting the issues and requiring the written findings thereon as it deems most appropriate.

D. Instructions to the jury. At the close of the evidence or at such earlier time during the trial as the Court directs any party may file written requests that the Court instruct the jury on the law as set forth in the request. The Court shall inform counsel of its proposed action upon the request prior to their arguments to the jury, but the Court shall instruct the jury after the arguments are completed. No party may assign error in the giving or failure to give an instruction unless he objects thereto, before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds for his objection. Opportunity shall be given to make the objection out of the hearing of the jury.

RULE 30. TRIALS.

A. Demand for jury trial. Any party may demand trial by jury of an issue triable of right by serving upon the other parties a demand therefore in writing as follows:

- (1) by the plaintiff when the complaint is filed;
- (2) by the defendant or a third party defendant when the answer is filed;
- (3) by an intervener when the motion to intervene is filed.

The failure of a party to serve a demand as required by this Rule constitutes a waiver by him of a trial by jury.

B. Advisory jury. In all actions not triable of right by a jury or where a jury trial has not been requested, the Court may upon its own motion try any issue with an advisory jury.

C. Size of jury. A jury in a civil case shall be composed of six (6) persons unless the parties agree to a jury of three (3) persons. The agreement of a simple majority of the jury (Four jurors in a six man jury and two jurors in a three man jury) will support a verdict for Directed Verdict.

RULE 31. MOTION FOR DIRECTED VERDICT.

A. The party who moves for a directed verdict at the close of the evidence offered by an opponent may offer evidence in the event that the motion is not granted. A motion for a directed verdict

which is not granted is not a waiver of trial by jury even though all parties to the action have moved for directed verdicts. A motion for a directed verdict shall state the specific grounds therefore.

B. Whenever a motion for a directed verdict made at the close of all the evidence is denied for any reason is not granted, the Court is deemed to have submitted the action to the jury subject to a later determination of the legal questions raised by the motion. Not later than ten (10) days after entry of judgment, the party who has moved for a directed verdict may move to have the verdict and judgment entered thereon set aside and have judgment entered in accordance with his motion for directed verdict. A motion for a new trial be joined with this motion.

RULE 32. SUMMARY JUDGMENT.

Any party may at any time move with or without supporting affidavits for summary judgment in his favor as to all or any part thereof. The motion shall be served at least ten (10) days before a hearing on the motion is held. Judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment may be rendered on an issue of liability, although there is a general issue as to the amount of damages.

RULE 33. DEFAULT JUDGMENT.

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these Rules, the Clerk shall enter his default. The defaulting party shall be notified and shall be given five (5) days to rectify the default. If the defaulting party fails to appear and defend, judgment by default may be entered by the Court unless the party against whom the judgment by default is sought is an infant or an incompetent person, who is not represented by general guardian or such other representative.

For good cause shown, the Court may always set aside an entry of default and if a judgment by default has been entered, may likewise set it aside. If the default resulted from the negligent failure of the attorney for the defaulting party to perform an act required by these Rules or by order of the Court, the default should be set aside and the attorney shall be fined an appropriate amount.

RULE 34. DISMISSAL.

A. Voluntary dismissal. An action may be dismissed by the plaintiff without leave of the Court by filing a notice of dismissal at any time before the defendant has filed either an answer or a motion for summary judgment; or by filing a stipulation of dismissal signed by all parties in the action. Such dismissal shall be without prejudice. All other dismissals must be on notice to all other parties and must be approved by the Court.

B. Involuntary dismissal. An action may be dismissed by the Court on its own initiative, or on motion by the defendant, for failure of the plaintiff to prosecute or to comply with these rules or any order of the Court. Unless the Court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, for failure to join an indispensable party, is "with prejudice" and operates as an adjudication upon the merits.

C. Consolidation. When actions involving a common question of law or fact are pending before the Court, it may order all of the actions consolidated, or it may make such orders as may tend to avoid unnecessary costs or delay.

D. Separate trials: The Court, to avoid prejudice, inconvenience, or unnecessary costs, may order a separate trial of any claims, crossclaims, counterclaims, or third party claims, or of any separate issue in the case.

RULE 35. DEPOSITS IN COURT.

In an action in which any part of the relief sought is a judgment for a sum of money or the disposition of a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to all other parties and by leave of Court may deposit with the Court all or any part of such sum or thing.

RULE 36. INJUNCTIONS.

A. Preliminary Injunctions. No preliminary injunction shall be issued without notice to the adverse party. The Court may order the trial of the action on the merits consolidated with the hearing on the application.

B. Temporary Restraining Order. A temporary restraining order may be granted without notice to the adverse party only if it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party or his attorney can be heard in opposition to the request for a temporary restraining order. Every temporary restraining order granted without notice shall be filed immediately in the Clerk's office and shall expire by its own terms within such time after entry, not to exceed five (5) days, as the Court fixes, unless the order, for good cause shown, is extended or unless the party against whom the order is directed consents to its extension. In case a temporary restraining order is granted without notice, the motion for preliminary injunction shall be set down for hearing at the earliest possible time. When the motion comes on for hearing the party who obtained the temporary restraining order shall proceed with the application for a preliminary injunction and if he does not do so, the Court shall dissolve the temporary restraining order at once.

On notice to the party who obtained the temporary restraining order, the adverse party may appear and move for its dissolution or modification and in that event the court shall proceed to hear and

determine such motions as expeditiously as possible. The Court may require the giving of security by the applicant, in such sum as the Court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully enjoined or restrained.

RULE 37. JUDGMENT AND COSTS.

A. Demand for Judgment: A judgment by default shall not be different in kind or exceed the amount prayed for in the demand for judgment. Except as to parties against whom the judgment is entered by default, every final judgment shall grant the relief to which the party is entitled even if the party has not demanded such relief in his pleadings.

B. Costs: Costs shall be allowed to the prevailing party unless the Court directs otherwise. Costs shall be assessed by the Clerk and added to the amount of the judgment rendered by the Court.

C. Entry of Judgment: Upon a general verdict of a jury, or upon a decision of the Court, a judgment shall be entered reciting the verdict or decision of the Court and including any costs taxed in the case. The judgment may be set forth in a separate document.

D. Automatic stay of Judgment: No execution shall issue upon a judgment nor shall proceedings be taken for its enforcement until the expiration of ten (10) days after its entry. If execution of enforcement is stayed beyond the ten days, the Court may, in its discretion, require the losing party to post the bond guaranteeing payment of the judgment.

PART III. CRIMINAL

RULE 51. THE COMPLAINT.

The complaint is a written statement of the essential facts constituting the offense charged. It shall be made upon oath before a Tribal Judge, Magistrate, or Clerk of the Tribal Court and must be approved by the Tribal Prosecutor.

RULE 52. WARRANT OR SUMMONS UPON COMPLAINT.

A. Issuance: If it appears from the complaint, from an affidavit or affidavits filed with the complaint, or from sworn statements made when the complaint is filed, that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant or a summons shall be issued. If a summons is issued and the defendant fails to appear, a warrant shall be issued for his arrest.

B. Warrant: The warrant shall be signed by a Tribal Judge or magistrate, and shall contain the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged in the complaint unless a copy of the complaint is attached to the warrant. It shall command that the defendant be arrested and brought before a tribal judge, or magistrate. The warrant shall be executed by a Tribal Police Officer or by any other officer authorized by law. The warrant may be executed at any place within the Blackfeet Reservation. The arresting officer need not have the warrant in his possession at the time of the arrest, but upon request shall inform the defendant of the offense charged and of the fact that a warrant has been issued and shall show the warrant to the defendant as soon as possible.

C. Summons: If a summons is issued, it shall be served in accordance with provisions of Rule 12 of these Rules.

RULE 53. ARRAIGNMENTS.

The arraignment shall be conducted in open Court and shall consist of reading the complaint to the defendant or stating the substance of the charge and calling upon him to plead thereto. The defendant must be given a copy of the complaint before he is called upon to plead. A defendant may plead "guilty" or "not guilty". Before accepting a guilty plea, the Court must make inquiry of the defendant and must make certain that the plea is being made voluntarily without threats or promises, that the defendant understands the nature of the charge and the consequences of the plea and that there is a factual basis for the plea. The Court may refuse to accept a plea of "guilty" and shall not accept a plea of "guilty" if there is any doubt that it is not being made voluntarily or if there is no basis in fact for the plea. If a defendant refuses to plead or if the Court refuses to accept a plea of "guilty", the Court shall enter a plea of "not guilty". A motion to withdraw a plea of "guilty" may be made only before sentence is imposed but to correct manifest injustice, the Court, even after judgment and sentencing, may set aside the conviction and permit the defendant to withdraw his plea of "guilty". The Court will then take a plea of "not guilty" and proceed as if the "guilty" pleas had not been entered.

RULE 54. MOTIONS.

Any defense or objection which is capable of determination without trial may be raised before trial by motion. Objections based upon the complaint shall be made before trial.

RULE 55. JOINDER.

The Court may order two or more complaints tried together if the offenses are related, unless one or more of the defendants would be prejudiced thereby.

RULE 56. DEPOSITIONS.

If it appears that a prospective witness may be unable to attend or prevented from attending a trial or hearing and that his testimony is necessary, the Court may order that his testimony be taken by

deposition and that any designated books, papers, documents, or tangible objects, not privileged, be produced. The party who requested the deposition shall give to all other parties' reasonable written notice of the time and place for taking the deposition. The deposition shall be taken before the Clerk of the Tribal Court or her deputy, or before the Tribal Court Reporter. It shall proceed in the manner of a trial in that each witness shall be sworn and is subject to cross examination. The actual testimony shall be taken by the Clerk, her deputy or the Court reporter and then transcribed within five (5) days after the taking thereof. The deposition, if otherwise admissible under the rules of evidence, may be used at trial if:

(1) the witness is dead;

(2) the witness is off the Reservation unless his absence was procured by the party offering the deposition;

(3) the witness is unable to attend or testify because of sickness or infirmity; or

(4) the party offering the deposition has been unable to procure the attendance of the witness by subpoena. A deposition may also be used to contradict or impeach the testimony of the deponent as a witness.

RULE 57. DISCOVERY.

At the request of the defendant, the Court may order the Tribal Prosecutor to permit the defendant to inspect and copy:

(1) written or recorded statements or confessions made by the defendant;

(2) results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the case; and

(3) any books, documents, or other evidence within the custody of the prosecution which would be material to the preparation of his defense. The Court shall also require the Tribal Prosecutor to disclose the names and addresses of all persons who will testify for the prosecution.

RULE 58. TRIAL.

All cases shall be tried to a jury unless the defendant waives a jury trial in writing with the approval of the Court and the consent of the Tribal Prosecutor. Juries shall be composed of six (6) persons unless the parties stipulate in writing, with the approval of the Court, that the jury shall consist of any number less than six (6). The agreement of a simple majority of the jurors shall be sufficient to support a verdict.

RULE 59. MOTION FOR JUDGMENT OF ACQUITTAL.

The Court on motion of a defendant or upon its own motion, shall order the entry of judgment of acquittal after the evidence of either side is closed and in the opinion of the Court, the evidence is insufficient to sustain a conviction. If a verdict of "guilty" has been returned, the Court may, within five (5) days, set aside the verdict and enter judgment of acquittal.

RULE 60. JUDGMENT AND SENTENCE.

Sentence shall be imposed without unreasonable delay. Before imposing sentence, the Court shall ask the defendant and his attorney, if one is present, if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. A judgment of conviction shall set forth the plea, the verdict or findings and the adjudication and sentence, if any. The judgment shall be signed by the Tribal Judge and entered by the Clerk in the Criminal Register and in the file of the case.

RULE 61. RIGHT TO APPEAL.

After imposing sentence, the Court shall advise the defendant of his right to appeal, without cost if the defendant is without funds and of his right to seek review in a United States District Court by writ

of habeas corpus. If the defendant so requests, the Clerk of the Court shall prepare and file a notice of appeal and/or a petition for writ of habeas corpus on behalf of the defendant.

RULE 62. NEW TRIAL.

The Court, in its discretion, or on motion of a defendant, may grant a new trial if required in the interests of justice. A motion for a new trial based on "newly discovered evidence" must be made within six (6) months after a judgment; a motion based on any other grounds must be made within five (5) days after the verdict or decision.

RULE 63. CORRECTION OR REDUCTION OF SENTENCE.

The Court may correct an illegal sentence at any time and may reduce a sentence within six (6) months of its entry. Clerical mistakes may be corrected by the Court at any time.

RULE 64. SEARCH AND SEIZURE.

A search warrant may be issued by a Tribal Court, or magistrate to search and seize any property:

(1) stolen or embezzled in violation of the law of the Blackfeet Tribe or of the United States; or

(2) designed for use or actually used in the commission of a criminal offense.

A warrant shall issue only upon an affidavit or sworn statement which satisfies the judge or magistrate that there is probable cause to believe that one of the grounds exists. The warrant shall describe with specificity, the property sought and the person or place to be searched. The warrant shall be executed and returned only within ten (10) days after its date. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken, a copy of the warrant and a receipt for the property taken.



BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
(406)338-7521 • FAX 338-7530

EXECUTIVE COMMITTEE

WILLIAM "BILL" OLD CHIEF-CHAIRMAN
ROGER RUNNING CRANE-VICE-CHAIRMAN
GEORGE HEAVY RUNNER-SECRETARY
HOWARD DOORE-ACTING SECRETARY
CHERYLE REEVIS-TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "BILL" OLD CHIEF
ROGER RUNNING CRANE
GEORGE HEAVY RUNNER
HOWARD DOORE
KEN TALKS ABOUT
BERNARD ST. GODDARD
CARL KIPP
HUGH MONROE
ROCK B. GOBERT JR.

RESOLUTION

NO. 110-99

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** Pursuant to the Constitution and Bylaws of the Blackfeet Tribe, Article VI, Section 1 (k), the Blackfeet Tribal Business has the power and authority to promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the Blackfeet Indian Reservation, and to establish minor courts for the adjudication of claims and dispute arising amongst the members of the tribe, and
- WHEREAS,** The Blackfeet Tribal Business Council has the duty to provide quality and equitable law enforcement services to the people of the Blackfeet Nation, and to find ways to improve the overall administration of the Law enforcement services, and
- WHEREAS,** The Blackfeet Tribal Business Council has been advised and informed that in order to ensure that the Blackfeet Tribal Court operates in an effective and efficient manner, it is necessary to amend the Blackfeet Tribal Law and Order Code regarding service if process on parties appearing before the Blackfeet Tribal Court; now

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN NATION

P. O. Box 850

BROWNING, MONTANA 59417

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
JOHN "BUSTER" YELLOW KIDNEY, VICE-CHAIRMAN
MYRNA J. CALBREATH, SECRETARY
ELOUISE C. COBELL, TREASURER

TRIBAL COUNCIL

EARL OLD PERSON
JOHN "BUSTER" YELLOW KIDNEY
MYRNA J. CALBREATH
ROLAND F. KENNER
JOE J. MCKAY
ARTHUR WELLS
LEONARD J. MOUNTAIN CHIEF
CARL KIPP
TOM TAIL FEATHER

ORDINANCE NO. 72

- WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation, and
- WHEREAS: Article VI, Section 1 (k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowered the Blackfeet Tribal Business Council to establish the Blackfeet Tribal Court, and
- WHEREAS: Article VI, Section 1 (q) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to develop and adopt procedures to regulate the functioning of Tribal agencies, and
- WHEREAS: Chapter 9, Rule 10 of the Blackfeet Law and Order Code of 1967 as Amended permits non-member Indian and non-Indian attorneys and lay advocates to practice in the Blackfeet Tribal Court, and
- WHEREAS: Chapter 1, Section 1 provides that the Blackfeet Tribal Court has no criminal jurisdiction over non-Indians, and
- WHEREAS: Contempt of Court is only punishable under Chapter 5, Section 40, as a criminal offense and therefore is not enforceable against non-Indians, and
- WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that it has become more common for non-Indians to act as attorneys and lay advocates and to be involved in litigation as parties and witnesses before the Blackfeet Tribal Court, now

THEREFORE BE IT RESOLVED: That the Blackfeet Law and Order Code of 1967 as Amended be amended to read as follows:

- (1) Chapter 5, Section 40 - Contempt of Court - is repealed;
- (2) Chapter 9, Rule 65 - Criminal Contempt - is repealed; and
- (3) The attached Rule entitled "Contempt of Court", which provides for a Civil penalty, be adopted as Chapter 9, Rule 10-B.

ATTEST:

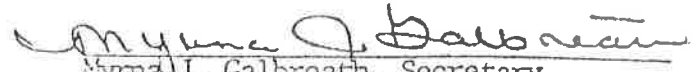
THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN NATION

Myrna J. Calbreath, Secretary
John "Buster" Yellow Kidney, Vice-Chairman

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Regular Session assembled business the 16th day of May, 1985 with Six (6) members present to constitute a quorum and by a vote of Five (5) members For and One (1) Opposed.

(CORPORATE SEAL)


Myrna J. Galbreath, Secretary
Blackfeet Tribal Business Council

CHAPTER 9, RULE 10-B: CONTEMPT OF COURT

1. Power to Impose Penalty:

The Tribal Court and Appellate Court, have the power to penalize or punish anyone for Contempt of the Court's judgment, orders or decrees and for conduct in or near the Court which shows disrespect for the Court.

2. Indirect Contempt:

Indirect Contempt is the knowing failure to comply with an order of the Court to do, or not to do, something for the benefit of a party, or is an interference with the process of the Court. Indirect Contempt includes but is not limited to:

- (1) Disobedience to a Subpoena, judgment or other order of the Court;
- (2) Falsely presenting oneself as an Officer, Attorney or Counsel of the Court;
- (3) Detaining a witness, party to an action, or officer of the Court while the witness, party or officer is going to, remaining at or returning from a judicial proceeding;
- (4) Threatening, bribing, or attempting to bribe a witness, party to an action, or officer of the Court;
- (5) Any other interference with the process or proceeding of the Court; and
- (6) Neglect or violation of a duty by a person appointed or elected to perform a judicial service.

3. Direct Contempt:

Direct Contempt is a disrespectful act done in the presence of the Court or near to the Court, which offends the dignity of the Court. Direct Contempt includes but is not limited to the following:

- (1) Disorderly, Contemptuous or insulting behavior directed toward the Court during the course of a judicial proceeding;
- (2) Conduct or speech which tends to interrupt the course of a trial or other judicial proceeding;
- (3) Conduct which deceives the Court; and
- (4) Disobedience to the Court during the course of a judicial proceeding.

4. Procedure:

(1) Contempt committed in the presence of the Court may be penalized by the Court without a hearing to determine the facts which constitute the contempt

(2) Contempt allegedly committed outside the presence of the Court may be penalized only after a hearing which established the facts constituting the contempt.

5. Fine for Contempt of Court:

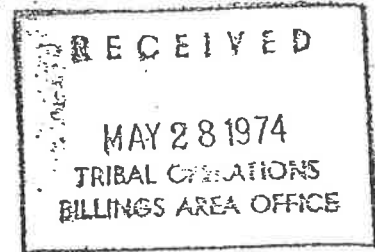
Contempt of Court may be penalized by a civil fine not to exceed five hundred dollars (\$500) for each instance of contempt.

UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

BLACKFEET INDIAN AGENCY
BROWNING, MONTANA 59417

May 24, 1974



Memorandum

To: Area Director, Billings
Attention: Tribal Operations

From: Superintendent, Blackfeet Agency.

Subject: Tribal Ordinances

Transmitted are the following Ordinances for which we are requesting an opinion from the Solicitor due to the fact that they are almost a year old and you will note by our date stamp that we did not receive them until May 17, 1974:

Ordinance No. 25 - Establishing rules of Civil and Criminal Procedure to Govern all Procedure in any Civil or Criminal Action coming before the Blackfeet Tribal Court.

Ordinance No. 26 - Establishing a Small Claims Court for the Blackfeet Reservation and setting down the Statutes by which such Court shall be governed.

Ordinance No. 27 - Establishing procedures for repossession of personal property of residents of the Blackfeet Reservation.

Ordinance No. 31 - Amending Chapter 9, Rules of Procedure, Blackfeet Tribal Law and Order Code.


Superintendent

Attachments

TABLE OF CONTENTS

CHAPTER 10

SMALL CLAIMS COURT

Section 1. Name----- 228

Section 2. Jurisdiction----- 228

Section 3. Venue----- 228

Section 4. Judges----- 229

Section 5. Attorneys----- 229

Section 6. Assignees----- 229

Section 7. Attachment and garnishment----- 229

Section 8. Actions. How commenced----- 229

Section 9. Filing fees----- 230

Section 10. Service of declaration and order----- 230

 A. The Declaration and Order may be served----- 239

 B. Who may be Served----- 230

Section 11. Answer and claim of defendant----- 232

Section 12. Date of trial and time for service----- 232

Section 13. Index and register----- 233

Section 14. Costs----- 233

Section 15. Execution----- 234

Section 16. Appeal----- 234

Section 17. Security to be posted by appellant----- 235

Section 18. Appointment of guardian and litem for minor or incompetent----- 236

Section 19. Request to proceed without cost----- 238

Section 20. Service of declaration and order by certified or registered mail----- 238

Section 21. Subpoenas----- 239

 A. Subpoena----- 239

 B. Subpoena, Peace Officers----- 239

 C. Subpoena Duces Tecum----- 241

 D. Witness beyond 150 miles----- 241

Section 22. Continuances----- 242

Section 23. Off Calendar Cases----- 242

Section 24. Dismissals----- 243

Section 25. Transfer of small claims action to tribal court----- 243

Section 26. Amendment to Declaration----- 244

Section 27. Recording Proceedings in court----- 244

Section 28. Notice of entry of judgment----- 245

Section 29. Default judgment----- 245

Section 30. Satisfaction of judgment----- 246

Section 31. Dismissal of an appeal, or abandonment of appeal----- 246

Section 32. Proceedings against sureties following appeal----- 247

Section 33. Writs of execution-procedure----- 248

Section 34. Writs of execution-duty of tribal police----- 249

| | | |
|-------------|---|-----|
| Section 35. | Writs of Execution – time limit----- | 252 |
| Section 36 | Abstract of judgment----- | 252 |
| Section 37. | Procedure for claim for exemption----- | 252 |
| Section 38. | Counter-affidavit to claim of exemption----- | 253 |
| Section 39. | Exemptions----- | 253 |
| Section 40. | Costs bill after judgment----- | 257 |
| Section 41. | Examination of judgment debtor----- | 258 |
| Section 42. | Court shall prescribe rules of procedure----- | 258 |
| Section 43. | Words used in this chapter----- | 259 |
| Section 44. | Statute of limitations----- | 259 |

CHAPTER 10

SMALL CLAIMS COURT

SECTION 1. NAME

There shall be one Small Claims Court of the Blackfeet Indian Reservation.

SECTION 2. JURISDICTION.

Jurisdiction of the Small Claims Court is limited to cases for the recovery of claims not exceeding Five Hundred Dollars (\$500.00). Where there is joinder of plaintiffs, each having a separate cause of action against the defendant within the jurisdictional limit above, the case of each plaintiff is his or her individual cause of action and demand. When plaintiffs have a joint cause of action and against the defendant, wherein all plaintiffs are interested in the total amount recovered, the total sum of the amounts claimed determines the jurisdiction. The plaintiff may not split a single cause of action and make it the basis of several suits so as to bring each within the jurisdictional limit of the Court. If such splitting is attempted, the defendant in the second action may plead the pendency of the first action abatement, or, if the first action has been concluded and judgment has been entered on the merits, the defendant may plead that judgment as a bar to the second action. The plaintiff is not required to consolidate for trial two or more existing claims where each claim constitutes a separate cause of action. There shall be no filing of unlawful detainer actions in Small Claims Court.

SECTION 3. VENUE.

In a tort action, the Court has venue if the injury occurred within the exterior boundaries of the Blackfeet Reservation, or if the defendant resides within the exterior boundaries of the Blackfeet Reservation. On contract actions, the Court has venue if the obligation sued upon was to be performed within the exterior boundaries of the Blackfeet Reservation or the defendant resides within the boundaries of the Blackfeet Reservation at the time the contract was entered into. If the contract is silent

as to place of performance, it is presumed to be performable where entered into. In all other cases, the Court has venue if the defendant resides within the Blackfeet Reservation at the commencement of the action in the Small Claims Court.

