

P.O. Box 429
Macy, Nebraska 68039



Ph: 402-837-5331
Fax: 402-837-5362

RESOLUTION
#19-78

OMAHA TRIBAL CODE
TITLE 12 & 24 REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe or by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 & 24 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 & 24 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12 & 24, prepare a table of contents and distribute and publish the amendment to Title 12 & 24.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 1 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 6 was present.

INTRODUCED BY: Mosiah Hamilton
MOTION: George Hamilton
SECOND: Everett Baxter

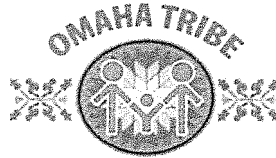
Dated: 8/29/19

Signed:

Wac Chuma
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

P.O. Box 429
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Ph: 402-837-5331
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CHILDREN and
FAMILY SERVICES

RESOLUTION
#19- 84

OMAHA TRIBAL CODE
TITLE 12-1-2 (dd) REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe or by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 1. Definitions

SECTION 12-1-2. (dd).

1. "Sibling" means any "sister" or "brother".

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 1 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 6 was present.

INTRODUCED BY: Mosiah Hankins
MOTION: Jerome Hamilton
SECOND: Everett Poshon, Jr.

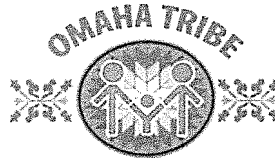
Dated: 8/29/19

Signed:

Boaz Kuman Jr.
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

P.O. Box 429
Macy, Nebraska 68039



CHILDREN and
FAMILY SERVICES

Ph: 402-837-5331
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RESOLUTION

#19-88

OMAHA TRIBAL CODE
TITLE 12-1-2 (ee) REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law." and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe". and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 1. Definitions

SECTION 12-1-2. (ee).

1. "Sister" means:

- a. Any female child of the biological mother or father;
- b. Any other female person, who, by virtue of an adoption either of themselves or of a member of their family pursuant to this Act or the laws of any Indian tribe or state, would have the relationship of a sibling with the person in question.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on August 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 0 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 0 was present.

INTRODUCED BY: Marian Hardan
MOTION: Deanne Hamilton
SECOND: Elizabeth Boxton, Jr.

Dated: 8/29/19

Signed:

Woe Thomas, Jr.
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

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RESOLUTION
#19-87

OMAHA TRIBAL CODE
TITLE 12-1-2 (ff) REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe". and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 1. Definitions

SECTION 12-1-2. (ff).

1. "Brother" means:

- a. Any male child of the biological mother and father;**
- b. Any other male person, who, by virtue of an adoptions either of themselves or of a member of their family pursuant to the laws of any Indian tribe or state, would hold the relationship of a sibling with the person in question.**

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 1 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 4 was present.

INTRODUCED BY: Morgan Hulan
MOTION: Gene Hamilton
SECOND: Everett Baxter

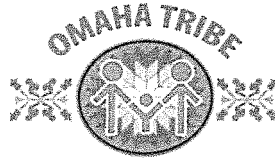
Dated: 8/29/19

Signed:

Waco Guma Jr
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

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Ph: 402-837-5331
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RESOLUTION
#19- 85

OMAHA TRIBAL CODE
TITLE 12-5-33.1 REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, iner alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 5. Procedures and Process Governing This Title

SECTION 12-5-33.1. Permanency Hearing.

