

**RINCON BAND OF LUISEÑO MISSION INDIANS
RINCON INDIAN RESERVATION, CALIFORNIA**



**RINCON CHILDREN/JUVENILE ORDINANCE
RINCON TRIBAL CODE § 9.100**

Adopted on February 15, 1995

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§ 9.101 **PURPOSE**

This Ordinance establishes the Tribe's standards and criteria applicable to the review and approval of Tribal homes and persons authorized to provide Foster Care for Indian children.

§ 9.102 **DEFINITIONS**

(a) **“Applicant”** means any person who applies for a Foster Care Certificate from the Tribe, Tribal Court or Indian Health Council to become a Foster Parent, for permanent or temporary caretaking of a Foster Child.

(b) **“Compliance Monitoring Agreement”** means that certain form completed by an Applicant pursuant to Section 9.105(a)(4)(L).

(c) **“Exclusive Use Agreement”** means that certain form completed by an Applicant pursuant to Section 9.105(a)(4)(L).

(d) **“Foster Care Application”** means the written form of application completed by an Applicant to become a Foster Parent of a Foster Child pursuant to this Ordinance.

(e) **“Foster Care Certificate”** means a written certification from the Tribe, the Tribal Court or Indian Health Council that certifies a Foster Parent.

(f) **“Foster Child”** means an Indian child who has been placed by the Tribe, Tribal Court and/or Indian Health Council in the custody of a Foster Parent and who resides in a Foster Home on a temporary or permanent basis.

(g) **“Foster Home”** means a private residence, within or outside the exterior boundaries of the Rincon Reservation, under the ownership and control of a Foster Parent where a Foster Child resides on a temporary or permanent basis.

(h) **“Foster Parent”** means a person over the age of 18 who holds a Foster Care Certificate issued by the Tribe, Tribal Court or Indian Health Council to operate and maintain a Foster Home.

(i) **“Indian Health Council”** means the social services agency designated by the Tribe for Indian child welfare matters.

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(j) **“Notice of Responsibility”** means that certain form completed by an Applicant pursuant to Section 9.105(a)(4)(L).

(k) **“Ordinance”** means this Children/Juvenile Ordinance.

(l) **“Placement Reporting Agreement”** means that certain form completed by an Applicant pursuant to Section 9.105(a)(4)(L).

(m) **“Provisional Certificate”** means that certain certificate issued to an Applicant pursuant to Section 9.103(d).

(n) **“Tribal Council”** is the five-member committee established under Section 3 (a) of the Rincon Band’s Articles of Association. "Tribal Council" shall be synonymous with “Business Committee” or “Rincon Business Committee” as used in any existing or future tribal ordinance.

(o) **“Tribal Court”** means the Intertribal Court of Southern California or other tribal forum designated by the Business Committee to hear and decide violations of Tribal Laws.

(p) **“Tribal Laws”** means laws, ordinances, codes, policies and procedures enacted by the Tribe.

(q) **“Tribal Inspector”** means a person authorized to conduct field investigations on behalf of the Tribe, the Tribal Court and Indian Health Council in connection with Indian child welfare matters.

(r) **“Tribe”** means the Rincon Band of Luiseno Mission Indians.

§ 9.103 FOSTER CARE CERTIFICATES

(a) **Application.** An Applicant must submit a written application to the Tribe, the Tribal Court, or the Indian Health Council to become a certified Foster Parent under this Ordinance.

(b) **Approval/Disapproval.** Within fifteen (15) calendar days of receipt of an application, the Tribe, Tribal Court, and/or Indian Health Council shall approve or disapprove a Foster Care Application. If an Applicant meets the standards set forth in

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Section 9.105, the Tribe, the Tribal Court, and/or Indian Health Council shall certify the Applicant to be designated a Foster Parent pursuant to subsection (c).