SECTION 4. **JUDGES.**

All judges of the Blackfeet Tribal Court may sit as judges of the Small Claims Court.

SECTION 5. **ATTORNEYS.**

No attorney at law, or other person, may represent the plaintiff or defendant in the filing, prosecution, or defense of litigation in Small Claims Court. In cases wherein a corporation, partnership or unincorporated association is either the plaintiff or the defendant, an officer of such corporation, partnership or unincorporated association may represent such entity, whether or not he is an attorney since he is appearing in his capacity as an officer, not as an attorney. An attorney also may not represent the judgment creditor in any proceedings supplemental to execution in connection with any judgment rendered in Small Claims Court.

SECTION 6. **ASSIGNEES.**

The assignee of a claim may not file or prosecute such claim in Small Claims Court. The word "assignee" includes anyone who stands in the place of the original creditor. (Neither may an assignee be allowed to initiate proceedings supplemental to execution in place of the judgment creditor.)

SECTION 7. **ATTACHMENT AND GARNISHMENT.**

No attachment or garnishment may issue from the Small Claims Court.

SECTION 8. **ACTIONS. HOW COMMENCED.**

Actions in the Small Claims Court are commenced by filing with the Clerk, an affidavit or declaration, together with the required filing fee.

SECTION 9. FILING FEES.

Fees in Small Claims Court are limited to:

- (1) Declaration of Affidavit commencing the action.....\$2.00
- (2) Service by the Clerk by certified mail, for
each party to whom mailed.....\$1.50
- (3) Issuing a writ of execution.....\$1.50
- (4) Issuing an abstract of judgment.....\$1.50
- (5) Transmitting papers to another court.....\$1.00
- (6) Filing appeal to Tribal Court.....\$1.00

No fees shall be charged to any public agency, either tribal, federal, city or state, for the filing of a small claims action, or for the performance of any official service. Non-profit corporations or associations, upon the filing of an affidavit showing their non-profit status, are not required to pay the prescribed fees with the exception of the service fee in Section 9(2) above, if service is to be made through the Clerk and Section 9(3) above for the issuance of a writ of execution.

SECTION 10. SERVICE OF DECLARATION AND ORDER.

A. The Declaration and Order may be served:

- (1) by any Tribal Policeman on the Blackfeet Reservation, or
- (2) by any person eighteen (18) years of age or older, not a party to the action, who thereafter must file with the Clerk proof of such service in the form of an affidavit, or declaration of service, or
- (3) by registered or certified mail by the Clerk of Court only.

B. Who may be Served. The Declaration and Order may be served by delivering a copy thereof as follows:

(1) If the suit is against a corporation, to the president or other head of the corporation, a vice-president, a secretary, an assistant secretary, a treasurer, a general manager, or a person designated for service or process or authorized to receive service of process. If such a corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier. If no such officer or agent of the corporation can be found within the Blackfeet Reservation, then to the Secretary of the Blackfeet Tribe;

(2) If the suit is against an unincorporated association or partnership, then to a general partner or partnership, then to a general partner or the general manager of the partnership, and any officer of the association, or such person designated to receive service of process;

(3) If against a minor (under the age of 18 years), to his parent, guardian, conservator, or similar fiduciary, or, if no such person can be found with reasonable diligence, to any person having the care or control of such minor, or with whom he resides or by whom he is employed, and to such minor if he is at least 12 years of age;

(4) If against a person for whom a guardian or conservator has been appointed, to his guardian, conservator, or similar fiduciary and to such person, but, for good cause shown, the court in which the action is pending may dispense with delivery to such person;

(5) Except as otherwise specifically provided by statute, in an action or proceeding against a public entity, to the clerk, secretary, president, chairman, or other head of its governing body. "Public entity" as used in this section includes the Blackfeet Tribal Council, the Blackfeet Tribe, and any office, department, division, bureau board, commission or agency thereof, the Bureau of Indian Affairs, the City of Browning, any state agency and any other entity coming under the direction of the Blackfeet Tribe, the Federal Government, the City of Browning, or the State of Montana;

(6) In all cases where corporation has forfeited its charter or right to do business, or has dissolved, by delivering a copy thereof to one of the person who has become the trustee of the corporation and of its stockholders or members; and

(7) In all other claims, to the defendant personally.

SECTION 11. ANSWER AND CLAIM OF DEFENDANT.

A. A formal answer by the defendant is not necessary, if the defendant in any Small Claims Court action has a claim against the plaintiff which is for an amount within the jurisdiction of the Small Claims Court as set forth in Section 2 above, he may file an affidavit stating such claim.

B. Personal service of a copy of the affidavit shall be delivered to the plaintiff in person, not later than forty eight (48) hours prior to the hour set for appearance of said defendant in such action.

C. If the defendant has a claim against the plaintiff for an amount over the jurisdictional limit of the Small Claims Court but of a nature which would be the subject of a cross-complaint in such action under the Rules of Procedure as set forth in Chapter 9 of the Code, he may commence an action in Tribal Court and have the small claims action in Tribal Court and have the small claims action transferred to that Court and such actions will then be tried together in such Court.

SECTION 12. DATE OF TRIAL AND TIME FOR SERVICE.

The date for the appearance of the defendant as provided in the order appearing with the affidavit or declaration shall be as follows:

A. If the defendant resides within the Blackfeet Reservation, not less than ten (10) nor more than thirty (30) days from the date of said order. Defendant is entitled to service of the order at least five (5) days prior to appearance date. If defendant is not served in time for this five (5) day period to apply, plaintiff is entitled to a new order setting a new date under the limitation of this Section;

If the defendant resides outside the Blackfeet Reservation, not less than thirty (30) days nor more than sixty (60) days from the date of said order. Defendant is entitled to service of the order at least fifteen (15) days prior to appearance date. If defendant is not served in time for this fifteen (15) day period to apply, plaintiff is entitled to a new order setting a new date under the limitation of this Section.

C. When there are two or more defendants and one or more of them resides outside the Blackfeet Reservation in which the action is brought, the date for the appearance of all defendants shall not be more than thirty (30) days from the date of the order to appear.

D. If a defendant was not properly served as set forth under A and B above, the Court has no jurisdiction to proceed unless and until the defendant appears and waives the statutory notice.

E. If defendant was not properly served, as described in A and B above, continue the case to a date for trial not less than ten (10) days from the date of the order of continuance.

SECTION 13. **INDEX AND REGISTER.**

The Clerk of the Small Claims Court must keep a "Register of Small Claims Action" in which must be recorded the names of the parties, the title of the action, each and every paper filed in the case and the date of the filing. The Clerk shall also keep an index with the name of the defendants listed in alphabetical order, showing the names of both parties, the number of the case and the date of filing.

SECTION 14. **COSTS.**

The prevailing party in any action in the Small Claims Court, is entitled to costs of the action, and also the costs of execution upon a judgment rendered therein. Such costs shall include costs of service of the order for the appearance of the defendant. Such costs may include:

- (1) Fee for filing the action;
- (2) Fee for serving Declaration and Order upon the defendant;
- (3) Fee for serving a defendant by registered or certified mail;

- (4) Witness fees and mileage paid to a witness;
 - (5) Fees for issuance and service of a writ of execution;
 - (6) Fees for issuing and recording abstracts of judgment;
 - (7) Fees and costs approved by the court in supplementary proceedings after judgment;
- and
- (8) Other fees in aid of execution;

SECTION 15. EXECUTION.

A writ of execution may issue as in civil actions against any and all of the judgment debtor's property not exempt. A fee of One Dollar Fifty Cents (\$1.50) is charged for issuance of the writ. A claim for exemption may be filed by the judgment debtor upon judgment being rendered against him or her and such judgment debtor shall have ten (10) days from the date of judgment to return such exemption form to the clerk. Procedure for a writ of execution is found in Section 33 below.

SECTION 16. APPEAL.

- A. The judgment of the Small Claims Court is conclusive and final upon the plaintiff and he may not appeal it. A plaintiff may appeal, however, when an adverse judgment is rendered against him as a cross-defendant on a claim of the defendant.
- B. If the defendant is dissatisfied, he may, within twenty (20) days after the date of entry of the judgment, appeal to the Tribal Court. The Tribal Court will not review the Small Claims proceedings, but will try the case anew. Each party is entitled to be represented by counsel on appeal.
- C. The Appellant must pay for filing the papers in Tribal Court, the same fee as charged and collected for filing a civil claim in the Tribal Court.
- D. If judgment is rendered against the defendant in the Tribal Court, he must pay, in addition to the judgment, an attorney's fee to the plaintiff in the sum of Fifteen Dollars (\$15.00), and all other

costs as may be ordered. Process for the enforcement of such judgments is issued out of the Tribal Court.

E. The decision of the Tribal Court on an appeal from a Small Claims judgment is final. No further appeal or review is allowed.

F. A Tribal Judge who has presided over a Small Claims proceeding, may not preside over an appeal from such proceeding in the Tribal Court.

SECTION 17. SECURITY TO BE POSTED BY APPELLANT.

A. When a defendant decides to appeal the decision of the Small Claims Court he must deposit some form of security equal to the judgment rendered against him in the Small Claims Court proceeding plus certain costs, including the Fifteen Dollar (\$15.00) attorney fee. This security may be either in the form of a cash deposit or may take the form of a written guarantee of certain sureties that in the event the judgment is upheld against the appellant, and the appellant does not pay the judgment within thirty (30) days of the appeal, that they will be responsible for payment of the judgment and all costs involved in the appeal. This type of agreement is called an "undertaking on appeal" and must contain an affidavit or declaration of the surety stating his name, his residence address and his business address⁰ if any, and that he resides within the Blackfeet Reservation and is worth the sum of the judgment plus costs over and above all his just debts and liabilities exclusive of property exempt from execution. The undertaking must contain further, the promise that if the judgment of the Small Claims Court is affirmed, in whole or in part, or if the appeal from the judgment of the Small Claims Court is dismissed, and the appellant does not pay the judgment and costs within thirty (30) days thereafter, judgment for such amount may be entered, on motion of the respondent and in his favor, against the surety, together with interest due, costs on appeal and the Fifteen Dollars (\$15.00) attorney fee.

B. There may be more than one surety on an undertaking on appeal and notice by mail of the filing of the appeal and of the filing of either the undertaking or the cash deposit must be given forthwith to all parties by the Clerk.

C. The filing of the undertaking or the deposit of cash stays and stops all proceedings in the enforcement of the judgment in the Small Claims Court.

D. When a defendant files his motion of appeal and appeal bond after issuance of a writ of execution, the case should be presented to the judge for an order directing the officer to stay proceedings on the writ, to release any property levied upon, and to return the writ to the Clerk for filing. The Clerk should prepare, certify, and give to the defendant a copy of the order for delivery to the officer.

E. If it appears to the court that the appellant does not have the money to make a deposit or the means to secure the proper sureties, but nevertheless has a meritorious claim for appeal, and it further appearing to the court that substantial injustice will be done by denying such appeal, the court may order the appeal to proceed to the Tribal Court upon a written agreement between the appellant and the respondent, that in the event the appeal is dismissed or the judgment of the Small Claims Court is upheld in whole or in part, that the appellant agrees to pay the respondent the amount of the judgment, plus costs of the appeal, plus the Fifteen Dollars (\$15.00) attorney's fee within twenty (20) days after the final decision on the appeal, and further, that in the event the appellant defaults on this agreement, his property will be subject to execution without benefit of the claim of exemption. This agreement shall be witnessed by the judge of the Small Claims Court.

SECTION 18. APPOINTMENT OF GUARDIAN AD LITEM FOR MINOR OR INCOMPETENT.

A. A Guardian ad litem must be appointed by the Court when:

(1) The plaintiff or defendant in the Small Claims action is a minor and is not represented by a general guardian. Any person under eighteen (18) years of age is a minor;

(2) The plaintiff or defendant is an insane or incompetent person, and is not represented by a general guardian.

A guardian ad litem may be appointed in any case when it is deemed by the court in which the action or proceeding is prosecuted, expedient to represent the minor, insane or incompetent person in the action or proceeding even though he may already have a general guardian.

B. When the plaintiff is a minor under fourteen (14) years of age, appointment of a guardian ad litem to represent him in a Small Claims Court action may be made upon the application of a parent or other relative, or of a friend or of another party to the action.

C. When the plaintiff is a minor fourteen (14) years of age or older, appointment of a guardian ad litem to represent him in a Small Claims Court action may be made upon his own application.

D. When the defendant in a Small Claims Court action is a minor and neither the defendant, if he is fourteen (14) years of age or older, nor the parents, guardian or other interested person, make application to have a guardian ad litem appointed for such minor within ten (10) days after service upon him of the Declaration and Order, application for appointment of a guardian ad litem may be made by the Court on its own motion.

E. When an insane or incompetent person is a party to a Small Claims action, he must appear by his general guardian or by a guardian ad litem appointed by the court. Application for appointment of a guardian ad litem to represent such person may be made by a relative or friend, or by another party to the action, or by the court on its own motion. In order for a party to a Small Claims Court action, to come under this Section there must have been an adjudication in a court of competent jurisdiction that the person is in fact insane or incompetent. If there has been no such judicial

determination of this fact, the action must be stayed from any further proceedings until such time as this judicial determination is made.

F. For purposes of this Section, the term "guardian ad litem" refers to a person appointed to represent the minor, insane or incompetent person only for the Small Claims Court proceeding, including any supplemental proceedings taken after judgment, and for no other purpose and said guardianship terminates automatically at the final conclusions of such proceedings.

SECTION 19. REQUEST TO PROCEED WITHOUT COST.

When a plaintiff desires to commence a Small Claims action, and states that he is unable to pay the fees prescribed by law in this Chapter for the filing of the action, he may request an order from the Court to proceed without costs, by filing a "Declaration to Proceed without costs". This form should contain information that he is the plaintiff, that he is without funds or assets to pay the filing fee, that he has a good and meritorious claim, that if not allowed to proceed with his claim because of failure to pay the required fee, he will be denied the opportunity to secure any remedy of relief, and that if he recovers the judgment sought including costs of the action, that he will pay the filing fee to the Court.

The court, upon reading the application, may give its approval to the plaintiff's request and the required filing fee may be waived, but in no event shall the fee required by the Clerk for service by registered mail be waived; instead the plaintiff must serve the Declaration and Order commencing the action under Section 10 A (1) or (2) of this Chapter.

SECTION 20. SERVICE OF DECLARATION AND ORDER BY CERTIFIED OR REGISTERED MAIL.

A. When service of the Declaration and Order is being made by registered or certified mail, the addresses may be the defendant, or any person authorized to receive service on behalf of the defendant.

B. When the plaintiff requests service of the Declaration and Order by registered or certified mail, the clerk shall;

- (1) collect a fee of One Dollar Fifty Cents (\$1.50) for each defendant on whom service by registered or certified mail is requested, and issue a receipt to the plaintiff;
- (2) prepare return receipt card, entering the case number and date of hearing thereof;
- (3) mail copy of Declaration and Order to the defendant or defendants, requesting a return receipt from addressee only;
- (4) attach to the original Declaration and Order, the U.S. Post Office receipt for the registered or certified letter;
- (5) enter in the Register of Small Claims Action, the date the registered or certified letter was mailed;
- (6) upon receipt of return card, enter date of receipt by the addressee in the Register and file the return card in the case file.

SECTION 21. SUBPOENAS.

A. Subpoena. A witness may be required to attend a Small Claims proceeding by service upon him of a subpoena. Subpoenas may be issued in blank by the Clerk and filled out by the party wishing to use the same. A subpoena is served by exhibiting the original and delivering a copy thereof to the witness personally. The subpoena may be served by any person, including the parties to the action, providing he or she is eighteen (18) years of age or older. Return of Service of the subpoena shall be filed with the Clerk. If the witness fails to appear in Court after being served with a subpoena, the Court may issue a bench warrant for his arrest.

B. Subpoena, Peace Officers. Any member of the Tribal Police, the Montana Highway Patrol, Sheriff, Marshall or city or federal law enforcement agencies who is obligated by subpoena to

attend a session of the Small Claims Court as a witness regarding an event or transaction which he has perceived or investigated in the course of his duties, shall receive his salary or compensation and reasonable traveling expenses incurred by him in complying with such subpoena, upon agreement made between the Blackfeet Tribe and the various law enforcement agencies. In turn, the party at whose request such subpoena is issued, must reimburse the employing agency in the amount of such salary and traveling expense for the time such officer is absent from his official duties, unless such officer is off duty. Each employing agency shall submit to the court a cost schedule in computing the amount required. The employing agency may require a deposit upon receipt of the subpoena by the officer, but in no event may this deposit exceed the sum of Forty Five Dollars (\$45.00).

When the party requests such a subpoena, the Clerk shall:

- (1) collect the deposit, if so requested by the employing law enforcement agency and place such deposit in the safe of the Tribal Court marked separately under "Small Claim-Civil Trust";
- (2) prepare the subpoena, naming the officer, the law enforcement agency by which he is employed and its address, and the time and place at which the officer is to appear. The Clerk shall also endorse upon the subpoena the amount and receipt number of any deposit;
- (3) sign and seal the original subpoena and deliver both the original and the copy to the requesting party for service;
- (4) instruct the requesting party that the subpoena may be served either upon the officer personally, or upon his immediate superior, except that the officer is not entitled to witness and mileage fees;
- (5) enter in the Register of Small Claims action, the date and fact of the issuance of the subpoena; the time and place for appearance; the name of the officer; the name and address of the

law enforcement agency by which he is employed; the amount and receipt number of any deposit, if any, together with the name and address of the depositor;

(6) upon attendance of the officer as a witness, forward the deposit to the requesting law enforcement agency;

The peace officer subpoena may be shown as costs at the discretion of the judge;

C. Subpoena Duces Tecum. If a party to the action wishes a witness to bring physical evidence to the trial, such as books, documents, or other things under his control, a subpoena duces tecum should be issued and served on the witness. This subpoena is issued by the Clerk upon application of the requesting party and by the filing of an affidavit or declaration showing good cause for the production of the matters and things described to be produced, setting forth in full detail the materiality to the issues involved in the case. A subpoena duces tecum is served in the same manner as set out above for a subpoena, except that a copy of the affidavit or declaration must be served, together with the subpoena on the witness, and the original must be filed with the Court prior to the time of appearance.

D. Witness beyond 150 miles. A witness, including a peace officer subpoenaed pursuant to Section 21 E above, is not obligated to attend as a witness before the Small Claims Court if he resides more than one hundred fifty (150) miles from the Blackfeet Reservation, except; that a member of the Montana Highway Patrol may be subpoenaed to attend at a distance greater than one hundred fifty (150) miles if the party at whose request the subpoena is issued, reimburse the State of Montana for the actual necessary and reasonable travelling expenses upon request of the Montana Highway Patrol. The effective limitation set above is not applicable where a subpoena duces tecum is duly issued and the personal attendance of the custodian of records is not required.

SECTION 22. CONTINUANCES.

If, after service of the Declaration and Order within the prescribed time period, either the plaintiff or defendant requests a continuance, the requesting party must either:

A. File with the Clerk a written stipulation signed by both parties, plaintiff and defendant, agreeing to a new date of trial that conforms with the Court's calendar; or

B. Appear in Court ex-parte, prior to the original trial date, and make a motion for continuance;

or

C. Appear in Court on the date of the trial and request a continuance.

If the motion is granted, the Clerk shall give written notice of the continuance to all other parties.

SECTION 23. OFF CALENDAR CASES.

A. If a defendant has not been served, the Clerk shall:

(1) inform the plaintiff that his action will go off calendar automatically upon the non-appearance of the parties;

(2) place the case file with the other unserved actions;

(3) if neither party appears at the trial, so inform the Judge and the Judge in turn will order the action off calendar.

B. If the defendant has been served, and the plaintiff requests that his action be placed off calendar, the Clerk shall:

(1) inform the plaintiff that a memorandum of his request will be placed on the case file for attention of the Judge and that if the defendant appears, the Judge may either give judgment for the defendant or dismiss the action;

(2) before the trial, enter on the case or calendar a memorandum of the plaintiff's request.

C. If the defendant has been served and has filed a claim of the defendant against the plaintiff and thereafter, the plaintiff requests that his action be dismissed, or be placed off calendar, the Clerk shall:

(1) inform the plaintiff that the defendant is not deprived of his right of action on his claim and that if defendant appears and the plaintiff does not, the Judge may give judgment for the defendant and against the plaintiff on the defendant's claim;

(2) before the trial, call the Judge's attention to the plaintiff's request and the fact that the defendant has filed a claim against the plaintiff.

SECTION 24. DISMISSALS.

A. When the plaintiff desires to dismiss an action prior to trial and a claim of defendant has not been filed, the plaintiff may file a written request for entry of dismissal. Where the defendant has filed a claim, a voluntary dismissal by the plaintiff is barred, unless the defendant consents thereto in writing, or simultaneously files a dismissal on his claim.

B. If prior to trial, the plaintiff gives written notice, other than a dismissal that the claim has been satisfied, the Clerk shall note such notice in the case file and the Court shall dismiss the action at the date set for hearing of said action.

SECTION 25. TRANSFER OF SMALL CLAIMS ACTION TO TRIBAL COURT.

A. When a defendant in a Small Claims action has a claim against the plaintiff for an amount over the maximum jurisdiction of a nature which would be the subject of a cross-complaint, the Small Claims action may be tried together with a civil action filed by defendant against plaintiff in the Tribal Court.

After the defendant has filed the civil action in the Tribal Court, he must file with the Clerk of Small Claims Court, a copy of the civil complaint and a declaration setting forth the facts of the

commencement of such action. The defendant must also serve upon the plaintiff at or before the date set for trial of the Small Claims action, a copy of the declaration together with the summons and a copy of the civil complaint filed in Tribal Court.

B. Upon the filing of such a declaration and copy of the civil complaint, the Clerk shall:

- (1) collect and issue receipt for One Dollar (\$1.00) transmittal fee from defendant;
- (2) enter in the register of action, the filing of the declaration, copy of the civil complaint filed in Tribal Court, and the deposit of fees;
- (3) file the declaration and copy of the civil complaint and summons in the case file.

C. On the date set for trial, the judge of the Small Claims Court will order the Small Claims action transferred to the Tribal Court, provided that on or before said date, the defendant has served upon the plaintiff a copy of the Declaration, together with summons and a copy of the civil complaint in Tribal Court, and has filed proof of such service, or plaintiff does acknowledge such service in open Court.

SECTION 26. AMENDMENT TO DECLARATION.

The Court may, at the time of the trial or at any time prior to trial, on motion of the plaintiff or by stipulation of the parties, allow the plaintiff to amend his Declaration by adding the name of any new party, by dismissing his claims against any party named, or by correcting a mistake in the name of any party. A continuance may be granted by the Court when service of the declaration and order upon new parties is necessary.

SECTION 27. RECORDING PROCEEDINGS IN COURT.

A. At the time of hearing on a Small Claims action, the Clerk shall record in the register of actions minutes of the hearing which shall include;

- (1) the date of the proceeding;

- (2) the parties present;
- (3) if the case is ordered submitted, the order of submission;
- (4) the decision of the Judge, including the party or parties in whose favor the

judgment is given, the party or parties against whom the judgment is given, the amount of the judgment and costs, any order for payment of the judgment in installments, or other order affecting the execution of the judgment and the name of the presiding judge.

B. It is not necessary that the minutes in the register show the witnesses sworn, or exhibits presented but not retained, in the small claims trials, since an appeal from the Small Claims judgment results in a trial de novo in the Tribal Court.

SECTION 28. **NOTICE OF ENTRY OF JUDGMENT.**

The Clerk shall prepare and mail or delivery to each of the parties to a Small Claims action, a notice of the judgment rendered therein, showing the date of the judgment, the number and title of the action, the name of the party or parties in whose favor the judgment is given, the amount of the judgment and costs, the terms and conditions for payment of judgment, if any, and any order affecting execution of the judgment. The Clerk also enters the information as to the judgment in the register of actions and this acts as a judgment roll for each judgment so given.