- 1. The Court shall hold a permanency hearing to determine the permanent plan for the child. The permanency hearing may be combined with the periodic review hearing. The permanency hearing shall be held within twelve (12) months from the date that a child enters foster care, or within thirty (30) days after the Court finds that reasonable efforts to reunite the family are no longer required. A child shall be considered to have entered foster care on the earlier of the following two (2) dates: (1) The date of the adjudicatory hearing finding that the child is a child-in-need-of care; or (2) The date that is sixty (60) days after the date the child was removed from the home.**
- 2. At least 2 days prior to the permanency hearing, the Department will develop and submit to the Court a report that recommends and justifies a permanent placement option for the child. The report will consider the appropriateness of parental reunification, adoption, legal guardianship, permanent placement with fit relative, or an alternate planned permanent living arrangement. The Department shall make its placement recommendations based upon the best interests of the child.**
- 3. For any child who continues to be in an out-of-home placement, subsequent permanency hearings shall be held at least every six (6) months from the date of the previous permanency hearing until jurisdiction over the child terminates.**
- 4. At each permanency hearing, the Court shall consult with the child in an age-appropriate manner regarding the proposed permanency plan and include the following in its orders:**
 - A. whether the current permanency plan for the child remains the appropriate plan to meet the health, safety, welfare, and best interests of the child;**
 - B. the extent of compliance with the permanency plan for the child;**
 - C. the adequacy of services provided to the child and the child's parent(s), guardian or legal custodian to reunite the family within a reasonable period of time and to find a permanent home for the child in the event that reunification is not possible; and**
 - D. whether additional services are necessary to support the permanent plan, including services needed to assist the child to make a transition from foster care to successful adulthood for any child that has attained age 14.**

5. In addition to the foregoing requirements in this section, for any child for whom another planned permanent living arrangement is the permanency plan determined for the child:

A. The Department shall document in its report

i. the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made by the agency to return the child home or secure a placement for the child with a fit and willing relative (including adult siblings), a legal guardian, or an adoptive parent, including through efforts that utilize search technology (including social media) to find biological family members for the children; and

ii. the steps the Department is taking to ensure that: a. the child's foster family home or child care institution is following the reasonable and prudent parent standard; and b. the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).

B. at the permanency hearing, the Tribal Court shall:

i. ask the child about the desired permanency outcome for the child; and

ii. make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to return home; be placed for adoption; be placed with a legal guardian; or be placed with a fit and willing relative.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 1 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 10 was present.

INTRODUCED BY: Mosiah Hardan
MOTION: Genevieve Hamilton
SECOND: Gregory Baxter Jr

Dated: 8/29/19.

Signed:

Waco Tammara
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

P.O. Box 429
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Ph: 402-837-5331
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RESOLUTION
#19-83

OMAHA TRIBAL CODE
TITLE 12-5-33.2 REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, iner alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 5. Procedures and Process Governing This Title.

Section 12-5-33.2. Guardianships as Recommended by CFS for Permanence.

The potential guardians(s) of the child shall file, with assistance from CFS if requested, for a guardianship of the child following the procedures in Title 21 of this Code. However, if a guardianship is brought under this Title 12, CFS, as the current legal custodian of the child, shall be a party to the case.

The guardianship order under this section shall confer upon the guardian the ability to not only act as a guardian but as a conservator as well.

Guardianship Report. 1. Upon being served with a Guardianship Petition involving a minor under the legal custody of CFS pursuant to Title 12 of this Code, CFS shall prepare a Guardianship Report on the proposed guardian(s), and child. 2. The Guardianship Report shall contain all pertinent information necessary to assist the Court in determining the best interests of the child. 3. No determination may be made on a Guardianship Petition involving a minor under the legal custody of CFS pursuant to Title 12 of this Code until the report has been completed and submitted to and considered by the Court. 4. CFS shall appear at the Guardianship Hearing to answer any questions the Court may have involving the Guardianship Report. 5. The Court may order additional reports as it deems necessary.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 1 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 6 was present.

INTRODUCED BY: Mosiah Harlan
MOTION: Jerome Hamilton
SECOND: Reverett Boyer

Dated: 8/29/19.

Signed:

Waco Burman Jr
Chairperson, Omaha Tribal Council

John R...
Secretary, Omaha Tribal Council

P.O. Box 429
Macy, Nebraska 68039



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CHILDREN and
FAMILY SERVICES

RESOLUTION

#19- 89

OMAHA TRIBAL CODE
TITLE 12-6-5(1). REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 6. Protection of Children from Abuse and Neglect

SECTION 12-6-5(1). Reporting procedures.