(c) Certificate. Subject to subsection (d), each Foster Care Certificate shall, at a minimum, specify the: (i) maximum number of children the Foster Parent is approved to care for; (ii) the maximum number of children the Foster Home of the Foster Parent can accommodate at any one time; and, (iii) the term of the certification which shall expressly state an expiration date.

(d) Provisional Certificate. A Provisional Certificate may be issued to an Applicant for a maximum of ninety (90) calendar days, in the event the Tribe, the Tribal Court, and/or Indian Health Council finds that one or more deficiencies exist, provided that: (i) there is no harm to Indian child's physical health and safety, and emotional well-being, and (ii) the Applicant demonstrates corrective steps have been taken to remedy deficiencies within the amount of time established for correction.

§ 9.104 REVOCAATION

(a) Residency Change. A Foster Care Certificate or Provisional Certificate issued pursuant to Section 9.103 of this Ordinance shall be immediately and automatically revoked if the Foster Parent changes residency without the advance written approval of the Tribe.

(b) Material Change in Circumstances. A Foster Care Certificate or Provisional Certificate issued pursuant to Section 9.103 of this Ordinance shall be revoked if a material change in circumstances occurs that is deemed by the Tribe, the Tribal Court, and/or Indian Health Council, to diminish the quality of the Foster Home environment or the ability of the Foster Parent to care for a Foster Child.

§ 9.105 MINIMUM REQUIREMENTS FOR FOSTER PARENT/HOME

(a) An Applicant must satisfy the following requirements to become a Foster Parent:

(1) Complete and submit a Foster Care Application to the Tribe, the Tribal Court, and/or Indian Health Council.

(2) Submit proof of Native American ancestry, verifiable only by an enrollment number in a federally-recognized Indian tribe. Applicants may

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submit a photocopy of enrollment status with his or her Foster Care Application.

(3) Consent to a home evaluation by a representative designated by the Tribe, Tribal Court, or Indian Health Council. A home inspection shall be necessary to evaluate whether the Applicant's home is well-organized, adequate, and safe as demonstrated by the following criteria: (i) adequate heating and cooling systems; (ii) adequate number of smoke detectors; (iii) safe water (by water system testing -- if the home is served by a private well, then a water supply inspection and testing will be required with written test results provided to the Tribe, Tribal Court, or Indian Health Council); (iv) telephone by a landline; (v) regular trash disposal and collection; (vi) adequate electricity and/or gas; (vii) adequate number of emergency survival packets; (viii) safe storage of household cleaning/laundry solutions and toxic or hazardous materials; (ix) adequate number of fire extinguishers; and, (x) a reasonable household budget.

(4) Consent to a personal background evaluation by a representative of the Tribe or Indian Health Council that includes:

- (A)** An AIDS, tuberculosis, and pre-certification drug test;
- (B)** Fingerprinting for criminal record check;
- (C)** A valid Tribal photo identification card;
- (D)** A valid driver's license;
- (E)** An automobile with proof of insurance;
- (F)** Completion of a first aid training course;
- (G)** Completion of parenting skills development class(es);
- (H)** Extend full cooperation and participation to all involved officials;
- (I)** No unauthorized occupants;

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- (J) Complete and submit an emergency care/disaster action plan;
- (K) Complete and submit a building/yard plan for Foster Home;
- (L) Complete and sign a/an: (i) Placement Reporting Agreement, (ii) Notice of Responsibility, (iii) Compliance Monitoring Agreement, and (iv) Exclusive Use Agreement.

§ 9.106 SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held unconstitutional or invalid, only the invalid provision shall be severed and the remaining provisions and language of this Ordinance shall remain in full force and effect.

§ 9.107 SOVEREIGN IMMUNITY

All inherent sovereign rights of the Rincon Band as a federally recognized Indian tribe with respect to provisions authorized in this Ordinance are hereby expressly reserved, including sovereign immunity from unconsented suit. Nothing in the Ordinance shall be deemed or construed to be a waiver of the Rincon Band's sovereign immunity from unconsented suit.

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