SECTION 29. **DEFAULT JUDGMENT.**

If, after service of the Declaration and Order on the defendant within the prescribed time period, and the date for trial having been set, the defendant fails to appear at the appointed time and place, without any excuse or notification to the Court, the plaintiff will be given a default judgment against the defendant. The Clerk shall enter the default of the defendant in the register and shall deliver or mail notice of the default judgment to the defendant. Provided, however, that no default judgment may be taken against a defendant in a Small Claims action until the plaintiff has filed with the Clerk a

Declaration or Affidavit of Non-Military Service showing that the defendant is not in the Military Service of United States, pursuant to the terms of the Soldiers and Sailors Civil Relief Act of 1940, as amended and found in the United States Code.

SECTION 30. SATISFACTION OF JUDGMENT.

A. The Clerk must enter in the register of Small Claims action, a satisfaction of judgment whenever:

- (1) a memorandum or notice of judgment is filed, together with a letter signed by the judgment creditor, acknowledging payment of the judgment in full; or
- (2) a writ of execution is returned fully satisfied; or
- (3) an acknowledgement of satisfaction is filed, reciting payment of the judgment in full, or acceptance by the judgment creditor of any lesser sum in full satisfaction thereof. Such a satisfaction must be an original document, signed by the judgment creditor and acknowledged before a notary public or the Clerk of the Court; or
- (4) the judgment creditor endorses upon the face of, or in the register of actions, an acknowledgement that the judgment has been satisfied; or
- (5) ordered to do so by the Court.

SECTION 31. DISMISSAL OF AN APPEAL, OR ABANDONMENT OF APPEAL.

A. If the appellant fails to bring the appeal to trial within one (1) year after his request for an appeal is made to the Small Claims Court, and the appeal is dismissed by the Tribal Court, all papers and records, including the cash deposit on appeal, if posted, will be refunded by the Tribal Court to the Small Claims Court from which the appeal was taken, and thereafter the Small Claims Court shall have jurisdiction of the case, including all proceedings in enforcement of the judgment, as if no appeal had

been taken. Upon receipt of the records on appeal and copy of the Tribal Court Order dismissing the appeal, the Clerk shall:

- (1) enter in the register of actions, each document returned by the Tribal Court, the order of dismissal of the appeal, and the remittance of the cash bond on appeal, if posted;
- (2) give notice to the parties that the Tribal Court has dismissed the appeal; that all records and papers on appeal including the cash deposit on appeal, if posted, have been returned; and that, upon application of the parties, said cash deposit on appeal will be applied in satisfaction of the judgment, and the balance, if any, refunded to the appellant;
- (3) if a cash bond on appeal is on deposit, upon application of either party, prepare an order for disbursement of cash bond, disburse the cash bond, and show satisfaction of the judgment in the register.

B. The appellant may also abandon his appeal prior to transmittal to the Tribal Court of the record on appeal. The Clerk shall then enter the abandonment in the register and return the cash bond on appeal, if any, unless there is a motion by either party to use such bond to satisfy the Small Claims judgment.

SECTION 32. PROCEEDINGS AGAINST SURETIES FOLLOWING APPEAL.

A. By terms of the undertaking or agreement by the surety or sureties, such surety on the appeal becomes liable to the judgment creditor for the amount of the judgment entered if upon appeal to the Tribal Court, said judgment is affirmed, or the appeal is dismissed. When an appealed judgment is affirmed, all proceedings for its enforcement, including motions for judgment against the surety, are handled in the Tribal Court. When an appeal is dismissed, all papers are returned and jurisdiction for enforcement of the judgment is restored to the Small Claims Court.

B. If the judgment remains unpaid for thirty (30) days following dismissal of an appeal, the plaintiff may move the Court for an order giving judgment against the surety in the amount of the judgment, for interest thereon from the date of its entry, for costs on appeal, and for attorney's fees of Fifteen Dollars (\$15.00). If the plaintiff elects to proceed against the surety pursuant to the foregoing, the Clerk shall:

(1) inform the judgment creditor that he must file at least ten (10) days before the date set for hearing, a motion for judgment against the surety;

(2) instruct the judgment creditor to serve a copy of the motion in one (1) above upon each surety at least ten (10) days prior to the date set for hearing.

Judgments against sureties are enforced in the same manner as for other judgments in the Small Claims Court.

SECTION 33. WRITS OF EXECUTION-PROCEDURE.

A. When a Small Claims judgment has not been paid or otherwise satisfied, the judgment creditor is entitled, after entry of judgment and within ten (10) years thereafter, excluding any period during which execution is stayed or enjoined, to a writ of execution giving to the Tribal Police on the Blackfeet Reservation, the authority to satisfy the judgment out of the personal or real property of the judgment debtor. A writ of execution may not be issued until judgment has been entered in the register of Small Claims actions, and until the expiration of any stay of execution which may have been granted. A new writ of execution may be issued only when all prior writs of execution have been returned and filed.

B. If the judgment or the order prescribes the payment of the judgment in installments, a writ of execution may issue only upon the filing of a declaration by the judgment creditor showing that

the judgment debtor is in default on the installment payments, and noting any part of the judgment that has been satisfied up to the time of default.

C. A new writ of execution may be issued only when all prior writs of execution have been returned and filed.

D. The judgment creditor may claim interest accruing after entry of judgment by filing with the Clerk, at the time of his request for issuance of the writ execution, a declaration or affidavit specifying the amount of such interest. In no event may the amount of interest claimed exceed seven percent (7%) per year.

E. Upon request for issuance of the writ of execution, the Clerk shall:

(1) make certain there are no outstanding writs of execution on the judgment;

(2) prepare the writ of execution in an original and as many copies as are required by the Tribal Police, attaching to said writ any judgment debtor's claim of exemption as approved by the Court, if any, and a list of property of the judgment debtor, not exempt, which the judgment creditor has prepared and which he believes can be levied upon;

(3) instruct the judgment creditor to give the writ, with the attached papers as stated in two (2) above, to the Tribal Chief of Police for action;

E. After action has been taken upon the writ of execution, the Chief of Police shall return the writ to the Clerk, noting upon the writ whether it has been wholly unsatisfied, partially satisfied or wholly satisfied and noting the amount, if any, obtained in such satisfaction.

SECTION 34. WRITS OF EXECUTION-DUTY OF TRIBAL POLICE.

A. Upon receipt of a writ of execution in the form prescribed above in Section 33E (2), the Tribal Chief of Police or a Tribal Officer assigned by him, shall proceed to search for the described non-exempt property of the judgment debtor. If the property is in the form or money, such as wages, bank

account, or money in any other form, he shall take said money, issue a receipt to the holder thereof, together with a copy of the writ of execution, and hold money until he notifies the judgment creditor to pick it up. If the property is in the form of personal or real property other than money as set out above, the officer shall take the property into his possession and hold until he has complied with a procedure for sale. A receipt shall be issued to the holder together with a copy of the writ of execution.

B. Sale of Property, Personal and Real. The Tribal Chief of Police may hold any real or personal property of the judgment debtor, not exempt, for sale and apply the proceeds of the sale to satisfaction of the writ of execution in his possession. Any such property, if capable of being moved, shall be transported to the Tribal Law and Order building for safekeeping until the time of sale. The Chief of Police shall then cause a notice to be posted in three (3) public places within the Blackfeet Reservation stating that the property has been seized pursuant to a writ of execution in satisfaction of a judgment, naming the parties to the judgment; a full description of the property, the time and place of sale; that the highest bid will be taken, unless such bid is less than the current cost of the sale and any outstanding balance owed upon such property by the judgment debtor to the creditor of such property. The sale must be a public sale, and any private or secret sale is hereby forbidden. The sale must be held not less than ten (10) days after posting of the notice set out above, nor more than thirty (30) days after posting of such notice and shall be in a public place on the Blackfeet Reservation and shall remain open from the hours of 8:00 A.M. to 5:00 P.M. Bids may be accepted either in writing or by oral notice on the day of the sale only, and any oral bid will act as a binding offer the same as if it had been put in writing.

Upon receipt of the highest bid which qualifies under this Section, the Chief of Police shall inform the person making such bid and such bidder upon notice thereof, shall pay over the amount of his bid to the Chief of Police and receive the property. If the property is such that must be transferred

through an agent of either the State, Tribal or Federal governments, the Chief of Police shall execute the proper papers for such transfer and forward such documents to the proper agency to effect transfer of title to the bidder thereon. The Chief of Police shall then cause any proceeds from the sale to be paid on any outstanding balance owing to any creditor by the judgment debtor, then apply the remaining proceeds to the cost of the sale as itemized by the Chief of Police, then pay to the judgment creditor the remainder of the sum up to the total cost of the judgment. If the remainder of the proceeds from the sale, after deduction of outstanding balance owed to creditors and costs of the sale, do not equal the total amount of the judgment, the Chief of Police shall give any sum then remaining to the judgment creditor in partial payment on the judgment. If the sum, after all deductions are made exceeds the total amount of the judgment, the Chief of Police shall give the remaining balance to the judgment debtor. It is the duty of the judgment creditor to ascertain whether there is any outstanding balance due to any creditor by the judgment debtor on property so seized for sale under this section and to so inform the Tribal Chief of Police.

C. The judgment debtor has the right at any time before commencement of the sale of his property as set forth above, to redeem said property by paying to the Chief of Police the total sum of the judgment together with any costs assessed thereon by the Chief of Police for the setting of the sale. Upon such redemption, the Chief of Police shall release the property to the judgment debtor and shall notify the judgment creditor of the judgment money so held. The Chief of Police shall then return the writ of execution to the Clerk of Court with the total satisfaction noted thereon.

D. When the Chief of Police receives a writ of execution listing certain money of the judgment debtor held through the Agency Office of the Bureau of Indian Affairs and subject to execution under Chapter 2, Section 5 of this Code in the name of the judgment debtor either in an Individual Indian Money account or otherwise, the Chief of Police shall present the writ of execution to

the Superintendent of the Bureau of Indian Affairs on the Blackfeet Indian Reservation for release of such funds.

SECTION 35. WRITS OF EXECUTION-TIME LIMIT.

No writ of execution issued under Section 33 or 34 above shall be valid for more than three (3) months from the date of issuance by the Clerk of Court. If the Chief of Police is unable to act upon a writ of execution given to him within this three (3) month period, he must return the writ to the Clerk of Court as unsatisfied.

SECTION 36. ABSTRACT OF JUDGMENT.

An abstract of judgment is a brief transcript of essentials of a recorded judgment. It may be issued from the Small Claims Court if no appeal has been taken by the defendant and if the record does not show payment of the judgment according to the terms and conditions imposed by the Court.

SECTION 37. PROCEDURE FOR CLAIM FOR EXEMPTION.

When a judgment debtor desires to claim exemption for all or part of his earnings, he must file with the Clerk a Declaration of Exemption, together with a copy thereof, alleging:

- (1) that earnings levied upon are exempt to a certain sum;
- (2) specifying the subsection or subsections under section 39, below, relied upon for his exemption;
- (3) stating all necessary facts to support his claim; and
- (4) giving his name and address for the purpose of permitting service by mail of any affidavit, declaration, counter-affavit, or counter-declaration, or any notice of hearing thereon.

Upon the filing of an affidavit or declaration of exemption, the Clerk shall serve such notice of exemption on the judgment creditor with instructions that the judgment creditor may contest any claim of exemption made in such notice. The Clerk shall further set a hearing on the claim of exemption, not

less than five (5) days after service of the notice to the judgment creditor. If, within 5 days from service of the clerk's notice to the judgment creditor, the judgment creditor has not filed a counter-affidavit or otherwise contested the claim of exemption, the Court shall allow the claim, except that certain amounts may be either raised or lowered in accordance with Section 39 below or the Court's discretion.

SECTION 38. COUNTER-AFFIDAVIT TO CLAIM OF EXEMPTION.

To contest a Claim of Exemption, the judgment creditor must file with the Clerk, within five (5) days after service of the Clerk's notice, a counter-affidavit alleging that the amounts claimed in the Claim of Exemption are not exempt. Upon receiving such counter-affidavit, the Clerk shall set the matter for hearing within five (5) days thereafter, inform the parties to the action of the hearing date, and after such hearing note the Claim of Exemption allowed by the Court in the register.

Any amount ordered by the Court to be included in the judgment debtor's Claim of Exemption shall be exempt from execution. If the judgment debtor fails to file a Claim of Exemption under these provisions, any property he claims may be levied upon, with the exception of Section 39 A(8).

SECTION 39. EXEMPTIONS.

A. All property, including franchises or rights or interest therein, of the judgment debtor, shall be liable to an execution, except as provided in this Section, or elsewhere in this Code. If selected and reserved by the judgment debtor through his Claim of Exemption before execution thereon, the following property of the judgment debtor shall be exempt from execution upon order of the Court, upon either a hearing upon the affidavit and counter-affidavit filed by the judgment debtor and creditor or upon failure of the judgment creditor to contest judgment debtor's claim. This property shall consist of the following:

(1) Books, pictures, musical instruments, to the value of Seventy Five dollars (\$75.00);

(2) Necessary wearing apparel to the value of One Hundred Dollars (\$100.00), and if such judgment debtor is a householder, for each member of his family to the value of Fifty Dollars (\$50.00);

(3) Tools, implements, apparatus, team, harness, or library, necessary to enable the judgment debtor to carry on the trade, occupation or profession by which he habitually earns his living, to the value of Six Hundred Dollars (\$600.00), and sufficient quantity of food to support such team, if any, for sixty (60) days. (The word "team" here does not include more than a span of horses or mules);

(4) One vehicle to the value of Three Hundred Fifty Dollars (\$350.00) but the total exemption claimed and allowed by this subsection taken together with subsection (3) above, shall not exceed Six Hundred Dollars (\$600.00). (As used here the word "vehicle" includes an automobile, truck, trailer, truck and trailer or other motor vehicle and does not include any type of motor bike, motorcycle, or snowmobile);

(5) Domestic animals and poultry kept for family use to the total value of Three Hundred Dollars (\$300.00) and food sufficient to support such animals and poultry for sixty (60) days;

(6) Household goods to the total value of Four Hundred Dollars (\$400.00) if owned by the householder, and in actual use, or kept for use by and for his family or when being moved from one habitation to another including furniture, one radio, one television set and utensils plus provisions actually provided for family use and necessary for the support of a householder and family for sixty (60) days and also sixty (60) days supply of fuel;

(7) All property of the Tribe, or any governmental agency, including the State of Montana, City of Browning, and United States, or any other public or municipal corporation of like character;

(8) Sixty five percent (65%) of take-home pay earned as employment wages per week except that judgment debtor is still liable under this Section for any order of the Court for support of any person, any bankruptcy order or order for State or federal tax, and any salary, wages, credits or other property in possession of under control of the Tribe, city, federal government or school district is subject to execution with this subsection applying to exemptions in the same manner and with the same effect as like property held by individuals;

(9) A mobile home that is the actual abode of and occupied by the judgment debtor and his family when such mobile home is occupied as their sole residence and no other homestead exemption is claimed up to the value of Three Thousand Dollars (\$3,000.00) and this exemption shall not be impaired by temporary removal or absence with the intention to reoccupy the mobile home as a home for a period to exceed six (6) months, nor by sale thereof up to \$3,000.00 with the intention to procure another mobile home or homestead with the proceeds not to exceed six (6) months;

History: (Amended by Ordinance No. 43, Blackfeet Tribe, December 13, 1974-deleted here from the original Section are the words "and the property upon which mobile home is situated").

(10) A homestead up to the value of Seven Thousand Five Hundred Dollars (\$7,500.00) provided that it is the actual abode of and occupied by the owner, his spouse, parent or child and such exemption shall not be impaired by temporary removal or absence with the intention to reoccupy the homestead as a home for a period not to exceed six (6) months, nor by sale thereof up to \$7,500.00 with the intention to procure another mobile home or homestead with the proceeds not to exceed six (6) months, except that a house being purchased under any Blackfeet Housing Authority Program cannot be levied upon until the owner thereof has received clear title to said home and further that the word "homestead" as used here shall consist of a house or other similar structure which the above described persons occupy.

History: (Amended by Ordinance No. 43, Blackfeet Tribe, December 13, 1974-deleted here from the original Section are the words "and 160 acres or 1 block if in town or city provided it does not exceed the value of \$7,500.00" and added is the word "any" in substitution for "the" on line 11 of original and "a house or other similar structure which the above-described persons occupy").

(11) Any real property owned by an enrolled member of the Blackfeet Tribe, when such property is found within the exterior boundaries of the Blackfeet Reservation, provided that the owner thereof can produce to the Small Claims Court correct and sufficient documentation proving that he or she is the true owner of said property.

History: (Amended by Ordinance No. 43, Blackfeet Tribe, December 13, 1974. This is a new addition).

B. If the property selected or reserved by the judgment debtor and approved by order of the Court as exempt shall be adjudicated by the Court to be of such value in excess of that allowed by the appropriate subsection above, the officer making the levy shall proceed to sell such property, and, out of the proceeds of such sale, the officer shall deduct costs of sale and shall pay to the judgment debtor an amount equivalent to the value declared to be exempt by any of the subsections above to the value declared to be exempt by any of the subsections above and shall apply the balance of the proceeds of sale on the execution. No sale shall be made under such execution unless the highest bid made exceeds the appropriate exemption claimed and allowed plus costs of sale. If no bid is received in excess of the value allowed by the appropriate exemption value claimed by the judgment debtor and allowed by the Court, the costs of the sale shall be borne by the judgment creditor and the property shall be returned to the judgment debtor.

C. If the event the judgment debtor does not file a claim of exemption under subsection A above, all his property may be subject to execution, except:

- (1) Wages exemption under subsection A(8) above;

- (2) One rifle or shotgun and one pistol if the judgment debtor is 16 years of age or older and a resident of the Blackfeet Reservation;
- (3) Pensions, including Social Security benefits;
- (4) Welfare benefits;
- (5) Any possession of Blackfeet Cultural tradition given by ancestor or ceremony;
- (6) Any real property belonging to an enrolled member of the Blackfeet Tribe, when such property is found within the exterior boundaries of the Blackfeet Reservation.

History: (This subsection amended by Ordinance No. 43, Blackfeet Tribe, December 13, 1974, and is an addition hereto).

SECTION 40. COSTS BILL AFTER JUDGMENT.

A. A judgment creditor claiming costs consisting of items made after judgment must serve upon the adverse party, either personally or by mail, and file within six (6) months after such item cost has been incurred, and prior to the time of the judgment is fully satisfied, a memorandum of such costs and disbursements. Such memorandum is called a "Cost Bill After Judgment", and it must be verified by oath of the judgment creditor, stating that to the best of his knowledge and belief, the items listed are correct and that they have been summarily or reasonably incurred in the action. If the judgment debtor is dissatisfied with the costs claimed, he may, within ten (10) days (plus two days if service is by mail, after the service of a copy of the cost bill after judgment, file with the Court a motion to have the cost taxed by the Court in which the judgment was rendered. Upon hearing such motion, the Court will make an order respecting the costs of disbursements so claimed as the circumstances justify, allowing the same in whole or in part, or disallowing the same.

B. Any costs so approved by the Court shall be included in any execution issued upon the judgment.

SECTION 41. EXAMINATION OF JUDGMENT DEBTOR.

A. When a writ of execution against the property of a judgment debtor may properly be issued, whether or not such writ of execution has been issued or issued whether or not such writ of execution has been issued and returned unsatisfied, and when the residence or place of business of the judgment debtor is on the Blackfeet Reservation, the judgment creditor is entitled to an order of the Court requiring such judgment debtor to appear, at a time and place specified in the order, and answer questions concerning his property. However, a judgment debtor may not be required to appear and answer more frequently than every six (6) months. The order of the Court setting up such an examination is called "Order for Appearance of Judgment Debtor".

B. The Court may issue a bench warrant for the arrest of the judgment debtor if he fails to appear after being served with a court order for Appearance of Judgment Debtor.

C. At the hearing on the order, the Court may inquire as to any property the defendant holds that may be subject to a writ of execution. The judgment debtor may show to the Court any Claim of Exemption that has been approved by the Court, and may state any changes of circumstances that may bring any additional property under his claim of exemption. The Court in its discretion may add or take away certain property listed in the judgment debtor's Claim for Exemption if such claim was made more than six (6) months previous to the examination of the judgment debtor. The Clerk shall note any such changes and enter such change in the register.

SECTION 42. COURT SHALL PRESCRIBE RULES OF PROCEDURE.

The Small Claims Court shall promulgate and prescribe its own rules or procedure to cover any matter falling within its jurisdiction and not specifically set out in this Chapter, keeping in mind that the goal of the Blackfeet Small Claims Court is the orderly, efficient, and just determination of civil disputes in an atmosphere congenial to the settlement of such disputes.

SECTION 43. WORDS USED IN THIS CHAPTER.

For purposes of this Chapter, the following words shall have the prescribed meanings:

- A. "Court" shall always mean Small Claims Court.
- B. "Judge" shall mean the Judge of the Small Claims Court.
- C. "Clerk" shall mean the Clerk of the Small Claims Court.
- D. "Tribal Court" shall mean the Tribal Court of general jurisdiction of the Blackfeet Reservation.
- E. "He" or other pronouns in the masculine gender are used in a general manner and refer to either the masculine or the feminine as the case may be.

History: *(This Chapter and the provisions thereof approved by Ordinance of the Tribal Business Council of the Blackfeet Reservation, August 21, 1973).*

SECTION 44. STATUTE OF LIMITATIONS.

All actions under this Chapter must be commenced within two (2) years from the date the obligation becomes due and owing or from the time when the plaintiff was first aware of the cause of action. In no event shall any action be maintained under this Chapter which is not filed within two (2) years from the date when the plaintiff could first have filed suit hereunder.

History: *(This Section added by Blackfeet Tribal Resolution passed May, 1974).*

C AN ORDINANCE TO AMEND CHAPTER 10, ENTITLED
SMALL CLAIMS COURT, OF THE BLACKFEET TRIBAL
LAW AND ORDER CODE OF 1967, AS AMENDED TO
ADD ADDITIONAL EXEMPTION ITEMS

IT IS HEREBY ORDAINED that the Blackfeet Tribal
Business Council this 13TH day of December, 1974 hereby
passes the following ordinance to be an amendment to the
Blackfeet Tribal Law and Order Code of 1967, As Amended,
Chapter 10, Section 39, concerning additional terms to
the section on "Exemptions", as follows:

Section 39A(9) is hereby amended to read:

- (9) a mobile home that is the actual abode of and
occupied by the judgement debtor and his
family when such mobile home is occupied
as their sole residence and no other homestead
exemption is claimed up to the value of
\$3,000.00 and this exemption shall not be
impaired by temporary removal or absence
with the intention to reoccupy the mobile
home as a home for a period not to exceed
six (6) months, nor by the sale thereof
up to \$3,000.00 with the intention to
procure another mobile home or homestead
with the proceeds not to exceed six (6) months;

(deleted here from the original section are
the words, "and the property upon which
mobile home is situated" as found in lines
one and two of this subsection.)

Section 39A(10) is hereby amended to read:

- (10) a homestead up to the value of \$7,500.00
provided that it is the actual abode of and
occupied by the owner, his spouse, parent or
child and such exemption shall not be impaired
by temporary removal or absence with the
intention to reoccupy the homestead as a
home for a period not to exceed six (6)
months, nor by the sale thereof up to
\$7,500.00 with the intention to procure
another mobile home or homestead with the
proceeds not to exceed six (6) months,
except that a house being purchased under

any Blackfeet Housing Authority Program cannot be levied upon until the owner thereof has received clear title to said home and further that the word "homestead" as used here shall consist of a house or other similar structure which the above-described persons occupy.

(deleted here from the original section are the words "and 160 acres or 1 block if in town or city provided it does not exceed the value of \$7,500.00;" as found in lines 15-17 of this subsection and added here are the words, "any" in substitution for "the" on line 11, and "a house or other similar structure which the above-described persons occupy")

Section 39A(11) is hereby added to read:

- (11) any real property owned by an enrolled member of the Blackfeet Tribe, when such property is found within the exterior boundaries of the Blackfeet Reservation, provided that the owner thereof can produce to the Small Claims Court correct and sufficient documentation proving that he or she is the true owner of said property;

Section 39C(6) is hereby added to read:

- (6) any real property belonging to an enrolled member of the Blackfeet Tribe, when such property is found within the exterior boundaries of the Blackfeet Reservation;

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

ATTEST:



 Secretary, Blackfeet Tribal
 Business Council

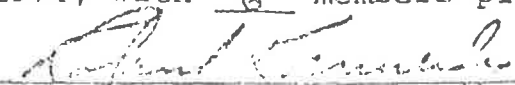


 Chairman, Blackfeet Tribal Business
 Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was passed and approved by the Blackfeet Tribal Business Council in a duly called, noticed and convened regular session assembled on the 13th day of December, 1974, with 6 members present to constitute a quorum.