- 1. Report of known or suspected child abuse or neglect made pursuant to this Article shall be made immediately to the Tribal department or law enforcement agency and shall be followed promptly by a written report prepared by those persons required to report. The receiving agency shall forward a copy of its own report to the central registry on forms supplied by the Tribal department.**
- 2. Such reports, when possible, shall include the following information:**
 - a. The name, address, age, sex, and race of the child;**
 - b. The name and address of the responsible person;**
 - c. The nature and extent of the child's injuries, including any evidence of previous known or suspected abuse or neglect to the child or the child's siblings;**
 - d. The names and addresses of the persons responsible for the suspected abuse and neglect, if known;**
 - e. The family composition;**
 - f. The source of the report and the name, address, and occupation of the person making the report;**
 - g. Any action taken by the reporting source;**
 - h. Any other information that the person making the report believes may be helpful in furthering the purposes of this Section.**
- 3. A copy of the report of known or suspected child abuse or neglect shall be transmitted immediately by the receiving agency to the Tribal prosecutor's office and to the Tribal law enforcement agency.**
- 4. A written report from persons or officials required by this Article to report known or suspected child abuse or neglect shall be admissible as evidence in any proceeding related to child abuse.**

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 0 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 6 was present.

INTRODUCED BY: Mosiah Horlan
MOTION: Jerome Hamilton
SECOND: Everett Baxter, III

Dated: 8/29/19

Signed:

Wesley Williams
Chairperson, Omaha Tribal Council

John R. [Signature]
Secretary, Omaha Tribal Council

P.O. Box 429
Macy, Nebraska 68039



Ph: 402-837-5331
Fax: 402-837-5362

RESOLUTION
#19-~~12~~2

OMAHA TRIBAL CODE
TITLE 12-7-5(1) REVISIONS

- WHEREAS: the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS: pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS: pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS: the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS: the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and
- WHEREAS: in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 7. Children in Need of Supervision

SECTION 12-7-5(1). Evidence of abuse.

1. Any child health associate, person licensed to practice medicine, registered nurse or licensed practical nurse, hospital personnel engaged in the admission, examination, care or treatment of patients, medical examiner, coroner, social worker, or local law enforcement officer who has before him/her a child he/she reasonably believes has been abused or neglected may take or cause to be taken color photographs of the areas of trauma visible on the child. If medically indicated, such person may take or cause to be taken X-rays of the child.
2. Any color photographs or X-rays which show evidence of child abuse shall be immediately forwarded to a receiving agency.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

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INTRODUCED BY: MUSIAH HARTMAN
MOTION: Jerome Hamilton
SECOND: Clarett Baxter

Dated: 8/29/19

Signed:

Wade Burman Jr
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council

P.O. Box 429
Macy, Nebraska 68039



Ph: 402-837-5331
Fax:402-837-5362

RESOLUTION
#19-31

OMAHA TRIBAL CODE
TITLE 12.10.11 REVISIONS

- WHEREAS; the Omaha Tribe of Nebraska is a federally recognized Indian Tribe organized Pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 USC 476) as Amended by the Act of June 15, 1935 (49 Stat. 378), and
- WHEREAS; pursuant to Article I of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, "this Constitution shall apply to the territory within the present confines of the Omaha Reservation, and to any and all future additions of land acquired within or without said boundary lines by the Secretary of the Interior for the Tribe of by the Tribe, except as otherwise provided by law.", and
- WHEREAS; pursuant to Article IV, Section 1(j) of the Omaha Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, iner alia, "to safeguard, promote, and enforce the peace, economy, safety, law and order, and general welfare of the Tribe", and
- WHEREAS; the Omaha Child and Family Services (CFS) program has been designated by the Tribal Council to administer a continuum of services to tribal children and families including family preservation, family reunification, foster care, relative placements, guardianships, permanency planning; and
- WHEREAS; the CFS program is eligible for federal reimbursement for eligible services delivered to children and families under Title IV-E of the Social Security Act and under subpart IV-B of the act; and

WHEREAS; in order to be in compliance with the provisions of the Title IV-E grant for Foster Care and Adoption Assistance certain portions of Title 12 of the Omaha Tribal Code needed to be revised;

NOW THEREFORE BE IT RESOLVED; that the Omaha Tribal Council endorses and supports the Title IV-E Foster Care grant and supports the revisions to Title 12 of the Omaha Tribal Code in order to comply with the requirements of the Grant.

Chapter 10. Adoption

Section 12-10-11 Customary Adoption.

It is the fundamental belief of the Omaha Tribe of Nebraska that its children are the sacred responsibility of the Tribe. One of the Tribe's basic inherent sovereign rights is the right to make decisions regarding the best interests of its children including who should provide for the care, custody, and control of its children. As an exercise of its inherent sovereignty the Omaha Tribe of Nebraska has the authority and the jurisdiction to formally delegate the authority to the Tribal Court to adjudicate its own customary practices regarding child rearing and child custody.

1. These provisions governing customary adoptions shall be interpreted liberally to provide what is in the best interest of the child and the Tribe and to provide a sense of permanency and belonging to children throughout their lives and at the same time provide them with knowledge about their unique cultural heritage including their tribal customs, history, language, religion and values.

2. Definitions

As used in this provision:

(a) "Adoptee" is defined as the individual, child, or adult who is adopted or it to be adopted.

(b) "Adoptive Parent" is defined as the person establishing or seeking to establish a permanent parent-child relationship with a child who is not their biological child.

(c) "Best Interest of the Child" is defined as a variety of factors including: the ability of the Tribe and Reservation community to provide for the care of the child; the wishes of the Tribe, parents, party or parties; the preference of the child if the child is of sufficient age to express a preference; the intimacy of the relationship between the parties and the child; the child's adjustment to home, school and tribal community; the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity; the permeance, as a family unit, of the existing or proposed adoptive home; the mental and physical health of all individuals involved; the capacity and disposition of the parties to give the child, love affection, guidance and to continue educating the child in the child's tribal culture and heritage.

(d) "Best Interest of the Tribe" is defined as a variety of factors including but not limited to the ability of the Tribe and its members to provide for the child' the ability of the Tribe and its members to provide for the continuations of the Tribe's culture, language, history, religion, traditions, and values through its children if those children are take away and not taught these things throughout their daily lives. The ability of the Tribe to continue as a viable cultural entity will be hindered by the loss of its children. Every child is a gift from the creator and is viewed by the Tribe as crucial to the future of the Tribe as a whole.

(e) "Birth Parent" is defined as the biological parent.

(f) "Customary Adoption" means a traditional tribal practice recognized by the community and Tribe which gives a child a permanent parent-child relationship with someone other than the child's birth parent(s).

(g) "Court" means the Omaha Tribal Court.

(h) "Child" is defined as a person under the age of nineteen (19) years of age.

(i) "Family Member" is defined as a person related by blood or marriage who maintains some form of significant contact with the child. The term includes spouses, parents, children, siblings, aunts, uncles, grandparents, grandchildren and any other person who might be considered a family member or relative under tribal law or custom.

(j) "Final Degree of Customary Adoption" is defined as the final court order which establishes the permanent legal relationship between the child and the adoptive parent(s) and establishes any contact which may be allowed with the biological parent.

(k) "Final Order Suspending Parental Rights" means a final order of the court which permanently suspends the rights of a biological parent to provide for the care, custody and control of their child. Said order may establish the parameters of contact between the birth parent and the child is said contacts is in the child's best interest.

(l) "Suspension of Parental Rights" is defined as the permanent suspension of the rights of biological parents to provide for the care, custody and control of their child. The suspension of parental rights does not sever or affect in anyway a child's relationship to his/her Tribe or any rights of inheritance from the biological parent(s).