 Secretary, Blackfeet Tribal Business Council

i

CHAPTER 11

APPEAL PROCEDURE, CIVIL AND CRIMINAL

TABLE OF CONTENTS

| | |
|---|---------|
| PART I. GENERAL ----- | 260 |
| Section 1. The Court of Appeals of the Blackfoot Tribe----- | 260 |
| Section 2. Place of Sitting----- | 260 |
| Section 3. Clerk of the Court of Appeals----- | 261 |
| Section 4. Filing and Service----- | 261 |
| A. Filing----- | 261 |
| B. Service of all paper required----- | 261 |
| C. Manner of service----- | 261 |
| D. Proof of service----- | 261 |
| Section 5. Computation and Extension of Time----- | 261 |
| Section 6. Motions----- | 261 |
| Section 7. Cases involving constitutional questions where the Tribe is not a party----- | 262 |
| Section 8. Reserved----- | 262 |
| Section 9. Reserved----- | 262 |
| PART II. CRIMINAL ----- | 263 |
| Section 10. Scope of Part II of this Chapter----- | 263 |
| Section 11. Scope of Appeal; Tribe----- | 263 |
| Section 12. Scope of Appeal; Defendant----- | 263 |
| Section 13. Procedure on Appeal----- | 264 |
| Section 14. Stay of Judgment pending Appeal----- | 264 |
| A. Imprisonment----- | 264 |
| B. Fine----- | 265 |
| C. Probation----- | 265 |
| D. Suspended Sentence----- | 265 |
| E. An appeal taken by the Tribe----- | 265 |
| Section 15. The Record on Appeal----- | 265 |
| Section 16. Transmission of the Record----- | 267 |
| A. Time----- | 267 |
| B. Duty of Clerk to Transmit----- | 267 |
| C. Extension of Time for Transmission----- | 268 |
| D. It is the duty of the appellant----- | 268 |
| Section 17. Docketing the Appeal----- | 268 |
| Section 18. Hearing of the Appeal; Briefs oral arguments----- | 269 |
| A. Upon the filing of a record----- | 269 |
| B. Briefs----- | 269 |
| (1) Appellant----- | 269 |
| (2) Respondent----- | 269 |
| (3) Reply of Appellant----- | 269 |
| (4) Lengths of briefs----- | 269 |

(5) Time for submission of briefs----- 270

(6) Failure to File Brief or Filing a Brief Outside of Required Time--- 270

C. Oral Arguments----- 270

Section 19. Brief of Amicus Curiae----- 271

Section 20. Decision of the Court of Appeals----- 271

Section 21. Petition for Rehearing----- 271

Section 22. Substantial and insubstantial errors on appeal----- 272

Section 23. Determination of Appeal----- 272

Section 24. Filing Fee; Transmittal Fee----- 272

A. Filing Fee----- 272

B. Transmittal Fee----- 272

Section 25. Indigent Appeals----- 272

Section 26. Habeas Corpus----- 273

PART III. CIVIL----- 275

Section 30. Scope of Rules----- 276

Section 31. What the Court may review on an Appeal from a Judgment----- 276

Section 32. How the Appeal is taken----- 276

A. Filing of the Notice of Appeal----- 276

B. Joint Appeals----- 276

C. Content of the Notice of Appeal----- 276

D. Service of the Notice of Appeal----- 276

Section 33. Time for filing Notice of Appeal----- 277

Section 34. Undertaking for costs on Appeal----- 277

Section 35. Stay of Judgment or Order pending Appeal----- 278

Section 36. Sureties and their Responsibility----- 280

Section 37. The Record on Appeal----- 280

Section 38. Transmission of the Record on Appeal----- 280

Section 39. Docketing the appeal – filing of the record----- 280

A. Docketing the Appeal----- 280

B. Filing of the Record----- 281

C. Dismissal for failure of appellant to cause timely transmission or to Docket Appeals----- 281

Section 40. Remedial powers of the Court of Appeals----- 281

Section 41. Action by Clerk of Court of Appeals after appeal----- 282

Section 42. Appeals In Forma Pauperis----- 282

Section 43. Briefs----- 283

A. Appellant----- 283

B. Respondent----- 283

C. Reply Brief----- 283

D. Filing Briefs----- 283

E. Each party filing a brief----- 284

F. No brief filed----- 284

G. All briefs filed----- 284

Section 44. Rehearing conference----- 284

Section 45. Oral argument----- 284

| | | |
|-------------|---------------------------------------|-----|
| Section 46. | Decision on Appeal – Time----- | 285 |
| Section 47. | Interest on Judgments----- | 285 |
| Section 48. | Damages for Appeal without Merit----- | 285 |
| Section 49. | Costs on Appeal----- | 286 |
| | A. Filing fee----- | 286 |
| | B. Other costs----- | 286 |
| | C. Transmission of record----- | 286 |
| Section 50. | Petition for Rehearing----- | 286 |
| Section 51 | Voluntary Dismissal----- | 287 |
| Section 52 | Substitution of Parties----- | 287 |
| | A. Death of party----- | 287 |
| | B. Other reasons----- | 288 |
| | C. Public Officials----- | 288 |
| Section 53. | Appeals from Injunction Orders----- | 288 |

CHAPTER 11**APPEAL PROCEDURE, CIVIL AND CRIMINAL****PART I. GENERAL****SECTION 1. THE COURT OF APPEALS OF THE BLACKFEET TRIBE.**

The highest court of the Blackfeet Tribe shall be known as the Blackfeet Court of Appeals and shall consist of five (5) Justices selected from within the adult membership of resident members of the Blackfeet Tribe by the Blackfeet Tribal Business Council. The Court of Appeals shall hear the appeal of all cases, criminal, and civil, including juvenile cases, appealed from the Blackfeet Tribal Court, and shall have original jurisdiction to hear writs of habeas corpus. There must be at least three (3) Justices sitting together as a body to hear any case appealed to the Court of Appeals, including writs of habeas corpus. The five (5) justices shall select from within their membership, a Chief Justice who shall attend to the administration of the Court of Appeals and select members of the Court to sit on each and every appealed case.

SECTION 2. PLACE OF SITTING.

The Blackfeet Court of Appeals shall hear all appeals in the Blackfeet Judicial Building and such appeals shall be open to the public only during oral arguments.

SECTION 3. CLERK OF THE COURT OF APPEALS.

The Chief Justice of the Court of Appeals shall select and appoint a Clerk of the Tribal Court to act as the Clerk of Appeals. If there is more than one Clerk of the Tribal Court, The Chief Justice, in his or her discretion, may rotate the appointment at the end of every six (6) months period.

SECTION 4. FILING AND SERVICE.

A. Filing. Papers required or permitted to be filed must be placed in the custody of the Clerk within the time fixed for filing. Filing may be accomplished by mail addressed to the Clerk, but filing shall not be timely unless the papers are actually received within the time fixed for filing.

B. Service of all papers required. Copies of all papers, including any transcript, filed by any party and not required by this Chapter to be served by the Clerk shall, at or before the time of filing, be served by the party or person acting for him or her on all other parties to the appeal. Service on a party represented by counsel shall be made on the counsel.

C. Manner of service. Service may be personal or by mail. Personal service includes delivery of the copy to a Clerk or other responsible person at the office of counsel. Service by mail is complete on mailing.

D. Proof of service. Papers presented for filing shall contain acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service. Proof of service may appear on or be affixed to the papers filed.

SECTION 5. COMPUTATION AND EXTENSION OF TIME.

Computation and extension of time in this Chapter shall be governed by Chapter 9, Rule 7 (A) and (B) of this Code.

SECTION 6. MOTIONS.

Unless another form is prescribed by this Chapter, an application for an order or other relief in both a criminal and civil appeal shall be made by filing a motion in writing for such order or relief. The motion shall state with particularity the grounds therefore and shall set forth the order or relief sought. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the

motion. Motions for procedural orders may be determined ex parte. If a Motion seeks dismissal of the appeal or other substantial relief, any party may file an answer in opposition within seven (7) days after service of the motion, or within such times as the Court of Appeals may direct. Motions, supporting papers, and any response thereto may be either typewritten or handwritten.

At the time of filing a motion the party or counsel shall present a proposed order, together with sufficient copies of both the motion and order for service upon all parties of record.

SECTION 7. **CASES INVOLVING CONSTITUTIONAL QUESTIONS WHERE
THE TRIBE IS NOT A PARTY.**

It shall be the duty of a party or counsel who challenges the constitutionality of any act of the Blackfeet Tribe in any suit or proceeding, civil or criminal, in the Court of Appeals, to which the Blackfeet Tribe, or any agency officer or employee thereof is not a party, to give immediate notice in writing to the Court of such a question, specifying the section of the Code or the law in question. The Clerk shall thereupon certify such to be the fact to the General Counsel of the Blackfeet Tribe who may enter the case as an amicus curiae upon leave of the Court.

[SECTIONS 8 THROUGH 9 RESERVED).

PART II. CRIMINAL

SECTION 10. SCOPE OF PART II OF THIS CHAPTER.

This Chapter, Part II, shall govern all appeals from all criminal cases heard in the Blackfeet Tribal Court. All existing methods of appeal in criminal cases existing within the Courts of the Blackfeet Tribe are hereby abolished with the exception of the Small Claims Court.

SECTION 11. SCOPE OF APPEAL; TRIBE.

A. Except as authority by this Code, the Tribe may not appeal in a criminal case.

B. The Tribe may appeal from any Court order or judgment which results in:

(1) dismissing a case;

(2) modifying or changing a verdict of a jury by finding the defendant guilty of a lesser degree of the crime charged, finding the defendant guilty of a lesser included crime, or finding the defendant not guilty, any of which are ordered by the Blackfeet Tribal Court upon application of the defendant for a new trial;

(3) granting a new trial;

(4) squashing an arrest or search warrant;

(5) suppressing evidence;

(6) suppressing a confession or admission.

SECTION 12. SCOPE OF APPEAL; DEFENDANT.

An appeal may be taken by a defendant only from a final judgment of conviction, orders after judgment which affect the substantial rights of the defendant or from a denial of a motion to dismiss the charges against the defendant. Upon appeal from a judgment, order or motion as noted above, the Court of Appeals may review the verdict of a jury or decision or order of a Judge of the lower court objected to

which involved the merits of the case or necessarily affects the judgment or charge against the defendant.

SECTION 13. PROCEDURE ON APPEAL.

A. An appeal shall be taken by filing a notice of appeal in the Court which handed down the judgment, decision or order.

B. The notice of appeal shall specify the party or parties taking the appeal and shall designate the judgment, decision or order appealed from, and grounds for the appeal.

C. The Clerk of the Tribal Court shall serve notice of the filing of a notice of appeal on the adverse party, either the Tribe or the defendant, by either mailing a copy of the notice of appeal to the party at his last known address, or personally serving the party with the notice or appeal was served. Failure of the Clerk to serve notice shall not affect the validity of the appeal.

D. The party appealing shall be known as the appellant and the adverse party shall be known as the respondent but the title of the case shall not be changed from what it was in the Tribal Court.

E. An appeal from a judgment, decision or order must be taken within ten (10) days after it is rendered, and the defendant has one (1) day after final judgment is imposed before he or she begins to comply with the judgment so rendered.

SECTION 14. STAY OF JUDGMENT PENDING APPEAL.

A. Imprisonment. If a defendant is sentenced to time in jail by the Tribal Court, and makes a timely application for appeal, the jail sentence is stayed pending the outcome of the appeal. The Tribal Judge may continue the bail as originally set upon the defendant for the charge appealed from or may either lower the amount of the bail or release the defendant upon his own recognizance according to the bail procedure set down by the Blackfeet Tribal Court, pending the appeal.

B. Fine. If a defendant is fined and makes a timely appeal, the sentence to pay a fine or other costs shall be stayed by the Tribal Court pending the outcome of the appeal.

C. Probation. If an appeal is taken and the defendant was admitted to probation, he or she shall remain on probation pending the outcome of the appeal or else shall post bail.

D. Suspended Sentence. If the defendant was given a suspended sentence by the Tribal Court, such sentence shall be suspended pending the outcome of the appeal.

E. An appeal taken by the Tribe in no way affects or stays the operation of the judgment, decision or order in favor of the defendant until the judgment, decision or order is reversed by the Court of Appeals.

SECTION 15. THE RECORD ON APPEAL.

A. The Tribal Court Reporter or the Clerk of Court, in the absence of the reporter, shall keep a transcript of any criminal proceedings before the Tribal Court. This transcript shall consist of either a complete transcription of the entire proceedings or a tape recording of the entire proceeding. In the event a tape recording of the proceeding is made, such tape shall be certified and catalogued by the Clerk of the Tribal Court, and kept for a period of not less than twenty five (25) days. At the end of the twenty five (25) day period there has been no appeal or further proceedings on the case, the Clerk shall make a record of minutes from the tape and may then erase the tape. The minutes shall contain the name of the action, the name of the presiding judge, the names of all the witnesses, a brief summation of the evidence of both the prosecution and the defense, the verdict or decision and the judgment, including any sentence in the event of a finding of guilty.

B. The original papers and exhibits filed in the Tribal Court, including the complaint and the warrant of arrest or summons, the transcript of the proceedings, if any, and a certified copy of the

Register entries prepared by the Clerk of the Tribal Court, shall make up the record on appeal in all cases.

C. Within five (5) days after filing notice of appeal, the appellant shall contact the Clerk of the Tribal Court to ascertain whether or not there has been a transcript made of the proceedings. The Clerk of the Tribal Court shall then either produce a written transcript or an accurate tape recording of the proceedings within two (2) days after such inquiry by the appellant. In the event there is no written transcript or an accurate, unflawed tape recording of the proceedings, the Clerk of the Tribal Court shall so inform the appellant within the two (2) day period mentioned above. The appellant shall then proceed under subsection C of this Section below. If there is a transcript of the proceedings the Tribal Clerk shall so inform the appellant and then file the transcript, together with the other papers constituting the record on appeal in an appropriate "pending appeals" file, and the appellant is required to pay Two Dollars Fifty Cents (\$2.50) for this transcript.

D. If there is no adequate transcript of the proceedings, the parties may prepare and sign a statement of the case showing what the substance of the testimony was at the original trial or hearing. The appellant first prepares a statement of the evidence at the proceedings from the best available means, including his or her recollection. This statement shall be prepared not less than three (3) days after notification by the Clerk of the Tribal Court that no adequate transcript exists. This statement shall then be served upon the respondent, who may serve objections or propose amendments to the statement within three (3) days after service of the statement upon him or her. Thereupon, the statement together with any objections or amendments shall be filed in the Tribal Court and the trial judge shall settle and approve the statement to constitute a "Statement of the Proceedings" to be included in the record on appeal. The approval by the trial judge must be within two (2) days after the filing of the statement. The

statement shall contain the signature of both the appellant and the respondent and shall be signed by the Tribal Judge approving the same.

E. If any difference arises as to whether the record on appeal truly tells what occurred in the Tribal Court, the difference shall be submitted to and settled by that Court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident, or is misstated therein, the parties by stipulation, or the Tribal Court, either before or after the record is transmitted to the Court of Appeals, on proper suggestion or of its own initiative, and direct that the omission or misstatement be corrected, and if necessary that a supplemental record be certified and transmitted. All other questions as to the form and content of the record shall be presented to the Court of Appeals.

SECTION 16. TRANSMISSION OF THE RECORD.

A. Time. The record on appeal, including the transcript or the "Statement of the Proceedings" shall be transmitted to the Court of Appeals within thirty (30) days after the filing of the notice of appeal, unless this time is shortened or extended by an order or the Tribal Court. If the appellant has complied with Section 9, above, in a lesser time, the record on appeal shall be transmitted to the Court of Appeals immediately after such compliances which may be less than thirty (30) days without leave of the Court. Thus, if there is an adequate transcript of the proceedings or uncontested "Statement of the Proceedings", the Clerk of the Tribal Court shall transmit the record on appeal within two (2) days after such transcript of "Statement" has been certified or approved.

B. Duty of Clerk to Transmit. It is the duty of the Clerk of the Tribal Court to transmit the record on appeal, as defined in Section 9B above to the Clerk of the Court of Appeals, who in turn shall notify the Chief Justice of the Court of Appeals that an appeal has been filed and the records transmitted. The Clerk of the Tribal Court must certify that the record on appeal is the actual record filed and

approved in the Tribal Court. The Clerk of the Court of Appeals shall note on the face of the record the date it has been transmitted to the Court of Appeals.

C. Extension of Time for Transmission. The Tribal Court may extend the time for transmitting the record on appeal upon timely motion from either party, but in no event shall such extension go beyond fifteen (15) days from the time set for such transmission in subsection A of this section. A motion for extension of time for transmitting the record shall show the inability of the party, due to causes beyond his or her control or circumstances which may be deemed excusable neglect.

D. It is the duty of the appellant to make sure that the record on appeal has been transmitted to the Court of Appeals within the time period noted in subsection A above.

SECTION 17. DOCKETING THE APPEAL.

The Clerk of the Court of Appeals shall keep a "Docket of Appeals Criminal" in which shall be listed each and every paper or document filed in the Court, the date of the filing, any order of the Court pertaining to the case, a case number of the appeal, the notation of any decision reached by the Court and any other matter affecting the case in question. Upon receipt of the record on appeal, the Clerk of the Court shall note the papers filed in the record, and the date of filing. The Clerk of the Court of Appeals shall also keep each case appealed in a separate file folder and a separate file cabinet marked "Appeals-Criminal".

The Clerk of the Court of Appeals shall give notice immediately to all parties of the date on which the record was filed. If the appellant fails to cause the transmission of the record within the time allowed, any respondent may file a motion in the Court of Appeals to dismiss the appeal. The motion must be accompanied by a certified statement of the Clerk of the Court of Appeals showing the date on which the record was filed together with any order extending the time for filing, together with the date

when appellant filed his or her notice of appeal. If the Court of Appeals finds that the record was not transmitted within the time allowed, the motion shall be allowed and the appeal dismissed.

SECTION 18. HEARING OF THE APPEAL; BRIEFS ORAL ARGUMENTS

A. Upon the filing of a record an appeal and the notification of the Chief Justice by the Clerk of the Court of Appeals, that an appeal has been filed, the Chief Justice shall set a hearing on the appeal not less than twelve (12) nor more than twenty (20) days after such notification. The Clerk of the Court of Appeals shall immediately notify the parties as to the date of the appeal which shall include the fact that both parties are to present oral arguments at that time. The Chief Justice shall then appoint three (3) Justices to hear the case and notify them of the time and date of the hearing of the appeals.

B. Briefs:

(1) Appellant. The Appellant may submit a brief to the Court of Appeals which shall be in the following form:

- (a) a brief statement of the case including the decision of the Tribal Court;
- (b) a statement of the issue presented for review;
- (c) an argument putting down the contentions of the appellant; and
- (d) a short conclusion stating the precise relief sought.

(2) Respondent. The respondent shall submit a brief to the Court of Appeals in reply to appellant's brief in the same form as above except that the respondent may omit a statement of the case unless he or she is dissatisfied with the statement as set down by the appellant.

(3) Reply of Appellant. The Appellant may make a short reply brief to the respondent's brief only covering any new matter brought up by the respondent.

(4) Lengths of briefs. Each brief must contain the title of the case and in no event may exceed ten (10) typewritten pages or fifteen (15) handwritten pages.

(5) Time for submission of briefs. The appellant's brief must be filed with the Court of Appeals within five (5) days after receipt of notice of hearing. The respondent brief must be filed within three (3) days after receipt of appellant's brief. It is the duty of both the appellant and respondent to serve their briefs upon the opposing party either by certified mail or by personal service. The reply brief must be filed within two (2) days after receipt of respondent's brief.

(6) Failure to file Brief or filing a Brief Outside of the Required Time. If one party fails to file a brief with the Court of Appeals, his case will stand on his oral argument and the record of appeal. If a party fails to file a brief within the required time period without an order of extension by the Court of Appeals, such late brief, upon motion by the opposing party shall be deemed not filed and shall not be considered in the hearing of the appealed case.

C. Oral Arguments. On the date and time set for the hearing of the appeal, both the appellant and respondent should be present to present oral arguments before the Court of Appeals.

The appellant and respondent may be represented by counsel and if such is the case, only the counsel need be present for oral argument. The appellant is allowed fifteen (15) minutes for oral argument and the respondent is allowed ten (10) minutes. The appellant is the first to present oral argument and may proceed for ten (10) minutes. The respondent may then make a ten (10) minute presentation, after which the appellant has an additional five (5) minutes to sum up and close the argument. At the end of the oral argument either party or counsel may be questioned by any of the Justices sitting on the appeal. If one party fails to appear, or to have his counsel appear for him or her, the opposing party may present oral argument and the case will then be decided on the briefs, if any, the record on appeal, and the argument heard. If a party fails to file a brief and appear for oral argument, the case will be decided upon the brief and/or oral argument of the opposing party.

SECTION 19. BRIEF OF AMICUS CURIAE.

A brief of an amicus curiae may be filed only if accompanied by written consent of all parties, or by leave of the Court of Appeals granted on motion. A motion to file such a brief must state the interest of the applicant and the reasons why such a brief is desirable. A motion for leave of an amicus curiae to participate in the oral argument will be granted only for extraordinary reasons.

SECTION 20. DECISION OF THE COURT OF APPEALS.

Within five (5) days after the hearing of the case, the Court of Appeals must render a decision. This decision shall be in writing, signed by the Justices sitting on the case who agree with the decision and filed with the Clerk of the Court of Appeals. The Clerk of the Court of Appeals shall then send a copy of the decision to the appellant, the respondent and the Clerk of the Tribal Court. Upon receipt of the decision, the Clerk of the Tribal Court shall report the decision to the Tribe Judge for appropriate action. There must be at least a majority of the Justices sitting on any appeal case who agree on a decision of the Court before such decision becomes final. If five (5) Justices sit on a case, at least three must concur to make a final decision; if four Justices sit on a case, at least three must concur to make a final decision; if three Justices sit on a case at least two must concur to make a final decision.

SECTION 21: PETITION FOR REHEARING

A petition for a rehearing before the Court of Appeals may be filed within ten (10) days after the decision of the Court has been rendered and the adverse party shall have seven (7) days thereafter in which to serve and file his or her objections thereto. A petition for rehearing may be presented on the following grounds and no others: That some facts, material to the decision, or some question decisive of the case submitted by counsel, was overlooked by the Court, or that the decision, is in conflict with an express statute or controlling decision to which the attention of the Court was not directed. Oral

argument in support of the petition will not be permitted. The rehearing will be held without oral argument and will be decided only upon the petition and the objections thereto.

SECTION 22. **SUBSTANTIAL AND INSUBSTANTIAL ERRORS ON APPEAL.**

Any error, defect, irregularity or variance which does not affect substantial rights shall be disregarded. Defects affecting jurisdiction or constitutional rights may be noticed although they were not brought to the attention of the Tribal Court sitting as the trial court.

SECTION 23. **DETERMINATION OF APPEAL.**

On appeal, the Court of Appeals may:

- A. Reverse, affirm or modify the judgment or order from which the appeal is taken;
- B. Set aside, affirm or modify any or all of the proceedings subsequent to or dependent upon the judgment or order from which the appeal is taken;
- C. Reduce the degree of the offense of which the appellant was convicted;
- D. Reduce or raise the punishment within the limits of the particular statute, imposed by the Tribal Court; or
- E. Order a new trial if justice so requires.

SECTION 24. **FILING FEE; TRANSMITTAL FEE.**

- A. Filing Fee. The cost of filing a notice of appeal is Ten Dollars (\$10.00).
- B. Transmittal Fee. The cost of transmitting a record on appeal is Two Dollars (\$2.00).

SECTION 25. **INDIGENT APPEALS.**

- A. Upon imposition of any sentence in a criminal case, a defendant may file in the Tribal Court, a petition requesting that he or she be furnished with a transcript of the proceeding at his or her trial and that the filing fee for the notice of appeal, the transmission fee of the record on appeal and the transcript fee be waived because of the defendant's indigency. The petition shall be verified by the

defendant and shall state facts showing that he or she is at the time of the filing of the petition, without financial means to pay the filing fees and the cost of the transcript. If the trial judge who imposed sentence, or in his or her absence, any judge of the Tribal Court finds that the defendant is without financial means with which to pay the filing fee, he shall order the Clerk of the Tribal Court to produce the transcript and waive the filing fee for the notice of appeal and the transmission of the record on appeal.

B. If the petition provided for in subsection A above, is denied by the Tribal Court, a petition so to proceed may be filed in the Court of Appeals within ten (10) days after entry of the denial. The petition shall be accompanied by a copy of the verified petition filed in the Tribal Court and of the statement of reasons for denial given by the trial court.

SECTION 26. HABEAS CORPUS.

A writ of habeas corpus may be filed by any person who is detained in the Blackfeet Tribal Jail before any hearing on the merits of the charges against him or her. The writ may be made by the prisoner alone, or if requested by the prisoner, the Clerk of the Tribal Court must make such a writ on behalf of the prisoner. The writ shall state the reasons why the prisoner feels he or she is being wrongfully detained and shall immediately be serve upon the Chief Justice of the Court of Appeals, who upon receipt of such writ must call a hearing on the writ within one (1) day after receipt thereof, unless on a weekend, in which case the hearing shall be called the next day after a weekend or holiday. Three (3) Justices must sit at the hearing and the prisoner and/or his counsel may be present to present oral arguments on the merits of the writ. The Court of Appeals may also summon in the Tribal Jailer and request a record of the charge to be presented by the Clerk of the Tribal Court. If the Justices find that the prisoner has been unlawfully detained and jailed, they must proceed affirmatively upon the writ of habeas corpus and order the release of the prisoner. Release under a writ of habeas corpus in no way

affects any charge against the defendant and the Tribe may proceed to charge the defendant under the legal methods and procedures provided under this Code. This Section in no way interferes with the prisoner's right to seek a writ of habeas corpus through the United States District Court.

PART III. CIVIL

SECTION 30. SCOPE OF RULES

These rules govern procedure in appeals in civil cases to the Court of Appeals of the Blackfeet Tribe from the Tribal Court and original proceedings in the Court of Appeals. The party applying for original relief is known as the petitioner and the adverse party as the defendant. The party appealing is known as the appellant, and the adverse party as the respondent.

A party aggrieved may appeal from a judgment or order, except when expressly made final by law, in the following cases:

A. From a final judgment entered in an action or special proceeding commenced in the Tribal Court with the exception of Small Claims cases.

B. From an order granting a new trial; or granting or dissolving an injunction; or refusing to grant or dissolve an injunction; or dissolving or refusing to dissolve a writ of execution; from an order directing the delivery, transfer, or surrender of property; from any special order made after final judgment. In any of the cases mentioned in this subsection, the Court of Appeals, or a justice thereof, may stay all proceedings under the order appealed from, on such conditions as may seem proper.

C. From a judgment or order granting or refusing to grant, revoking or refusing to revoke, letters testamentary, or of administration, or of guardianship; or admitting or refusing to admit a will to probate, or against or in favor of the validity of a will, or revoking or refusing to revoke the probate thereof; or against or in favor of setting apart property, or making an allowance for a widow or child; or against or in favor of directing the partition, sale, or conveyance of real property, or settling an account of an executor, or administrator, or guardian; or refusing, allowing, directing the distribution or partition of any estate, or any part thereof, or the payment of a debt, claim, legacy, or distributive share; or confirming, or refusing to confirm a report of an appraiser setting apart a homestead.

All questions raised on an order overruling a motion for a new trial may be raised and reviewed on and from the judgment.

SECTION 31. WHAT THE COURT MAY REVIEW ON AN APPEAL FROM A JUDGMENT.

Upon appeal from a judgment, the Court of Appeals may review the verdict or decision, or any intermediate order or decision which involves the merits, or necessarily affects the judgment, except a decision of order from which an appeal might not have been taken.

SECTION 32. HOW THE APPEAL IS TAKEN.

A. Filing of the Notice of Appeal. An appeal shall be taken by filing a notice of appeal in the Tribal Court. Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the Court of Appeals deems appropriate, which may include dismissal of the appeal.

B. Joint Appeals. If two or more persons are entitled to appeal from a judgment or order of the Tribal Court and their interests are such as to make a joinder practicable, they may file a joint notice of appeal, or may join in appeal after filing separate notices of appeal as a single appellant.

C. Content of the Notice of Appeal. The notice of appeal shall specify the party or parties taking the appeal; and shall designate the judgment or order appealed from together with the grounds for the appeal.

D. Service of the Notice of Appeal. The Clerk of the Tribal Court shall serve notice of the filing of a notice of appeal by mailing a copy thereof to each party of record other than the appellant, or the counsel of each party if the party is so represented, and shall mail a copy of the notice of appeal to the Clerk of the Court of Appeals or serve the Clerk of the Court of Appeals by personal service, whichever is more appropriate and expedient. The Clerk of the Tribal Court shall note on each copy served the date on which the notice of appeal was filed. If an appellant is represented by counsel, his

counsel shall provide the Clerk with sufficient copies of the notice of appeal to permit the clerk to comply with the requirements of this section. Failure of the clerk to serve notice shall not affect the validity of the appeal. The Clerk shall note in the Register of Civil Actions the names of the parties to whom she mails copies, with the date of mailing, or shall file a certificate of personal service noting in the Register the name of the person served and the date served.

SECTION 33. TIME FOR FILING NOTICE OF APPEAL.

The time for filing notice of appeal as described in section 32 above must be within fifteen (15) days from the entry of the judgment or order appealed from in the Tribal Court. If the Tribe or any political subdivision thereof is a party, the notice of appeal shall be filed within twenty-five (25) days from the date of entry of the judgment or order in the Tribal Court. If the timely notice of appeal is filed by a party, any other party may file a notice of appeal within seven (7) days of the date on which the first notice of appeal was filed, or within the time otherwise provided in this section, whichever period comes last.

Upon a showing of excusable neglect or other unavoidable circumstances, the Tribal Court may extend the time for filing the notice of appeal by any party for a period not to exceed fifteen (15) days from the expiration of the original time prescribed by this rule.

SECTION 34. UNDERTAKING FOR COSTS ON APPEAL.

Within five (5) days after service of notice of appeal an undertaking for costs on appeal shall be filed in the Tribal Court, or a deposit of money in the amount thereof shall be deposited with the clerk of the Tribal Court, or the undertaking may be waived by the adverse party in writing. The undertaking must be executed on the part of the appellant by at least two sureties, or one corporate surety, to the effect that the appellant will pay all damages under Section 48 and costs which may be awarded against him on the appeal, or on the dismissal thereof, not exceeding Five Hundred Dollars (\$500.00). If the

undertaking on appeal is not filed within the time specified, or if the undertaking filed is found insufficient and if the action is not yet filed with the Court of Appeals, an undertaking may be filed at such time before the action is so filed as may be fixed by the Tribal Court. After the action is filed, application for leave to file an undertaking may be made only in the Court of Appeals. If the appellant is indigent, he or she may file a motion to waive the undertaking for costs on appeal, including in the motion evidence to show that he or she is in fact indigent at the time of filing the notice of appeal, but feels that there is a good and meritorious claim for review and that if the appellant is stopped from appealing due to a lack of funds that great injustice will result. The Court may waive the undertaking upon the application of the appellant but may require the appellant to file an agreement with the court that in the event the appeal is affirmed or dismissed, he or she will pay the judgment against him or her within twenty (20) days after affirmance or dismissal by the Court of Appeals and in the event such judgment is not paid in that time, the appellant waives the right to claim any exemptions for property upon which an execution may be issued.

SECTION 35. STAY OF JUDGMENT OR ORDER PENDING APPEAL

A. Upon entry of a judgment or order in the Tribal Court, a party may apply to the Court for a stay of the execution of the judgment or order pending appeal of the case. If a timely notice of appeal has been filed, the Court may stay the judgment or order pending the outcome of the appeal or for a lesser time if the Court so desires. The Court may also order in this stay, such terms and conditions as the court deems proper, including restraining the party from disposing of, encumbering, or concealing his property.

B. In addition to the stay of execution on the judgment or order of the Tribal Court, the Court may order the appellant to file a surety bond in the amount of the judgment together with any costs, including the cost of the appeal and the attorney's fees or in lieu of such a surety bond, the cash

amount of the judgment, costs and any attorney's fees. The surety bond must be executed by at least two (2) sureties who state that they are worth the amount of the judgment, costs and any attorney's fees, over and above their liabilities and expenses, and that if the appellant fails to pay the judgment, costs and attorney's fee in the event of a dismissal or affirmance by the Court of Appeals, within twenty (20) days from the date of the decision of the Court of Appeals, they will pay said amounts. If the appellant can pay neither the cash deposit as prescribed above or obtain a surety bond, he or she may apply to the Tribal Court for a waiver of the bond, showing in such application the reasons why the appellant cannot comply with either, together with the fact that the appellant has a good and meritorious claim and that to deny him or her an appeal would result in substantial injustice. The Court in its discretion may waive the surety bond or deposit, but may require the appellant to sign an agreement with the respondent listing all his or her property, any liens or money owing on such property, and a promise that if the judgment, costs and attorney's fees are not paid within twenty (20) days after action by the Court of Appeals in dismissing or affirming the judgment of the Tribal Court, that the appellant waives the right to claim exemption on any of his or her property described in a writ of execution issued out of the Tribal Court on the judgment or order in question. If this is not required the appellant may proceed under Section 42 below.

C. If the judgment or order appealed from directs the sale of perishable, property, the Tribal Court may order the property to be sold and the proceeds thereof to be deposited, to await the judgment of the Court of Appeals.

D. No stay of proceedings shall be allowed upon a judgment or order which adjudges the defendant guilty of usurping, or intruding into, or unlawfully holding Tribal office, within the Blackfeet Reservation; or which grants a writ of mandamus, or of prohibition, against a tribunal, corporation, Tribal officer, or board, and not involving the payment or allowance of money or its equivalent.

SECTION 36. SURETIES AND THEIR RESPONSIBILITY

A. In cases where a surety bond or undertaking of costs on appeal, is required the sureties shall be liable to the judgment creditor in the event a judgment or order is affirmed or dismissed as to the appellant. If the judgment debtor fails or refuses to pay the judgment, including costs and any attorney fees, the judgment creditor may proceed against the sureties in Tribal Court upon their undertaking or bond.

B. A party may take exception to the sufficiency of the sureties to any bond or undertaking mentioned in Section 35 above at any time within fifteen (15) days after the filing of such bond or undertaking; and unless they or other sureties, within ten (10) days after service of notice of such exception, justify before a judge of the Tribal Court, or the Clerk thereof, upon five (5) days' notice to the other parties of the time and place of justification, execution of the judgment or order appealed from is not longer stayed.

SECTION 37. THE RECORD ON APPEAL.

The record on appeal in a civil case shall comply with Section 15 of this Chapter.

SECTION 38. TRANSMISSION OF THE RECORD ON APPEAL

Transmission of the record on appeal shall comply with Section 16 of this Chapter.

SECTION 39. DOCKETING THE APPEAL – FILING OF THE RECORD.

A. Docketing the Appeal. Within the time allowed or fixed for transmission of the record, the appellant shall pay to the Clerk of the Court of Appeals the fee for filing the record on appeal, and the Clerk shall thereupon enter the appeal upon the "Docket of Civil Appeals". If an appellant is authorized to make an appeal without prepayment of fees, the Clerk shall enter the appeal upon the docket at or before the time of filing the record. An appeal shall be docketed under the title given to the

action in the Tribal Court with an appropriate case number and such addition as necessary to indicate the identity of the appellant.

B. Filing of the Record. Upon receipt of the record by the Clerk of the Court of Appeals following its timely transmittal, and after the appeal has been docketed, the clerk shall file the record. The Clerk shall immediately give notice to all parties of the date on which the record was filed; and give notice of the date and time of the hearing of the appeal which shall not be less than 20 days nor more than 30 days from the docketing of the appeal

C. Dismissal for Failure of Appellant to Cause Timely Transmission or to Docket Appeal. If the appellant fails to cause timely transmission of the record or to pay the filing fee if a filing fee is required, without having such filing fee waived by the Tribal Court, any respondent may file a motion in the Court of Appeals to dismiss the appeal. The motion shall be supported by a certificate of the Clerk of the Tribal Court showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed, and the expiration date of any order extending the time for transmitting the record. The clerk shall docket the appeal for the purpose of permitting the court to entertain the motion, without requiring payment of the filing fee, but the appellant shall not be permitted to appear without payment of the fees unless he or she is otherwise exempt from paying the fees. Instead of filing a motion to dismiss the appeal, the respondent may cause the record to be transmitted and may docket the appeal, in which event the appeal shall proceed as if the appellant had caused it to be docketed.

SECTION 40. REMEDIAL POWERS OF THE COURT OF APPEALS

When the judgment or order is reversed or modified, the Court of Appeals may make complete restitution of all property and rights lost by the erroneous judgment or order of the Tribal Court, so far as such restitution is consistent with protection of a purchaser of property at a sale ordered by the

judgment, or had process issued upon the judgment, on an appeal from which the proceedings were not stayed; and for relief in such cases the appellant may have his action against the respondent, enforcing the judgment for the proceeds of the sale of the property, after deducting therefrom the expenses of the sale.

SECTION 41. ACTION BY CLERK OF COURT OF APPEALS AFTER APPEAL

When judgment is made upon the appeal, it must be certified by the clerk of the Court of Appeals to the Clerk of the Tribal Court from which the appeal is taken. The clerk of the Tribal Court must then enter the judgment of the Court of Appeals in the Register of Civil Actions, noting properly the action that was taken.

SECTION 42. APPEALS IN FORMA PAUPERIS.

A. A party who desires to proceed on appeal but does not have the funds to make the required filing fees, deposits or cannot secure sureties may file an in forma pauperis motion asking leave of the Tribal Court to proceed in forma pauperis, together with an affidavit showing in detail his or her inability to pay the fees and costs of the appeal or to give security therefore, his or her belief that he or she is entitled to an appeal, and a statement of the issues to be presented on appeal. If the motion is granted, the party may be ordered to proceed without costs after signing an agreement set out in Section 35B of this chapter, or the Court may allow the party to proceed without costs without signing such agreement. If the motion is denied, the Tribal Court shall state the reasons for the denial.

B. If the motion for leave to proceed on appeal in forma pauperis is denied by the Tribal Court, a motion for leave to so proceed may be filed in the Court of Appeals within ten (10) days after the denial by Tribal Court. The motion shall be accompanied by a copy of the affidavit filed in the Tribal Court and of the statement of reasons for denial given by the Tribal Court.

SECTION 43. BRIEFS

A. Appellant. The appellant may file a brief in support of the appeal or may be required by an order of the Court of Appeals to file such brief. In either case, the brief must be filed within fifteen (15) days after the docketing of the appeal, unless the Court provides otherwise. The brief of the appellant shall contain:

- (1) The correct title of the case and the appeals case number;
- (2) A brief statement of the case including the judgment or order of the Tribal Court below;
- (3) The issues presented on appeal;
- (4) An argument in support of the grounds of the appeal;
- (5) A short conclusion stating the precise relief sought.

B. Respondent. The respondent may respond to the brief of the appellant either by choice or by order of the Court of Appeals. The respondent's brief shall conform to subsection A above with the exception that the respondent need not include a statement of the case unless he or she is dissatisfied with the statement of the appellant.

C. Reply Brief. The appellant may file a brief in reply to the brief of the respondent, but such brief must be confined only to new matter raised in respondent's brief. No further briefs may be filed without leave of the court.

D. Filing Briefs. Unless otherwise ordered by the Court of Appeals the time for filing the briefs referred to above shall be:

- (1) Appellant' brief - fifteen (15) days after the docketing of the appeal;
- (2) Respondent's brief – ten (10) days after receipt of appellant's brief;
- (3) Reply brief – five (5) days after receipt or respondent's brief.

E. Each party filing a brief as set out in subsections A through C above shall cause a copy of the brief to be served upon all the other parties of record. This service may be by mail or by personal service and shall be made at the same time or as soon thereafter as possible as the filing of the brief with the Clerk of the Court of Appeals.

F. No brief filed in the Court of Appeals may exceed twenty-five (25) pages in length if typewritten and thirty-five (35) pages if handwritten.

G. All briefs, referred to above, shall be filed with the Clerk of the Court of Appeals, who shall note the date of filing in the Docket of Civil Appeals and then send such brief to the Chief justice of the Court of Appeals.

SECTION 44. REHEARING CONFERENCE.

The Chief Judge of the Court of Appeals or another justice sitting on the case may direct the parties or their counselors to appear before the Court or a justice thereof, for a prehearing conference to consider the simplification of the issues and such other matters as may aid in the proceedings. The Justice shall make an order which recites the action taken at the conference and the agreements made by the parties as to any of the matters considered and which limits the issue to those not disposed of by admission or agreements of the parties or counsel, and such order when entered controls the subsequent course of the proceedings, unless modified to prevent manifest injustice.

SECTION 45. ORAL ARGUMENT

Upon notification of the hearing of the appeal as set out in Section 39B above, the appellant and the respondent shall be prepared to make oral arguments before the Court of Appeals at the date and time specified. The appellant shall be allowed 30 minutes to present oral argument and the respondent shall be allowed the same time. The appellant is entitled to open and close the argument and should divide the time allotted accordingly. The opening argument shall include a fair statement of the case,

and the closing argument shall be limited to rebuttal of respondent's argument. If Counsel are representing the parties, they shall not be allowed to read at length from briefs, records or authorities. At the conclusion of the oral arguments, either party or counsel may be questioned by the presiding justices. If a party or his counsel fails to appear for oral argument, the Court will hear the argument of the party who is present and the case will be decided upon the briefs, if any, the oral argument made and notice and record of appeal.

SECTION 46. **DECISION ON APPEAL – TIME.**

At the conclusion of oral argument, the Court of Appeals shall have not more than fifteen (15) days to make a decision in the case, reviewing the notice of appeal, the record on appeal, briefs of any party timely filed, motions and any other paper properly filed and before the Court for its decision. The decision shall be in writing and shall be served upon all the parties of record, and shall be certified and served upon the Clerk of the Tribal Court for appropriate action.

SECTION 47. **INTEREST ON JUDGMENTS.**

If a judgment for money in a civil case is affirmed, interest at the rate of seven (7%) per annum shall be payable from the date the judgment was rendered or made in the Tribal Court. If a judgment is modified or reversed with a direction that a judgment for money be entered in the Tribal Court, the order shall contain instructions with respect to allowance of interest.

SECTION 48. **DAMAGES FOR APPEAL WITHOUT MERIT.**

If the Court of Appeals is satisfied from the record and the presentation of the appeal, that the appeal was taken without substantial or reasonable grounds, but apparently for purposes of delay only, it may assess damages against the appellant as are deemed proper in the judgment of the Court.

SECTION 49. COSTS ON APPEAL.

A. Filing fee. There is a Ten Dollar (\$10.00) filing fee to file a notice of appeal in the Tribal Court. This fee must be paid to the clerk of the Tribal Court, unless waived as provided under this Chapter.

B. Other costs. Costs incurred in the preparation and transmission of the record, the cost of a transcript if necessary for determination of the appeal, the premiums paid for surety bonds or an undertaking, together with the cost of filing the notice of appeal shall be considered costs on appeal and may be assessed against the losing party.

C. Transmission of Record. The cost of transmission of the record on appeal is Five Dollars (\$5.00), but may be waived as provided under this Chapter under an application of in forma pauperis. Such fee shall be paid to the Clerk of the Tribal Court.

SECTION 50. PETITION FOR REHEARING.

When, in appeals of special proceedings, it is ordered that judgment issue immediately, no petition for rehearing will be entertained. In all other cases, a petition for rehearing may be filed within ten (10) days after the decision of the Court of Appeals has been rendered, unless the time is shortened or enlarged by order, and the adverse party shall have seven (7) days thereafter in which to serve and file his objections thereto. Extensions of time will be granted only upon showing of unusual merit, and in no event in excess of ten (10) days. A petition for rehearing may be presented upon the following grounds and no other: That some fact, material to the decision, or some question decisive of the case was overlooked by the Court, or that the decision is in conflict with an express statute or controlling decision to which the attention of the Court was not directed. Oral argument in support of the petition will not be permitted. Six (6) copies of the petition and six (6) copies of the objections thereto, shall be filed with the Clerk of the Court of Appeals.

SECTION 51. **VOLUNTARY DISMISSAL.**

If the parties to an appeal or other proceeding shall sign and file with the Clerk of the Court of Appeals an agreement that the proceeding be dismissed, specifying the terms as to payment of costs, and shall pay whatever fees are due, the clerk shall enter the case dismissed, and shall give to each party a copy of the agreement filed. An appeal may be dismissed on motion of the appellant upon such terms as to costs as may be agreed upon by the parties or fixed by the Court. If an appeal has not been docketed the appeal may be dismissed by the Tribal Court upon the filing in that Court a stipulation for dismissal signed by all parties, or upon motion and notice by the appellant.

SECTION 52. **SUBSTITUTION OF PARTIES.**

A, Death of Party. If a party dies after a notice of appeal is filed or while a proceeding is pending in the Court of Appeals, the personal representative of the deceased party may be substituted as a party on motion filed by the representative or by any party with the Clerk of the Court of Appeals. The motion of a party shall be served upon the representative by the party making the motion within five (5) days after the motion is filed. If the deceased party has no representative, any party may suggest the death on the record and proceedings shall then be had as the Court of Appeals may direct. If a party against whom an appeal may be taken dies after entry of a judgment of order in the Tribal Court but before a notice of appeal is filed, and appellant may proceed as if death had not occurred. After the notice of appeal is filed substitution shall be made in accordance with this section. If a party entitled to appeal shall die before filing a notice of appeal, the notice of appeal may be filed by his or her personal representative, or, if he or she has no personal representative, by his or her counselor of record within the time set up in this Chapter, Part III.

B. Other Reasons. If substitution of a party in the Court of Appeals is necessary for any reason other than death, it shall be accomplished in the same manner as set out in subsection A of this section.

C. Public Officials. When a public officer, including any tribal officer, is a party to an appeal or other proceeding in the Court of Appeals in his or her official capacity and during the pendency of the appeal, dies, resigns or otherwise ceases to hold office, the action does not abate and his or her successor is automatically substituted as a party.

SECTION 53. **APPEALS FROM INJUNCTION ORDERS.**

Upon appeal from an order dissolving or refusing an injunction, if the appellant desires to continue in force the injunction order dissolved by the Tribal Court, or to obtain such injunction order pending the appeal, he shall apply to the Tribal Court under Chapter 9, Rule 36 of the Rules of Procedure in this Code. In the event the relief there requested be not granted he may file in the Court of Appeals his sworn application, setting forth the proceedings appealed from and the relief desired, and present with it to the Court of Appeals, a verified copy of the affidavits or evidence used on the hearing in the Tribal Court. Such application will be heard ex parte and without argument, and the Court, upon such record will make such order as it deems proper.

History: (Passed by the Blackfeet Tribal Council, April 29, 1974, Ordinance #30).



BLACKFEET NATION

P.O. Box 850 • BROWNING, MONTANA 59417
(406) 338-7521 • FAX 338-7530

Ex 07/00

EXECUTIVE COMMITTEE

WILLIAM "BILL" OLD CHIEF - CHAIRMAN
ROGER RUNNING CRANE - VICE CHAIRMAN
GEORGE HEAVY RUNNER - SECRETARY
HOWARD DOORE - ACTING SECRETARY
JOE A. GERVAIS - TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

WILLIAM "BILL" OLD CHIEF
ROGER RUNNING CRANE
GEORGE HEAVY RUNNER
HOWARD DOORE
KEN TALKS ABOUT
BERNARD ST. GODDARD
CARL KIPP
HUGH MONROE
ROCK B. GOBERT, JR.

RESOLUTION

NO. 189-2000

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the boundaries of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS,** The Blackfeet Tribal Law and Order Code, Chapter 11, Section 1, Court of Appeals does not presently allow for one full-time Justice and clerk to provide a fair and impartial forum and ensure appeals are disposed of in a fair and timely manner,
- WHEREAS,** The Blackfeet Tribal Business Council is desirous of amending Chapter 11, Section 1, The Court of Appeals of the Blackfeet Tribe of the Blackfeet Law and Order Code of 1967, as amended, now

THEREFORE, BE IT RESOLVED:

1. That Chapter 11, Section 1, "The Court of Appeals of the Blackfeet Tribe" is amended to read as follows effective immediately upon approval of this Resolution.:

The highest court of the Blackfeet Tribe shall be known as the Blackfeet Court of Appeals, and shall consist of five (5) Justices selected from within the adult membership of resident members of the Blackfeet Tribe by the Blackfeet Tribal Business Council. The Court of Appeals shall be comprised of one (1) full time Chief Justice and (1) Clerk of Court. The Chief Justice shall attend to the administration of the Court of Appeals and select members of the Court to sit on each and every appealed case. The Court of Appeals shall hear the appeal of all cases, criminal, and civil including juvenile cases, appealed from the Blackfeet Tribal Court, and shall have original jurisdiction to hear Writs of Habeas Corpus. There must least three (3) justices sitting together as a body to hear cases appealed to the Court of Appeals, including Writs of Habeas Corpus.

2. That a public notice shall be issued informing the general public of the aforementioned amendment to Chapter 11, Section 1 of The Blackfeet Tribal Law and Order Code of 1967, as amended.

BE IT FINALLY RESOLVED, That the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION

BY Will-Old Chief
William Old Chief, Chairman
Blackfeet Tribal Business Council

George Heavy Runner

George Heavy Runner, Secretary
Blackfeet Tribal Business Council

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly, noticed and convened Special Session held on the 3rd day of July, 2000 with Six (6) members present to constitute a quorum, and by a UNANIMOUS vote to approve said Resolution.

George Heavy Runner
Secretary, Blackfeet Tribal Business Council

EARL OLD PERSON, CHAIRMAN
TOM THOMPSON, VICE CHAIRMAN
GABE GRANT, SECRETARY
ELAINE GUARDIPEE, TREASURER

BROWNING, MONTANA 59417

(406) 338-7179

FAX 338-7530

EARL OLD PERSON
TOM THOMPSON
GABE GRANT
MARLENE BEAR WALTER
CHARLES CONNELLY
GENE DUROY
GEORGE KICKING WOMAN
ROGER RUNNING CRANE
TED WILLIAMSON

RESOLUTION

NO. 79-96

WHEREAS, under the Constitution and By-Laws of the Blackfeet Tribal Business Council, the Council is charged with the duty of protecting the health, security and general welfare of the Blackfeet Tribe, and

WHEREAS, pursuant to the Blackfeet Law and Order Code, Chapter I, Section 1, 1.1 & Section 6, the Blackfeet Tribal Business Council is responsible for establishing Codes, systems and procedures for adjudication of of controversies and disputes, and

WHEREAS, the Council has established rules and guidelines in in the Blackfeet Tribal Law and Order Code to provide individuals with the opportunity to appeal decisions of the Blackfeet Tribal Court as codified in Chapter 11 of the Blackfeet Law and Order Code, and

WHEREAS, the Appellate system, at present, is in need of revision to more adequately address the judicial needs of the Blackfeet Tribe, and

WHEREAS, there now exists several appeals which need review and resolution , and until a code revision project of the Appellate system is complete, there is a need for these and future appeals to be heard,


NOW, THEREFORE BE IT RESOLVED, that the Blackfeet Tribal Business Council does hereby temporary suspend all Code provisions preventing the use of outside judges on appeals, and does hereby approve the use of judges form the Montana/Wyoming Tribal Court Judges Association, through its appellate panel, on a trial basis to hear twenty (20) appellate cases now pending, and provided, further use of such judges shall be required to be approved by further vote of the Council, and


BE IT FINALLY RESOLVED, that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action;

THE BLACKFEET TRIBE OF THE BLACKFEET
INDIAN RESERVATION

ATTEST:

By


Earl Old Person, Chairman
Blackfeet Tribal Business Council


Secretary, Blackfeet Tribal

*

*

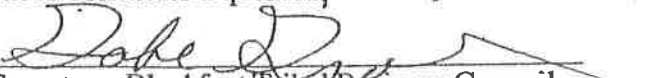
*

*

*

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Special Session held on the 20th day of November, 1995 with -6- members present to constitute a quorum, and by a UNANIMOUS vote to approve said Resolution.


Secretary, Blackfeet Tribal Business Council

EARL OLD PERSON, CHAIRMAN
 ARCHIE ST. GODDARD, VICE CHAIRMAN
 MARVIN WEATHERWAX, SECRETARY
 ELOUISE C. COBELL, TREASURER

(406)338-7179

10/30
 EARL OLD PERSON
 ARCHIE ST. GODDARD
 MARVIN WEATHERWAX
 ROLAND F. KENNERLY
 LANE KENNEDY
 BERNARD ST. GODDARD
 LEE WILSON
 GEORGE KICKINGWOMAN
 TED WILLIAMSON

RESOLUTIONNUMBER: 4-87

- WHEREAS: The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation; and
- WHEREAS: The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Blackfeet Indian Nation; and
- WHEREAS: Article VI, Section 1(k) of the Constitution and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purpose of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation; and
- WHEREAS: Article VI, Section 1(k) of the Constituion and By-Laws of the Blackfeet Indian Nation empowers the Blackfeet Tribal Business Council to establish Courts; and
- WHEREAS: The Blackfeet Tribal Business Council established the Blackfeet Court of Appeals, consisting of five (5) Justices, Chapter 11, Part 1, Section 1, Blackfeet Law and Order Code of 1986; and
- WHEREAS: Budget constraints mandate reducing said number of Justices; and
- WHEREAS: There may be times where one or more of the appointed Justices may be disqualified from sitting on a case; and
- WHEREAS: There may be times when a temporary Justice might need to be appointed to take the place of a disqualified Justice, and no provision for such replacement exists: now
- THEREFORE BE IT RESOLVED: That Chapter 11, Part 1, Section 1, of the Blackfeet Law and Order Code of 1967, as Amended, be amended to read as follows:

Section 1: The Court of Appeals of the Blackfeet Tribe:

A. Composition & Jurisdiction: The highest Court of the Blackfeet Tribe shall be known as the Blackfeet Court of Appeals, and shall consist of three (3) Justices selected from within the adult membership of resident members of the Blackfeet Tribe by the Blackfeet Tribal Business Council.

The Court of Appeals shall hear the appeal of all cases, criminal, and civil, including Juvenile cases, appealed from the Blackfeet Tribal Court, and shall have original jurisdiction to hear Writs of Habeas Corpus. There must be at least three (3) Justices sitting together as a body to hear any case appealed to the Court of Appeals. The three (3) Justices shall select from their membership, a Chief Justice who shall attend to the administration of the Court of Appeals.

B. Disqualification of Justices Right to Disqualify:

1. Where cause can be shown, a litigant, by motion may disqualify Justices from sitting on a case. The Chief Justice shall grant such motion when it is shown:

- a). A Justice is related by blood or marriage in the first or second degree,
- b). That the Justice is so prejudiced to the litigant on the case, that he cannot make an impartial decision,
- c). That in the Tribal Court, the Justice has acted as a Trial Court Judge or advocate, or
- d). That in practice before the Blackfeet Tribal Bar, the Justice had represented either party to the appeal.

2. Appointment of Temporary Justices:

Where a Justice is disqualified as per sub-section (1) the Chief Justice shall first appoint one of the Tribal Court Judges to sit as a special Justice; said trial Court Judge shall not have heard the matter appealed in the Lower Court. Where there are no Lower Court Judges available, the Chief Justice shall appoint a qualified member of the Blackfeet Bar to sit as Special Justice.

3. Payment of Special Justices:

Where a litigant, through disqualification of Justices, causes the Court of Appeals to appoint a non-Judge, Special Justice; said litigant may be held responsible for payment of any fees charged by such Justice for his appearance.

4. Notice to Litigants:

It shall be the responsibility of the Chief Justice, or the Clerk of the Court of Appeals, in his absence, to explain this section to any litigant wishing to disqualify any Justice of the Court of Appeals.

ATTEST:

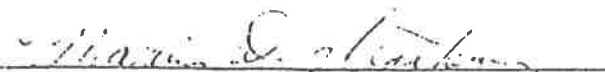
THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN NATION


MARVIN WEATHERWAX, SECRETARY


EARL OLD PERSON, CHAIRMAN

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened Special Session assembled for business the 1st day of October, 1986, with Seven (7) members present to constitute a quorum and by a vote of Seven (7) For and None (0) Opposed.


MARVIN WEATHERWAX, SECRETARY
BLACKFEET TRIBAL BUSINESS COUNCIL

1
ORDINANCE 30 - APPEALS PROCEDURE

ADOPTED APRIL 29, 1974

NEED COVER SHEET

w/ SIGNATURES

ENTIRE ORDINANCE NOT
INCLUDED HERE -

SEE CHAPTER 11
OF TRIBAL CODE

CHAPTER 12

LAND

TABLE OF CONTENTS

PART I. LAND EXCHANGE

| | | |
|-------------|---|-----|
| Section 1. | Authority to Exchange Tribal Land..... | 289 |
| Section 2. | Approval of Land Exchange..... | 289 |
| Section 3. | Classification of Exchanged Land..... | 289 |
| Section 4. | Restrictions on Alienation, Descent or Devise of Exchange Land..... | 290 |
| Section 5. | Mineral Rights on Exchanged Land..... | 291 |
| Section 6. | How to Begin Land Exchange, Protest..... | 291 |
| Section 7. | Appeal from Decision of the Land Board..... | 292 |
| Section 8. | Procedure after Final Approval of Land Exchange..... | 292 |
| Section 9 | Governing Principles of Land Exchange | 293 |
| Section 10. | Appraisal of Land to be Exchanged..... | 293 |
| Section 11. | Regulations made Pursuant to this Chapter..... | 294 |

PART II. INTERIM ZONING ORDINANCE

| | | |
|--------------|------------------------------------|-----|
| Section 1.10 | Title..... | 294 |
| Section 1.02 | Authority..... | 294 |
| Section 1.03 | Purpose..... | 294 |
| Section 1.04 | Method..... | 295 |
| Section 1.05 | Scope..... | 295 |
| Section 2.02 | Extent of Zones..... | 295 |
| Section 3.00 | “C” Conservation Zone..... | 295 |
| Section 3.01 | Purpose..... | 295 |
| Section 3.02 | Permitted Uses..... | 295 |
| Section 3.03 | Conditional Uses..... | 296 |
| Section 3.04 | Water, Water Front..... | 296 |
| Section 3.05 | Standards..... | 297 |
| Section 4.00 | “U” Urban Zone..... | 297 |
| Section 4.01 | Purpose..... | 297 |
| Section 4.02 | Permitted Uses..... | 297 |
| Section 4.03 | Prohibited Uses..... | 297 |
| Section 4.04 | Conditional Uses..... | 297 |
| Section 4.05 | Standards..... | 298 |
| Section 5.00 | General Requirements..... | 298 |
| Section 5.01 | Minimum Requirements..... | 298 |
| Section 5.02 | Public Hearing; Public Notice..... | 298 |
| Section 5.03 | Use Permit required..... | 299 |
| Section 5.04 | Non-Conforming Uses..... | 299 |

CHAPTER 12

LAND

Part 1. LAND EXCHANGE

SECTION 1. AUTHORITY TO EXCHANGE TRIBAL LAND

The Blackfeet Tribe may exchange certain land belongings to the Blackfeet Tribe for other land belonging to members of the Blackfeet Tribe, upon the approval of the Secretary of the Interior of the United States in conformance with 25 USC 464 and other applicable provisions of Title 25 of the United States Code and the regulations promulgated thereunder provided.

A. That the land exchanged for Tribal land is of equal value to that of the Tribal land in question; and

B. That the land exchanged for Tribal land is either allotted land held in trust for a member of the Blackfeet Tribe by the United States or land held in fee patent by a member or members of the Blackfeet Tribe.

SECTION 2. APPROVAL OF LAND EXCHANGE

Any land exchanged under the provisions of this Chapter, Part 1, must be approved by at least two thirds (2/3) of the members of the Blackfeet Tribal business Council and subsequent approval by the Secretary of the Interior or his authorized representative.

SECTION 3. CLASSIFICATION OF EXCHANGED LAND

A. Land acquired by Blackfeet Tribe. Any land acquired under an exchange as provided herein by the Blackfeet Tribe shall be classified as "Tribal Trust Land" and it shall be the duty of any member exchanging such land to see that his or her land is returned or placed in

trust status in favor of the Blackfeet tribe before such exchange is finally approved as set forth in Section 2 above.

B. Land acquired by member or members. Any Tribal land acquired under an exchange as provided by a member or members of the Blackfeet tribe shall be classified as "Trust Land" and held in trust for such member or member by the United states and it shall be the duty of the Blackfeet Land Board to see that such Tribal land so exchanged is placed in trust for such member or member before the exchange is finally concluded.

SECTION 4. RESTRICTIONS ON ALEINATION, DESCENT OR DIVISE OF EXCHANGE LAND

An exchange under Part 1 of the Chapter between the Blackfeet Tribe and a member or member of such Tribe is good only as between the two parties and the Blackfeet heirs of the member-exchange. Land acquired herein by an exchange with the Blackfeet Tribe cannot be sold or otherwise go into the possession of a non-member of the Blackfeet Tribe. In the event that such exchanged land is to be sold by the member acquiring it in the original exchange, the sale must be made back to the Blackfeet tribe, or, with the approval of the Land Board, to another member of the Blackfeet Tribe, the same restrictions shall apply as applied to the original exchange and the buyer of such land must complete an exchange agreement with the Blackfeet Tribe, just as if such buyer was the first exchange. In no event shall a non-member inherit any land exchanged under Part 1, of this Chapter, but such non-member who is found to be an heir of the original exchange or subsequent exchange shall be paid compensation equal to the fair market value of such land, as appraised under the provisions of Section 10 below, by the Blackfeet Tribe and said land shall thereby revert back to the Blackfeet Tribe and be classified as "Tribal Trust Land".

SECTION 5. MINERAL RIGHTS ON EXCHANGED LAND

The Blackfeet Tribe shall retain all mineral rights to any Tribal Land Exchanged under this Chapter, providing that the Tribe as title to such rights. Any allotted land exchanged with the Tribe that was allotted after the year 1919 carries a reservation of mineral rights in favor of the Blackfeet Tribe under Act of June 30, 1919, and cited 41 Stat. 17 and being those allotments numbered from #2657 to #3485. On all other land, including land allotted before 1919 wherein the allottee retains the mineral rights and any fee land exchanged hereunder, the mineral rights shall be conveyed to the Tribe are included in the fair market valuation of the land if such mineral rights are still retained by the member-exchanges.

SECTION 6. HOW TO BEGIN LAND EXCHANGE, PROTEST

Any member of members of the Blackfeet Tribe desiring to exchange certain of his or her land for Tribal land shall present a written application before the Blackfeet Land Board describing the land desired, the land of the member to be exchanged and the reasons for such exchange. The Land Board shall approve or disapprove such application. In the event such application is approved by the Land Board, it shall then cause such approval to be advertised in a newspaper of general circulation within the Blackfeet reservation for a period of two (2) weeks in order to allow any legitimate protest to be made and heard against such proposed exchange by any member of the Blackfeet Tribe. Any such protest must be in writing and submitted to the next meeting of the Land Board after such notice in the newspaper. The protest shall set forth all the reasons for such protest and at the meeting of the Land Board wherein the protest is heard, both the applicant and the protester shall be present and shall each present individual arguments to the Land Board. In the event of any such protest, the Chairman of the Land Board shall make a final decision and forward such decision to the Blackfeet Tribal Business Council.

SECTION 7. **APPEAL FROM DECISION OF THE LAND BOARD**

Any applicant whose application for land exchange has been denied by the Land Board may appeal such decision to the Blackfeet Tribal Business Council. Such appeal shall be presented to a member of the executive board of such Council in writing and the Council shall hold a hearing on the matter at the next regularly scheduled meeting. Such appeal must be made within five (5) days after the denial of the application by the Land Board. Any person whose protest on such land exchange has been denied by the Land Board may also appeal to the Blackfeet Tribal Business Council, in the same manner as set out for the applicant above. The Blackfeet Tribal Business Council shall conduct a hearing on any appeal from a decision of the Land Board on a land exchange and its decision, arrived at by a two-thirds (2/3) vote of the members thereof, shall be final upon the ratification of the approval of any land exchange under this Chapter, the Blackfeet Tribal business Council shall then cause such approval to be forwarded to the Secretary of the Interior or his authorized representative for final approval.

SECTION 8. **PROCEDURE AFTER FINAL APPROVAL OF LAND EXCHANGE**

After a land exchange has been finally approved under this Chapter as set out in section 2, above, the Blackfeet tribe and the member-exchange shall execute a mutual agreement setting forth the terms of the exchange, together with any and all applicable legal instruments which will bring such exchanged land under the proper classification as set forth in Section 3 A and B above. Such instruments shall be attached to the exchange agreement. The exchange agreement shall incorporate any and all of the express restrictions found in this Chapter, Part 1. In the event a member-exchange sells such exchanged land to another member of the Blackfeet Tribe, the Land Board and the Blackfeet Tribal Business Council must approve such sale and the

buyer of such exchange land must execute and exchange agreement with the tribe as set out above.

SECTION 9. **GOVERNING PRINCIPLES OF LAND EXCHANGE**

The Blackfeet Land Board, in acting upon any application for an exchange of land under this Chapter shall apply the principle of maintaining and conserving Tribal Land to the best principle of maintaining and conserving Tribal Land to the best advantage of the Blackfeet Tribe and its members. The Land Board shall have the power to make certain guidelines, including, but not limited to:

A. No exchange shall cut off water or a right of way to either Tribal Land or a member's land, but in the event that a right of way is needed in such an exchange, such right of way shall be negotiated and contained in the exchange agreement;

B. First priority shall be given to exchanges which will benefit a member's livelihood and/or which shall consolidate certain tracts of Tribal Land.

SECTION 10. **APPRAISAL OF LAND TO BE EXCHANGED**

The Blackfeet Tribe and the member-exchange shall accept the appraisal of the fair market value of the land as made by the United States Government, unless either party takes exception to such appraisal, in which event either party may cause additional appraisals to be made upon the land in question. In the event the second or subsequent appraisal differs greatly from that of the United States Government, the two (2) parties may then negotiate the appraisal price of the fair market of the land in question and arrive at a satisfactory figure for both parties. If an appraisal price cannot be agreed upon within sixty (60) days after the first government appraisal, the Blackfeet Tribe and/or the member-exchange have the right to refuse the land exchange.

SECTION 11. REGULATIONS MADE PURSUANT TO THIS CHAPTER

The Blackfeet Land Board shall have the right to promulgate regulations which will facilitate the purposes of Part 1, of this Chapter as set forth above. Such regulations must be approved by the Blackfeet Tribal business Council and shall be kept in the Blackfeet Land office for public inspection.

History: (Adopted by Ordinance NO. 47 passed on 13TH day of December, 1974 by the Blackfeet Tribal Business Council. Approved by BIA Superintendent Shelhamer, January 24, 1975).

PART II. INTERIM ZONING ORDINANCE.

SECTION 1.10. TITLE

This Ordinance, adopted by the Tribal Business Council of the Blackfeet Indian Reservation, provides for interim regulation of all use of land and water areas, based on the Blackfeet Comprehensive Plan, and provides for the administration and enforcement thereof. The Ordinance shall be known as the "Interim Zoning Ordinance" of the Blackfeet Indian Reservation.

SECTION 1.02. AUTHORITY

This Ordinance is adopted and enforced through the powers of the Blackfeet Tribe of Indians.

SECTION 1.03 PURPOSE

This Ordinance is adopted to allow reasonable use of the land consistent with the Comprehensive Plan, to protect the environment, the land and water resources, and to protect the Blackfeet people against loss caused by improper use of the land and water areas, to prevent pollution, to prevent overcrowding, to promote the health, safety, morals, convenience, comfort, prosperity and general welfare of the population.

SECTION 1.04. METHOD

This interim Ordinance establishes basic permitted uses and provide for review of all other proposed uses by the Land board and their approval, denial or conditional approval based on standards adopted by the Land Board.

SECTION 1.05. SCOPE.

This Ordinance applies to all buildings, and to uses of all trust and non-trust land and all water areas within the exterior boundaries of the Blackfeet Indian Reservation. No land or water or building shall be hereafter used or changed in use except in compliance with these regulations.

SECTION 2.02. EXTENT OF ZONES

The "U" Urban Zone shall include the area within the towns of Browning, Babb, Blackfoot, East Glacier, Heart Butte, St. Mary and Starr School, as indicated in the Blackfeet Comprehensive Plan. All other land and water areas shall be in the "C" Conservation Zone.

SECTION 3.00. "C" CONSERVATION ZONE**SECTION 3.01. PURPOSE**

The purpose of the "C" Conservation Zone is to reserve the ecological quality of the Reservation while allowing reasonable use of the land and water areas in a low density of development consistent with the rural character of the Reservation.

SECTION 3.02. PERMITTED USES

Natural areas not modified by man and the following:

1. Agriculture,
2. Rural single-family recreation areas,
3. Public park and recreation areas,
4. Public and semi-public buildings,

5. Uses accessory to the above uses.

SECTION 3.03. CONDITIONAL USES

All conditional uses are subject to review by the Land Board, and are subject to such conditions as are required by this Ordinance and such other conditions, as the Land Board may determine. All other uses not listed shall be subject to review by the Land Board, which shall determine whether they are prohibited or permitted conditionally.

1. Business,
2. Industry,
3. Residential subdivision,
4. Commercial recreation,
5. Extraction, sand and gravel pits, oil wells,
6. two-family residence, multi-family residence,
7. Mobile Home park, mobile home,
8. Airport.

SECTION 3.04 WATER, WATER FRONT

The use of all lakes, rivers and streams, and the use of all adjoining land areas ½ mile or less from the shore line at the main water level shall be subject to review by the Land Board. The Land Board may allow as conditional uses a residence, residential subdivision, resort, commercial recreation, public building subject to the regulations of the Ordinance and standards adopted by the Land Board provided such uses are in compliance with health standards, including sewage disposal. This watering of livestock directly from lakes, rivers and streams shall be prohibited.

SECTION 3.05 STANDARDS

The Land Board shall adopt standards including those for setbacks, density of development, environmental quality, off street parking, signs and fences, which shall apply to all uses. The Land Board may impose more strict requirements for any conditional use.

SECTION 4.00 "U" URBAN ZONE**SECTION 4.01 PURPOSE**

The purpose of the "U" Urban Zone is to provide for the development of towns in accordance with the Comprehensive Plan at greater densities than the general low density rural character of the reservation, and to protect the environment through reasonable regulations.

SECTION 4.02 PERMITTED USES

1. Residential subdivision,
2. Single-family residence,
3. Two-family residence,
4. Public park and recreation area,
5. Public and semi-public buildings,
6. Uses accessory to the above uses.

SECTION 4.03. PROHIBITED USES

1. Extraction, sand and gravel pits, oil wells.

SECTION 4.04. CONDITIONAL USES

All conditional uses are subject to review by the Land Board and are subject to such conditions as are required by this Ordinance and such other conditions as the Land Board may determine. All other uses not listed shall be subject to review by the Land Board which shall determine whether they are prohibited or permitted conditionally.

1. Commercial recreation,
2. Business located in accordance with the Comprehensive Plan,
3. Industry located in accordance with the Comprehensive Plan,
4. Mobile home, mobile home park,
5. Multi-family residence,
6. Agriculture.

SECTION 4.05. STANDARDS

The Land Board shall adopt standards including those for setbacks, density of development, environmental quality, off-street parking, signs and fences, which shall apply to all uses. The Land Board may impose stricter requirement for any conditional use.

SECTION 5.00. GENERAL REQUIREMENTS

SECTION 5.01 MINIMUM REQUIREMENT

The regulations of this Ordinance are minimum requirements and may not be reduced except by the tribal Business Council through appeal or amendment. The Land Board is delegated to administer and interpret this Ordinance, to adopt standards, to approve or deny conditional uses. The Land Board may impose more strict requirements for conditional uses than the minimum established by this Ordinance.

SECTION 5.02. PUBLIC HEARING PUBLIC NOTICE

Any request for conditional use shall be considered by the Land Board at a Public hearing. Public notice shall appear in a newspaper of general circulation on the Reservation prior to such public hearing. The land Board shall meet not less than monthly to consider zoning matters.

SECTION 5.03. USE PERMIT REQUIRED

Any person desiring to alter the existing use of any land, water or building and any person desiring to use land, water areas or erect a building shall first obtain a use permit from the Land Board.

SECTION 5.04. NON-CONFORMING USES

Use of land, water of buildings which lawfully existed at the effective date of this Ordinance but which does not comply with the regulations of this Ordinance may be continued. Such use shall not be changed except to a permitted use or to a conditional use if approved by the Land Board subject to the regulations of the zone in which it is located.

SECTION 5.05. APPEALS.

Any person may appeal in writing to the Tribal Business Council a decision of the Land Board. The decision of the Tribal Business Council on any appeal shall be final.

SECTION 5.06. AMENDMENT.

The Tribal Business Council shall, prior to any action amending this Ordinance, request a review and recommendation from the Land Board.

SECTION 5.07. ADMINISTRATION AND ENFORCEMENT.

The Land Board is hereby designated to administer and enforce this Ordinance, issue permits, inspect properties and enforce violations. The Land Board may employ building inspectors to assist in carrying out its responsibilities.

Any person who violates, disobeys, refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offense be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00) or imprisoned for a term not exceeding Thirty (30) days, or both such

fined and imprisonment. Each day that a violation is continued shall constitute a separate offense.

SECTION 5.08. VALIDITY, EFFECTIVE DATE.

Should any portion of this Ordinance be declared invalid, this shall not affect the validity of the Ordinance as a whole or other part thereof except the portion declared invalid.

Whenever there is a difference between this Ordinance and any other Ordinance in effect, the more strict Regulation shall apply.

This Ordinance shall take effect and be in force thirty (30) days after its passage.

Passed by the Blackfeet Tribal Business Council: July 10, 1973

EFFECTIVE: August 10, 1973

(THIS ORDINANCE #21-A WAS PASSED BY THE BLACKFEET TRIBAL BUSINESS COUNCIL ON JULY 10, 1973) FOR THE ACCOMPANYING SPECIFIED REGULATIONS PROMULGATED PURSUANT TO THIS ORDINANCE, SEE: ZONING STANDARDS CONTAINED AT THE BACK OF THE CODE UNDER UNCODIFIED ORDINANCES).

RESOLUTION

Ordinance # 21

NUMBER: 4-73

WHEREAS: Environmental Concern, Inc. of Spokane WA is in the process of completing the 701 Comprehensive Plan for the Blackfeet Tribe, and

WHEREAS: Part of the 701 Comprehensive Plan includes zoning on the Blackfeet Indian Reservation, and

WHEREAS: Until such time as these zoning rules and regulations have been approved by the Blackfeet Tribal Business Council, some means of controlling zoning must be utilized, now

WHEREFORE BE IT RESOLVED: That the Blackfeet Tribal Business Council does hereby approve an Interim Zoning Ordinance, Numbered 21, for the Blackfeet Reservation as attached hereto and by reference made a part hereof.

ATTEST:

Carl A. Kopp

 Secretary

THE BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION

James Baker

 Chairman

CERTIFICATION

I hereby certify the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened regular session assembled the 10th day of July, 1973, with eight members present to constitute a quorum.

Carl A. Kopp

 Secretary
 Blackfeet Tribal Business Council

*Copy Review
from
Philip Roy*

PROPOSED
INTERIM ZONING ORDINANCE
BLACKFEET INDIAN RESERVATION
BROWNING, MONTANA

DRAFT: Reviewed by Land Board

June 21, 1973

Environmental Concern,
June 1973

1.01 TITLE.

This ordinance, adopted by the Tribal Business Council of the Blackfeet Indian Reservation, provides for interim regulation of all use of land and water areas, based on the Blackfeet Comprehensive Plan, and provides for the administration and enforcement thereof. The ordinance shall be known as the "Interim Zoning Ordinance" of the Blackfeet Indian Reservation.

1.02 AUTHORITY.

This ordinance is adopted and enforced through the powers of the Blackfeet Tribe of Indians.

1.03 PURPOSE.

This ordinance is adopted to allow reasonable use of the land consistent with the Comprehensive Plan, to protect the environment, the land and water resources, and to protect the Blackfeet people against loss caused by improper use of land and water areas, to prevent pollution, to prevent overcrowding, to promote the health, safety, morals, convenience, comfort, prosperity and general welfare of the population.

1.04 METHOD.

This interim ordinance establishes basic permitted uses and provides for review of all other proposed uses by the Land Board and their approval, denial or conditional approval based on standards adopted by the Land Board.

1.05 SCOPE.

This ordinance applies to all buildings, and to uses of all trust and non-trust land and all water areas within the exterior boundaries of the Blackfeet Indian Reservation. No land or water or building shall be hereafter used or changed in use except in compliance with these regulations.

2.01 ZONES.

The Blackfeet Indian Reservation is hereby divided into zones as follows:

"C" Conservation Zone

"U" Urban Zone

2.02 EXTENT OF ZONES

The "U" Urban Zone shall include the area within the towns of Browning, Babb, Blackfoot, East Glacier, Heart Butte, St. Mary, and Starr School, as indicated in the Blackfeet Comprehensive Plan. All other land and water areas shall be in the "C" Conservation Zone.

3.00 "C" CONSERVATION ZONE

3.01 PURPOSE.

The purpose of the "C" Conservation Zone is to preserve the ecological quality of the Reservation while allowing reasonable use of land and water areas in a low density of development consistent with the rural character of the Reservation.

3.02 PERMITTED USES.

Natural areas not modified by man and the following:

1. Agriculture.
2. Rural single-family residence.
3. Public park and recreation areas.
4. Public and semi-public buildings.
5. Uses accessory to the above uses.

3.03 CONDITIONAL USES.

All conditional uses are subject to review by the Land Board, and are subject to such conditions as are required by this ordinance and such other conditions as the Land Board may determine. All other uses not listed shall be subject to review by the Land Board, which shall determine whether they are prohibited or permitted conditional.

1. Business.
2. Industry.

3. Residential subdivision.
4. Commercial recreation.
5. Extraction, sand and gravel pits, oil wells.
6. Two-family residence, multi-family residence.
7. Mobile home park, mobile home.
8. Airport.

3.04 WATER, WATERFRONT.

The use of all lakes, rivers and streams, and the use of all adjoining land areas 1/2 mile or less from the shore line at the mean water level shall be subject to review by the Land Board. The Land Board may allow as conditional uses a residence, residential subdivision, resort, commercial recreation, public park and recreation area or public or semi-public building subject to the regulations of the ordinance and standards adopted by the Land Board, provided such uses are in compliance with health standards, including sewage disposal. The watering of livestock directly from lakes, rivers or streams shall be prohibited.

3.05 STANDARDS.

The Land Board shall adopt standards including those for setbacks, density of development, environmental quality, off-street parking, signs and fences, which shall apply to all uses. The Land Board may impose more strict requirements for any conditional use.

4.00 "U" URBAN ZONE

4.01 PURPOSE.

The purpose of the "U" Urban Zone is to provide for the development of towns in accordance with the Comprehensive Plan at greater densities than the general low density rural character of the Reservation, and to protect the environment through reasonable regulations.

4.02 PERMITTED USES:

1. Residential subdivision.
2. Single-family residence.
3. Two-family residence.
4. Public park and recreation area.
5. Public and semi-public buildings.
6. Uses accessory to the above uses.

4.03 PROHIBITED USES:

1. Extraction, sand and gravel pits, oil wells.

4.04 CONDITIONAL USES.

All conditional uses are subject to review by the Land Board and are subject to such conditions as are required by this ordinance and such other conditions as the Land Board may determine. All other uses not listed shall be subject to review by the Land Board which shall determine whether they are prohibited or permitted conditionally.

1. Commercial recreation.
2. Business located in accordance with the Comprehensive Plan.
3. Industry located in accordance with the Comprehensive Plan.
4. Mobile home, mobile home park.
5. Multi-family residence.
6. Agriculture.

4.05 STANDARDS.

The Land Board shall adopt standards including those for setbacks, density of development, environmental quality, off-street parking, signs and fences, which shall apply to all uses. The Land Board may impose more strict requirements for any conditional use.

5.00 GENERAL REQUIREMENTS

5.01 MINIMUM REQUIREMENTS.

The regulations of this ordinance are minimum requirements and may not be reduced except by the Tribal Business

Council through appeal or amendment. The Land Board is delegated to administer and interpret this ordinance, to adopt standards, to approve or deny conditional uses. The Land Board may impose more strict requirements for conditional uses than the minimums established by this ordinance.

5.02 PUBLIC HEARING, PUBLIC NOTICE.

Any request for conditional use shall be considered by the Land Board at a public hearing. Public notice shall appear in a newspaper of general circulation on the Reservation prior to such public hearing. The Land Board shall meet not less than monthly to consider zoning matters.

5.03 USE PERMIT REQUIRED.

Any person desiring to alter the existing use of any land, water or building and any person desiring to use land, water areas or erect a building shall first obtain a use permit from the Land Board.

5.04 NON-CONFORMING USES.

Use of land, water or buildings which lawfully existed at the effective date of this ordinance but which does not comply with the regulations of this ordinance may be continued. Such use shall not be changed except to a permitted use or to a conditional use if approved by the Land Board subject to the regulations of the zone in which it is located.

5.05 APPEALS.

Any person may appeal in writing to the Tribal Business Council a decision of the Land Board. The decision of the Tribal Business Council on any appeal shall be final.

5.06 AMENDMENT.

The Tribal Business Council shall, prior to any action amending this ordinance, request a review and recommendation from the Land Board.

5.07 ADMINISTRATION AND ENFORCEMENT.

The Land Board is hereby designated to administer and enforce this ordinance, issue permits, inspect properties and enforce violations. The Land Board may employ building inspectors to assist in carrying out its responsibilities.

Any person who violates, disobeys, refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall for each offence be punished by a fine in any sum not exceeding \$300 or imprisoned for a term not exceeding 30 days, or both such fine and imprisonment. Each day that a violation is continued shall constitute a separate offence.

5.08 VALIDITY, EFFECTIVE DATE.

Should any portion of this ordinance be declared invalid, this shall not affect the validity of the ordinance as a whole or other part thereof except the portion declared invalid.

Whenever there is a difference between this ordinance and any other ordinance in effect, the more strict regulation shall apply.

This ordinance shall take effect and be in force 30 days after its passage.

Passed the Tribal Business Council

July 10, 1973

Effective _____

TABLE OF CONTENTS

CHAPTER 13

HOUSING

Section 1. Definitions----- 301

Section 2. Rent and Contribution due----- 301

Section 3. When Rent or Contribution is Delinquent----- 301

Section 4. First Delinquency within a one year period----- 302

Section 5. Second Delinquency within a one year period----- 303

Section 6. Third Delinquency within a one year period----- 304

Section 7. Procedures before claims court of the Blackfeet Tribal Court or Small Claims
Court----- 305

 A. Small Claims----- 305

 B. Tribal Court----- 305

Section 8. Eviction Order----- 306

Section 9. Excuse for Delinquency----- 306

Section 10. Eviction stops further Public Housing Assistance----- 307

Section 11. Security Deposit, Damages to Houses, other Damages----- 307

 A. Security Deposit----- 307

 B. Damages Caused to Home----- 307

 C. Other Damages----- 308

Section 12. Notice of this Ordinance to the Public----- 308

CHAPTER 13

HOUSING

SECTION 1. DEFINITIONS.

For the purposes of this Chapter, the following words shall have the meanings set out below, unless otherwise stated.

A. “**Authority**” shall mean the Blackfeet Indian Housing Authority of the Blackfeet Tribe;

B. “**Renter**” shall mean any person renting any type of public housing, including all housing rented by the Authority on a month-to-month basis;

C. “**Participant**” shall mean any person purchasing a mutual self-help home through a public housing program”

D. “**Rent**” shall be the amount that a renter pays each month for a rented house under a public housing program;

E. “**Contribution**” shall be that amount of money paid each month under a mutual self-help occupancy agreement by a participant;

F. “**Public Housing**” shall be any housing on the Blackfeet Reservation that is obtained under any type of federal housing program through the Department of Housing and Urban Development and is classified as public housing or a public housing program;

SECTION 2. RENT AND CONTRIBUTION DUE.

All rent and contribution shall be considered delinquent if not paid on or before the seventh (7th) day of each month on a month-to-month basis.

SECTION 3. WHEN RENT OR CONTRIBUTION IS DELINQUENT.

All rent and contribution shall be considered delinquent if not paid on or before the seventh (7th) day of each month when due.

SECTION 4.**FIRST DELINQUENCY WITHIN A ONE YEAR PERIOD.**

The first time a renter of participant is delinquent with rent or contribution beginning from the date of the approval of this Ordinance by the Blackfeet Tribal Business Council, a Notice of Delinquency shall be sent to the renter or participant by the Authority or any other organization in charge of administering public housing on the Blackfeet Reservation. This notice shall be sent by mail and state that the renter or the participant is delinquent in rent or contribution for the named month. The notice shall give the renter or participant seven (7) days to either pay the delinquent rent or contribution or to get an extension on the payment of the rent or contribution. The notice shall also state that in addition to the payment of the delinquent rent or contribution, the renter or participant shall pay a delinquent penalty to the Authority or any other administrator of Five Dollars (\$5.00) unless such penalty is waived, in writing by an authorized representative of the Authority or other administrator upon the showing that the renter or participant had a valid excuse for not paying the rent or contribution on time. The notice shall further state that in the event the delinquent rent or contribution is not paid within this time, the Authority or other administrator shall proceed to either collect this time, the Authority or other administrator shall proceed to either collect this rent or start eviction proceedings against the renter or participant through the Blackfeet Tribal Court. The Authority or the administrator shall accept the delinquent rent, together with the Five Dollar (\$5.00) penalty if it is shown to its satisfaction that such delinquency was unavoidable. This waiver must be in writing and must state the reasons for the waiver, and be signed by the representative of the Authority or other administrator accepting the late payment.

If the delinquency is not paid within the time period stated above, the Authority or other administrator shall then proceed to start collection or eviction proceedings in Blackfeet Tribal Court or Small Claims Court of the Blackfeet Tribe. The Authority or other administrator can accept the

delinquent payment of rent or contribution anytime before the case comes before the Court for hearing. The Complaint or eviction petition served upon the renter or participant shall state the amount of the delinquency, the length of time of the delinquency, the date of the Notice of Delinquency sent to the renter or participant and the amount owing to the Authority, or other administrator and shall also include notice to the renter or participant that in the event such delinquency is paid before a hearing upon the complaint or petition, that a Twenty Dollar (\$20.00) penalty will also be imposed.

In the event the Authority or other administrator accepts the late rent or contribution before the hearing on the complaint or petition, the \$20.00 penalty must also be paid. This penalty cannot be waived unless the renter or the participant proves to the satisfaction of the Authority or other administrator that he or she did not receive the Notice of Delinquency. The \$20.00 penalty shall be divided between the Authority or other administrator and the Blackfeet Tribal Court with \$10.00 going to each. The Authority or administrator shall collect the rental or contribution and the penalty and shall turn one-half (1/2) of the penalty over to the Tribal Court getting a receipt for the same. Upon accepting the delinquent rent or contribution and penalty, the Authority or other administrator shall immediately notify the Court to dismiss the complaint or petition against the renter or participant. The Court shall never accept payment of either the rent or contribution or the penalty directly from the renter or participant. The Authority shall not accept payment of delinquent rent or contribution and penalty after the hearing has been held, but shall comply with the findings of the Court at the hearing.

SECTION 5. SECOND DELINQUENCY WITHIN A ONE YEAR PERIOD

The second time a participant or renter is delinquent with rent or contribution within one year period beginning from the date of the approval of this ordinance by the Blackfeet Tribal Business Council, the same procedure shall be followed as set out in Section 4 above, with the exception that the delinquency notice shall be entitled "Delinquency Notice Number 2", and the penalty shall be raised to

Ten Dollars (\$10.00) instead of Five Dollars (\$5.00) and Thirty Dollars (\$30.00) instead of Twenty Dollars (\$20.00) if the Court proceedings are started.

The only other exception to the procedure laid out in Section 4 above, is that when and if the renter or participant pays the delinquent rent or contribution either within the seven (7) day notice period or before the hearing set on a complaint or eviction, the Authority or other administrator shall issue a summons to the renter or participant ordering he or she to appear before the Authority or other administrator at a time and date set in the summons. Failure of the participant or renter to attend this hearing shall result in the delinquent rent being returned, together with the penalty to the renter or participant and the Court proceedings being reinstated. This fact shall appear upon the summons to give the renter or participant notice of what will happen if the summons is not obeyed.

At the time and place set in the summons, the Authority or other administrator shall ask the participant or renter the reasons for the delinquent rent and shall notify the renter or participant that in the event there is another unexcused delinquency within the year as stated in this Section, the Authority or administrator shall not accept late payment and shall proceed with court action. The renter or participant shall also be informed at this time that in the event eviction proceedings are instituted and granted against the renter or participant, he or she shall not be eligible for any type of public housing assistance for two (2) years after the date of the order of eviction by the Tribal Court.

SECTION 6. THIRD DELINQUENCY WITHIN A ONE YEAR PERIOD.

The third time a participant or renter is delinquent with rent or contribution within a one year period beginning from the date of the approval of this Ordinance by the Blackfeet Tribal Business Council, a Notice of Delinquency shall be sent in conformance with Section 4 above, except that the Delinquency Notice shall be entitled "Delinquency Notice #3" and shall carry a Fifteen Dollar (\$15.00) penalty if rent is paid within the time stated in the notice. In the event such rent or contribution is not

paid within the time stated in the notice, eviction proceedings shall be started in the Blackfeet Tribal Court. No rent or contribution shall be accepted by the Authority or other administrator once such proceedings are started in the Tribal Court. The Authority or other administrator shall then be bound by the decision of the Court.

SECTION 7. PROCEDURES BEFORE CLAIMS COURT OF THE BLACKFEET TRIBAL COURT OR SMALL CLAIMS COURT

A. Small Claims. The Authority or other administrator shall have the right to bring an action in the Small Claims to collect the delinquent rent plus the penalty assessed as set out in Sections 4, 5, or 6. The procedure before the Small Claims Court shall follow Chapter 10 of the Blackfeet Tribal Law and Order Code of 1967, as amended.

B. Tribal Court. The Authority or other administrator may, at its option, choose to file an eviction petition in the Blackfeet Tribal Court for a delinquency as defined above in Section 3. The Authority or other Administrator shall file a petition asking that the renter or participant be evicted from the described house. The petition shall contain the name of the renter or participant, a description of the house, whether such house is a rental or a mutual self-help house, the amount of the delinquency, the number of delinquencies within the one year period as set out above, the date the notice of delinquency was sent and its number, the time of delinquency and a request that such person be evicted from the described house. The Court shall then issue a Show Cause Order, ordering the participant or renter into the Court on a date and time stated in the Show Cause Order, to show cause why he or she should not be evicted. This Order and a copy of the petition shall be served on the participant or renter. The Order to Show Cause must set a hearing date not less than five (5) days from the date of service upon the participant or renter but in any event such hearing date shall not be more than twenty (20) days from the date of service.

At the hearing the Court shall listen to the petitioner and the renter or participant and then decide whether or not such eviction shall be ordered. In the event that the participant or renter does not appear at the hearing, the eviction may be ordered by default. The Authority or other administrator shall always be present at the hearing and shall be notified of the hearing date and time by the Court.

SECTION 8. **EVICITION ORDER.**

In the event the Tribal Court orders an eviction of a renter or participant, the Court shall have such order served upon the person within twenty-four (24) hours after such order. The renter or participant shall then have twenty-four (24) hours to remove his or her belongings from the home in question. At the end of this time, a commissioned officer of the Blackfeet Law Enforcement Commission shall lock up the house and place the eviction order in plain view on the outside of the house. In the event the renter or participant breaks back into the house without the permission of the Authority or the Court, he or she will be subject to a criminal penalty under Section 33 of the Blackfeet Tribal Law and Order Code of 1967, As amended, entitled "Disobedience to Lawful Order of the Court".

Once a house is vacated under an order of eviction, it may be re-rented or re-sold to another renter or participant. In the event a participant is evicted from a mutual self-help house, the Authority will consider the mutual self-help and occupancy agreement breached.

SECTION 9. **EXCUSE FOR DELINQUENCY.**

In the event a participant or renter has a valid excuse for a delinquency, he or she shall state this reason to the Authority or other administrator. The Authority or administrator, in its discretion, may agree with such valid excuse and extend a waiver to the participant or renter on the time limit for the rent or contribution to be paid. This waiver shall always be in writing, giving the reasons for the extension, the time of the extension and be signed by an authorized representative of the Authority or

other administrator. In the event such waiver is given, the delinquency shall not be considered as a delinquency for the purpose of Section 4, 5, and 6 above.

SECTION 10. EVICTION STOPS FURTHER PUBLIC HOUSING ASSISTANCE.

Once a person has been evicted from any type of public housing, including low rent and mutual self-help housing, such person shall not be eligible for any type of public housing assistance for at least two (2) years from the date of the eviction.

SECTION 11. SECURITY DEPOSIT, DAMAGES TO HOUSES, OTHER DAMAGES.

A. Security Deposit. In the event a security deposit is required before a person can occupy a public housing project house, such deposit shall be paid under the terms and conditions stated in the rental or occupancy agreement. In the event such deposit is not paid, it shall be treated the same as a delinquency and the procedures set out in Section 4 above shall apply, with the exception of the late penalty. Thus, if such security deposit is delinquent, a delinquency notice shall be sent and if such deposit is not paid within the time set out in the delinquency notice, proceedings will be started in the Tribal Court, to either collect this deposit or to evict the renter or participant.

B. Damages Caused to Home. In the event an inspector finds damages in either a rented house or a mutual self-help house that are deliberately caused or could have been avoided with care taken by the renter or participant, the renter or participant shall be sent a bill for such damages. The renter or participant then has fifteen (15) days from the date of the billing to come before the Authority or other administrator to explain the damages. The Authority or administrator shall state that the person has the right to come before the Authority or administrator for a hearing and such notice shall be included on the billing sent for the damages. The hearing shall be final and at the hearing the Authority or administrator may either find that there are no damages, that the damages are not the fault of the renter or participant, find a lesser amount of damages or find that the damages are the same as in the

billing. The renter or participant shall then have ten (10) days to pay the damages if they are found to be the fault of the renter or participant. In the event such damages are not paid after such a hearing or if there is no hearing requested and the damages are not paid within the 15 day time period, the Authority or administrator shall proceed in the same manner to collect the damages or evict the participant as if such damages were delinquent rent or contribution.

C. Other Damages. The procedure to follow for the assessment of any other damages or penalties or costs to the Authority or other administrator from a violation of mutual help occupancy agreement or rental agreement shall be in the same manner as set out in Section 11 B above. This includes any towing charges assessed against a renter or participant for the hauling away of "junk cars" or other debris around the premises of said home.

SECTION 12. NOTICE OF THIS ORDINANCE TO THE PUBLIC.

This Ordinance shall be published in a local newspaper and posted in three (3) public places for four (4) consecutive weeks.

History: (Adopted by Ordinance 49, passed on the 10th day of September, 1975 by the Blackfeet Tribal Business Council).

EXECUTIVE COMMITTEE

Earl Old Person, Chairman
James Baker, Vice-Chairman
Lee Wilson, Secretary
Eloise Coeill, Treasurer

THE BLACKFEET TRIBE

OF THE BLACKFEET INDIAN RESERVATION

BROWNING, MONTANA 59417

TRIBAL COUNCIL

Earl Old Person
Lee Wilson
Joe Show
Archie St. Goddard
Floyd Gervais
James Baker
Leonard Mountain
George Kicking Wolf
Terry Racine

RESOLUTION NO. 40-76

R E S O L U T I O N

WHEREAS: The Blackfeet Tribe of the Blackfeet Indian Reservation, an Indian Chartered Federal Corporation, incorporated under the Act of 18 June 1934, (48 Statute 904), and the Blackfeet Tribal Business Council is the duly elected body empowered to handle and discharge the business of the Blackfeet Tribe of the Blackfeet Indian Reservation, an Indian Chartered Federal Corporation, and

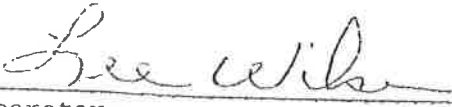
WHEREAS: The Blackfeet Tribal Business Council being the duly elected body empowered to handle and discharge the business of the Blackfeet Tribe of the Blackfeet Indian Reservation is responsible and empowered to assure qualitative health delivery services to the Blackfeet People, and

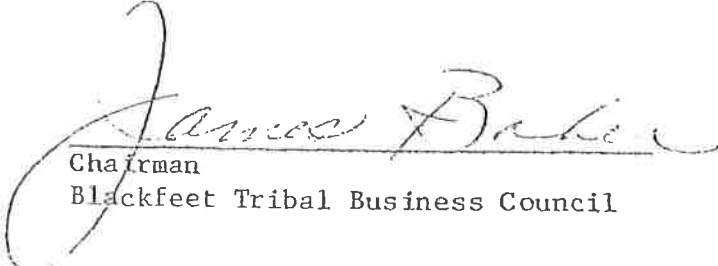
WHEREAS: To assist the Blackfeet Business Council's implementation of qualitative health delivery services, the Blackfeet Housing Authority was created to assure and provide for the highest quality and quantity of health services to the Blackfeet People, now

THEREFORE BE IT RESOLVED: Pursuant to the authority vested in the Blackfeet Tribe by its Constitution, and particularly by Article VI, Sections 1(a) and (k) thereof, and its authority to provide for the health, safety, morals and welfare of the Blackfeet Tribe, the Tribal Council of the Blackfeet Tribe hereby establishes a public body known as the Blackfeet Indian Housing Authority (hereinafter referred to as the Authority), and enacts this ordinance which shall establish the purposes, powers and duties of the Authority.

BE IT FURTHER RESOLVED: In any suit, action or proceeding involving the validity or enforcement of or relating to any of its contracts, the Authority shall be conclusively deemed to have become established and authorized to transact business and exercise its powers upon proof of the adoption of this ordinance. A copy of the ordinance duly certified by the Secretary of the Council shall be admissible in evidence in any suit, action or proceeding.

ATTEST:

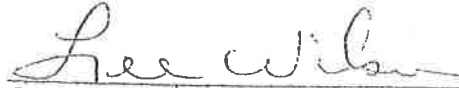

Secretary
Blackfeet Tribal Business Council


Chairman
Blackfeet Tribal Business Council

RESOLUTION NO. 40-76

CERTIFICATION

I hereby certify the foregoing resolution was adopted by the Blackfeet Tribal Business Council in duly called, noticed and convened Special Session assembled the 4th day of January, 1977, with seven (7) members present to constitute a quorum.



Secretary

Blackfeet Tribal Business Council

WHEREAS: It has come to the attention of the Blackfeet Tribal Business Council that there is a need to have an ordinance dealing with public housing on the Blackfeet Reservation; and

WHEREAS: There is a need to set down such laws pertaining to public housing in the Blackfeet Tribal Law and Order Code of 1967, as amended, and that such laws should include provisions for collection of rentals and eviction in the event of delinquent rentals or payments;

THEREFORE BE IT NOW ORDAINED that the Blackfeet Tribal Business Council hereby adopts the attached ordinance dealing with public housing the the Blackfeet Reservation and that such ordinance be included in the Blackfeet Tribal Law and Order Code of 1967, as amended as Chapter 19, Housing

BLACKFEET TRIBE OF THE BLACKFEET INDIAN RESERVATION

ATTEST:

Carol A. Kops
Secretary, Blackfeet Tribal Business Council

[Signature]
Chairman, Blackfeet Tribal Business Council

* * * * *

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed, and convened special session held on the 10TH day of SEPT, 1975 with 9 members present to constitute a quorum.

Carol A. Kops
Secretary, Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850

BROWNING, MONTANA 59417

(406) 338-7179

FAX 338-7530

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
BERNARD ST. GODDARD, VICE-CHAIRMAN
ROLAND KENNERLY, SECRETARY
MAINE GUARDIPEE, TREASURER

BLACKFEET TRIBAL BUSINESS COUNCIL

EARL OLD PERSON
BERNARD ST. GODDARD
ROLAND KENNERLY
MARLENE BEAR-WALTER
TED WILLIAMSON
ARCHIE ST. GODDARD
JIMMY ST. GODDARD
GABE GRANT
CARL KIPP

MAY 27, 1997

E-X-C-E-R-P-T

NUMBER: E97-74

AMENDMENT TO ORDINANCE #95/BOND SCHEDULE: Kathleen Fleury, Tribal Attorney presented an amendment to Drug Ordinance #95 for Council review and approval. The amendment would add the following Bond Schedule:

CHAPTER 1

- A. Criminal Sale of Dangerous Drugs
(1) Cash bond of \$5,000.00
- B. Criminal Possession of Dangerous Drugs
(1) Cash Bond of \$5,000.00
- C. Criminal Possession of Dangerous Drugs with intent to deliver or sell.
(1) Cash bond of \$5,000.00
- D. Fraudulently obtaining Dangerous Drugs
(1) Cash Bond/Bondsman \$4,000.00
- E. Criminal Sale of imitation Dangerous Drugs.
(1) Cash Bond of \$4,000.00
- F. Criminal Possession of Imitation Dangerous Drugs with intent to sell.
(1) Cash Bond of \$5,000.00
- G. (A) Criminal Possession of Toxic Substance.
(1) Cash Bond/Bondsman \$2,000.00
- G. (B) Criminal Sale of Dangerous Drugs to a minor.
(1) Cash Bond of \$10,000.00
- H. Possession of Drug Paraphernalia.
(1) Cash Bond/Bondsman of \$3,500.00


AMENDMENT TO ORDINANCE #95/BOND SCHEDULE (Cont'd): Ms. Fleury advised of one bond which may be challengeable as according to the Indian Civil Rights Act, there are limits on what Tribes can impose.

Roland Kennerly made a motion to amend Drug Ordinance #95, with the above listed Bond Schedule. as presented. Seconded by Ted Williamson and carried unanimously.

CERTIFICATION

I hereby certify that the foregoing Excerpt is a true copy taken from the Minutes of the Blackfeet Tribal Business Council during a duly called, noticed and convened Special Session held the 23rd day of May, 1997 with Six (6) members present to constitute a quorum.

(CORPORATE SEAL)



Roland Kennerly, Secretary
Blackfeet Tribal Business Council

BLACKFEET NATION

P.O. BOX 850
BROWNING, MONTANA 59417
(406) 338-7179
FAX 338-7530

BLACKFEET TRIBAL BUSINESS COUNCIL

EXECUTIVE COMMITTEE

EARL OLD PERSON, CHAIRMAN
BERNARD ST. GODDARD, VICE-CHAIRMAN
ROLAND KENNERLY, SECRETARY
ELAINE GUARDIPEE, TREASURER


EARL OLD PERSON
BERNARD ST. GODDARD
ROLAND KENNERLY
MARLENE BEAR-WALTER
TED WILLIAMSON
ARCHIE ST. GODDARD
JIMMY ST. GODDARD
GABE GRANT
CARL KIPP

ORDINANCE # 95

- WHEREAS, The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Reservation, and
- WHEREAS, The Blackfeet Tribal Business Council has been organized to represent, develop, protect and advance the views, interests, education and resources of the Blackfeet Indian Reservation, and
- WHEREAS, Article VI, Section 1 (k) of the Constitution and By-Laws of the Blackfeet Indian Reservation empowers the Blackfeet Tribal Business Council to promulgate Ordinances for the purposes of safeguarding the peace and safety of the residents of the Blackfeet Indian Reservation, and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that there is increasing incidents of reported drug use and abuse within the exterior boundaries of the Blackfeet Reservation, and
- WHEREAS, It has come to the attention of the Blackfeet Tribal Business Council that the present laws related to Dangerous Drugs are incapable of being enforced due to their complexities and lack of relationship to the problems present on the Blackfeet Reservation, and
- WHEREAS, For a period of one (1) year from the date this Ordinance is adopted there shall be "Zero Tolerance" on the Blackfeet Indian Reservation, and
- WHEREAS, "Zero Tolerance" may be extended by a motion to, and approved by the Blackfeet Tribal Business Council, now
- THEREFORE BE IT HEREBY ORDAINED, That Ordinance 77 and Chapter 5 Part V, Offenses Involving Dangerous Drugs of the Blackfeet Indian Reservation are hereby repealed and that the attached set of laws, entitled "Offenses Involving Dangerous Drugs" be adopted as Chapter 5, Section V of the Blackfeet Law and Order Code of 1967, as amended.

ATTEST:

THE BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION



Roland Kennerly, Secretary


Earl Old Person, Chairman

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened Regular Session assembled for business on the 9th day of January, 1997 with Six (6) members present to constitute a quorum and by a unanimous vote of said members present.

(CORPORATE SEAL)


Roland Kennerly, Secretary
Blackfeet Tribal Business Council

- (11) "Prescribed Medication" means a medication that is obtained through a prescription prepared by a practitioner.
- (12) "Process" means any act or series of acts which is intended to produce a dangerous drug.
- (13) "Possession" means the knowing control of a dangerous drug or drug paraphernalia for a sufficient period of time to be able to terminate control.
- (14) "Ultimate User" means a person who lawfully possesses a dangerous drug for his/her own use, for the use of a member of his/her household, or for administration to an animal owned or controlled by him/her or by a member of his/her household.
- (15) "Zero Tolerance" shall mean that possession or sale of any amount, no matter how small, of any dangerous drug within the exterior boundaries of the Blackfeet Reservation is a violation of this Ordinance.

CHAPTER 1

A. CRIMINAL SALE OF DANGEROUS DRUGS

- (1) A person commits the offense of Criminal Sale of Dangerous Drugs if he/she sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away, or manufactures, prepares, cultivates, compounds or processes any dangerous drug no matter how small of an amount.
- (2) A person convicted of the Criminal Sale of Dangerous Drugs shall be imprisoned for a mandatory minimum term of six (6) months, not to be suspended or deferred, and shall be fined One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.
- (3) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

B. CRIMINAL POSSESSION OF DANGEROUS DRUGS

- (1) A person commits the offense of Criminal Possession of Dangerous Drugs if he/she possesses any amount of a dangerous drug.
- (2) A person convicted of Criminal Possession of Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and shall be fined in an amount not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). The minimum fine must be imposed as a condition of a suspended or deferred sentence. Fine to be paid after sentence term or served at a rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Ultimate Users, Practitioners, and Agents, acting in the lawful usual course of their professional practice or business are exempt from this subsection.

C. CRIMINAL POSSESSION OF A DANGEROUS DRUG WITH INTENT TO DELIVER OR SELL

(1) A person commits the offense of Criminal Possession with Intent to Deliver or Sell if he/she possesses with intent to sell any dangerous drug. No person commits the offense of Criminal Possession with Intent to Sell Marijuana unless he/she possesses fourteen (14) grams of marijuana or more.

(2) A person convicted of the offense of Criminal Possession with Intent to Deliver or Sell shall be imprisoned for a mandatory term of one (1) year, not to be suspended or deferred, and shall be fined in an amount of One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at a rate or Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

D. FRAUDULENTLY OBTAINING DANGEROUS DRUGS

(1) A person commits the offense of Fraudulently Obtaining Dangerous Drugs if he/she obtains or attempts to obtain a dangerous drug by:

- (a) fraud, deceit, misrepresentation, or subterfuge:
- (b) the use of a forged, altered or fictitious prescription:
- (c) the use of a false name or address on a prescription:
- (d) the concealment of a material fact; or
- (e) the representation that he/she is a manufacturer, wholesaler, distributor, or dispenser of dangerous drugs.

(2) A person convicted of Fraudulently Obtaining Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and a fine of at least Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.

- (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

E. CRIMINAL SALE OF IMITATION DANGEROUS DRUGS

(1) A person commits the offense of Criminal Sale of Imitation Dangerous Drugs if he/she knowingly or purposely sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away any imitation dangerous drugs.

(2) A person convicted of Criminal Sale of Imitation Dangerous Drugs shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and fined in an amount of at least Five Hundred Dollars (\$500.00) but not more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

F. CRIMINAL POSSESSION OF IMITATION DANGEROUS DRUGS WITH INTENT TO SELL

(1) A person commits the offense of Criminal Possession of Imitation Dangerous Drugs with Intent to Sell if he possesses with intent to sell any imitation dangerous drugs.

(2) A person convicted of Criminal Possession of Imitation Dangerous Drugs with Intent to Sell shall be imprisoned for a mandatory term of not less than three (3) months nor more than six (6) months and fined not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00). Fine to be paid after sentence or served at the rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

G. CRIMINAL POSSESSION OF TOXIC SUBSTANCES

- (1) A person commits the offense of Criminal Possession of Toxic Substances if he/she inhales, ingests, or possesses with the intent to inhale or ingest, for the purpose of altering his/her mental state, any substance with toxic effects that is not manufactured for human consumption or inhalation; including, but not limited to, rubbing alcohol, gasoline, fingernail polish, paint and paint thinners, acetone, aerosol propellants, and chemical solvents.
- (1) A person convicted of the offense of Criminal Possession of Toxic Substances shall be imprisoned for a mandatory term of not less than one (1) month nor more than three (3) months and be fined in an amount not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00). Fine to be paid after sentence or served at the rate of Twenty-Five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months

G. CRIMINAL SALE OF DANGEROUS DRUGS TO A MINOR

- (1) A person commits the offense of Criminal Sale of Dangerous Drugs to a Minor if he/she knowingly or should have known that the person receiving the Dangerous Drug, was under the age of Eighteen (18) years of age.
 - (a) Sale shall mean if he/she sells, barter, exchanges, gives away, or offers to sell, barter, exchange or give away, any amount of a Dangerous Drug.

- (2) A person convicted of Criminal Sale of Dangerous Drugs to a Minor shall be imprisoned for a mandatory sentence of One (1) year and fined in the amount of One Thousand Dollars (\$1,000.00) not to be suspended or deferred. Fine to be paid after sentence term or served at the rate of Twenty-Five Dollars (\$25.00) per day.
 - (a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

H. POSSESSION OF DRUG PARAPHERNALIA

- (1) A person commits the offense of Possession of Drug Paraphernalia if he/she has any equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug. It includes but is not limited to:
 - (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a dangerous drug or from which a dangerous drug can be derived.
 - (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing dangerous drugs.
 - (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant that is a dangerous drug.
 - (d) Testing equipment used, intended for use in identifying or in analyzing the strength, effectiveness, or purity of dangerous drugs.
 - (e) Scales and balances used, intended for use, or designed for use in weighing or measuring dangerous drugs.

- (f) Diluents and adulterants, such as quinine hydrochloride, mannitol, dextrose, and lactose, used, intended for use, or designed for use in "cutting" dangerous drugs.
 - (g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
 - (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding dangerous drugs.
 - (i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of dangerous drugs.
 - (j) Containers and other objects used, intended for use, or designed for use in storing or concealing dangerous drugs.
 - (k) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, hashishoil, or other dangerous drugs as defined by Title 21 U.S.C. Section 812, into the human body, such as:
 - (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (ii) water pipes or carburetor tubes and devices;
 - (iii) smoking and carburetor masks;
 - (iv) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - (v) miniature cocaine spoons and cocaine vials;
 - (vi) chamber, carburetor, electric, or air-driven pipes;
 - (vii) chillums
 - (viii) bongs
 - (ix) ice pipes or chillers;
- (2) Words or phrases used in this part that are not defined by this Section have the meaning given them by the definitions contained in this Ordinance unless the usage clearly indicates a different intent.
- (3) In determining whether an object is drug paraphernalia, the following shall be considered, in addition to all other logically relevant factors:

- (a) Statements by an owner or by anyone in control of the object concerning its use.
 - (b) Prior convictions, if any, of an owner or of anyone in control of the object, under any tribal, state, or federal law relating to any controlled substance or dangerous drug.
 - (c) The proximity of the object, in time and space, to a direct violation of this ordinance.
 - (d) The proximity of the object to dangerous drugs.
 - (e) The existence of any residue of dangerous drugs on the object.
 - (f) Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he/she knows, or should reasonably know, intends to use the object to facilitate a violation of this Ordinance. The innocence of any owner or of anyone in control of the object as to a direct violation of this Ordinance does not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
 - (g) Instructions, oral or written, provided with the object concerning its use.
 - (h) Descriptive materials accompanying the object which explain or depict use.
 - (i) National or local advertising concerning its use.
 - (j) The manner in which the object is displayed for sale.
 - (k) Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
 - (l) Direct or circumstantial evidence of the ration of sales of the objects to the total sales of the business enterprise.
 - (m) The existence and scope of legitimate uses for the object in the community.
 - (n) Expert testimony concerning its use.
- (3) A person convicted of the offense of Possession of Drug paraphernalia shall be imprisoned for not less than forty-five (45) days nor more than six (6) months and shall be fined in an amount not less than Three Hundred Dollars (\$300.00) nor more than Seven Hundred Fifty Dollars (\$750.00). The minimum fine must be imposed as a condition of a suspended or deferred sentence. Fine to be paid after sentence term or served at a rate of Twenty-Five Dollars (\$25.00) per day.

(a) A person under the age of eighteen (18) years of age, convicted of a first violation under this subsection, shall be presumed to be entitled to a deferred imposition of a sentence of imprisonment, unless a finding of extraordinary circumstances is made which mandates a stronger sentence. Second and subsequent convictions of this offense shall require that the Court imprison the offender for a term of not less than three (3) months nor more than six (6) months.

(4) Practitioners and Agents lawfully acting in the usual course of their professional practice or business are exempt from this subsection.

I. ALTERNATE SENTENCING AUTHORITY

A person convicted under subsections A, B, C, D, E, F, G, or H above, if shown to be an excessive or habitual user of dangerous drugs or toxic substances, either from the face of his/her record or by a presentation of evidence to the sentencing judge, may after the offender has served at least one (1) month of the sentence and at the discretion of the Court, be committed to the custody of any institution for rehabilitative treatment for a term of not less than three (3) months and then returned to complete the rest of the sentence. Payment for such treatment shall be arranged by the offender or his/her family and shall not be borne by the Blackfeet Nation or the Blackfeet Tribal Court.

I. SEIZURES AND FORFEITURE RELATED TO DANGEROUS DRUGS

(1) The following Property is subject to forfeiture to the Blackfeet Tribal Court:

(a) All dangerous drugs seized pursuant to this Ordinance;

(b) All money, raw materials, products, and equipment of any kind that is used or intended for use in manufacturing, preparing, cultivating, compounding, processing, delivering, importing, or exporting any dangerous drug in violation of this Ordinance.

(c) All property used or intended for use as a container for anything listed in (a) or (b) above.

- (d) All conveyances which are used or intended for use in unlawfully transporting or in any manner facilitating the transportation of anything listed in (a) or (b) above.
- (e) All conveyances in which a dangerous drug is unlawfully kept, deposited, or concealed.
- (f) All books, records, and research products and materials, including formulas, microfilm, tapes, and data, that are used or intended for use in violation of this Ordinance.
- (g) All equipment, products, and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a dangerous drug.
- (h) Everything of value furnished or intended to be furnished in exchange for a dangerous drug in violation of this Ordinance; all proceeds traceable to such an exchange; and all money, negotiable instruments; and securities used or intended to be used to facilitate any violation of this Ordinance.

(2) Exceptions to Forfeiture:

- (a) No conveyance used by a person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this subsection unless it appears that the owner or other person in charge of the conveyance is a consenting party to or knowledgeable of a violation of this Ordinance.
- (b) No conveyance is subject to forfeiture under this subsection because of any act or omission established by the owner of the conveyance to have been committed or omitted without his/her knowledge or consent.
- (c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he/she neither had knowledge of nor consented to any violation of this Ordinance.

(3) When Property may be seized:

- (a) A law enforcement officer who has probable cause to make an arrest for a violation of this Ordinance, probable cause to believe that a conveyance has been used or is intended to be used to unlawfully transport a dangerous drug, or probable cause to believe that a conveyance has been used to keep, deposit, or conceal a dangerous drug shall seize the conveyance so used or intended to be used. The Officer shall immediately deliver a conveyance that is sized to the Bureau of Indian Affairs, Law Enforcement Services, Blackfeet Indian Agency, Browning, Montana, to be held as evidence until forfeiture is declared or release is ordered.
- (b) All property subject to forfeiture under this Ordinance, may be seized by a law enforcement officer under a search warrant issued by the Blackfeet Tribal Court. Seizure without a warrant may be made if:
 - (i) The seizure is made incident to an arrest or a search under a search warrant issued for another purpose or an inspection under an administrative inspection warrant;
 - (ii) The property subject to seizure has been the subject of a prior judgment in favor of the Blackfeet Nation in a criminal proceeding or a forfeiture proceeding based on this Ordinance.
 - (iii) The law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety.
 - (iv) The law enforcement officer has probable cause to believe that the property was issued or is intended to be used in violation of the criminal provisions of this Ordinance.
 - (v) The law enforcement officer has probable cause to believe that the property will be removed from the Blackfeet Reservation jurisdiction if not seized at that time.

(4) Forfeiture of Property:

(a) Petition to Institute Forfeiture Proceedings:

(i) Any law enforcement officer or agency that seizes any property pursuant to this Ordinance shall, within forty-five (45) days, file a petition to institute forfeiture proceedings with the Clerk of the Blackfeet Tribal Court. The Clerk shall issue a summons at the request of the petitioning party who shall cause the same to be served upon all owners or claimants of the property.

(b) Answer to Allegations Concerning the Use of Property.

(i) Within twenty (20) days after the service of the petition and summons, the owner or claimant of the property shall file an answer to the allegations. No extension of time for filing the answer may be granted, and failure to answer within the specified time bars the owner or claimant from presenting any evidence at any subsequent hearing.

(c) Procedure Following Answer or Expiration of Time for Answering:

(i) There is a rebuttable presumption of forfeiture of property.

(ii) If an answer to the petition is not filed within twenty (20) days after the service of the petition and summons, the Court, upon motion, shall order the property forfeited to the Blackfeet Nation.

(iii) If an answer is timely filed, the forfeiture proceeding shall be set for hearing, without a jury, not more than sixty (60) days after the answer is filed.

(d) Proof Required or Permitted at Hearing to Rebut the Presumption of Forfeiture.

(i) An owner of the property, who has an answer on file, must prove that the conveyance was not used for the purpose charged.

(ii) An owner of the property, who has an answer on file, must prove, in the alternative, that the use of the property occurred without his/her knowledge or consent.

(iii) A claimant of a secured interest in the property, who has an answer on file, must prove that his/her interest in bona fide and that it was created without the knowledge that the property was being used or was to be used for the purpose charged.

(e) Disposition of Property Following Hearing.

(i) If the Court finds that the property was not used for the purpose charged or that the property was used without the knowledge or consent of the owner, it shall order the property released to the owner of record as of the date of the seizure.

(ii) If the Court finds that the property was used for the purpose charged and that the offender is a daughter or son of the owner, the property shall be forfeited.

(iii) If the Court finds that the property was used for the purpose charged and that it was with the knowledge or consent of the owner, the property shall be disposed of as follows:

(A) If proper proof of his/her claim is presented at the hearing by the holder of a security interest, the Court shall order the property released to the holder of the security interest with all title, right and interest to the owner extinguished. If the value of the property is more than the security interest, the additional value shall be returned to the Blackfeet Tribal Court.

(B) If no claimant exists and the Blackfeet Tribal Business Council wishes to retain the property for its official use, it may do so. If such property is not to be retained, it shall be sold as provided in Chapter 10, Section 34(b) of the Blackfeet Law and Order Code, as amended.

(f) Disposition of Proceeds of Sales and or Fines.

(i) Whenever property is seized, forfeited and sold under the provisions of this Ordinance, the net proceeds of the sale must be remitted to the Treasurer of the Blackfeet Nation to be divided as follows:

(A) One-half to the Tribal Court Account.

(B) One-half to the Drug Enforcement Team to be used for drug enforcement purposes.