(m) "Tribe" means the Omaha Tribe of Nebraska.

3. Rights of Parties

In addition to any other rights afforded under the Civil Rights Act, 25. U.S.C. 1301-03 (1968), as amended or provided within this Code, petitioners and other parties to a customary adoption have the following rights:

(a) A biological parent has the right to refuse services provided by any social services agency, however, their refusal to accept services may have a significant impact of their ability to have contact with their child;

(b) The petitioner and respondent have the right to have reasonable notice and to attend any hearing arising out of the filing of a petition pursuant of this Code. The biological parents and the petitioner have the right to be represented by counsel at their own expense at all proceedings;

(c) The biological parents and petitioner have the right to summon and cross-examine witnesses.

(d) The biological parents and the petitioner have the right to seek independent medical, psychological or psychiatric evaluations of the child at their own expense.

4. Petition to Suspend Parental Rights

Any adult or agency possessing custody of a minor child may file a petition with the Court seeking an order for the permanent suspension of the parental right of a parent and child. The petition shall contain the following information:

(a) The name; address and telephone number of the child's tribe;

(b) The name, address, telephone number and age of the child's parent(s) whose parental rights are to be suspended;

(c) The name, address, and telephone number of the petitioner and the petitioner's relationship, if any, to the child;

(d) The name, address, and telephone number of any other relatives who may have an interest in the care, custody, and control of the minor child;

(e) A statement as to why an order for the suspension of parental rights of the parent is in the best interests of the child and the child's tribe;

(f) A statement as to the basis for the request for the suspension of parental rights supported by medical, psychiatric, child protection worker, family member and/or psychological reports or testimony;

(g) A statement that no similar action is pending in a state or other tribal court having jurisdiction over the child. The petitioner shall sign the petition in the presence of the Clerk of Court or a notary public and shall affirm under oath that the contents are true and correct except as to those matters based upon belief and, as to those matters, the petitioner reasonably believes them to be true.

5. Notice of Hearing of Petition to Suspend Parental Rights

(a) Upon the filing of a petition seeking an order for the suspension of parental rights, the court shall schedule a hearing to be held thereon and shall cause written notice of such hearing to be served upon the petitioner; the child's tribe; the child's parent(s); family members; caretaker, if any; and appropriate agencies of the Tribe which may either have an interest in the proceedings or be of assistance to the Court in adjudicating the matter. Such notice shall be served in the manner provided for the Rules of Civil Procedure.

6. Conduct of the Hearing

(a) The Court shall inform the parent of their rights under this Code and of the nature and consequences of the proceedings.

(b) The Court shall further inform all other parties of their rights under this code and pursuant to the Indian Civil Rights Act, including the right to summon and cross-examine witnesses.

(c) The rules of evidence of the Tribal Court shall apply.

(d) The burden of proving the allegations of the petition shall be upon the petitioner and the standard of proof shall be clear and convincing evidence. There shall be a legal presumption of the parent's ability to parent until proven otherwise.

(e) The Court may continue the hearing, upon a showing of good cause, at the request of any party to the proceeding and enter such temporary orders, if any, as may be deemed just and reasonable to carry out the purposes of this Section.

7. Record proceedings

(a) In all proceedings the Court shall take and preserve an accurate stenographic or recording of the proceedings.

8. Findings

(a) In all cases, the Court shall make specific written findings of fact, state separately its conclusions of law, and enter appropriate judgment or order.

(b) The Court may make findings that it is in the child's best interests that a final order suspending the parental rights be entered and the Court shall specify the basis of those findings.

NOW THEREFORE BE IT FINALLY RESOLVED:

That the Attorney General of the Omaha Tribe of Nebraska is hereby directed to codify the above amendment to Title 12, prepare a table of contents and distribute and publish the amendment to Title 12.

CERTIFICATION

This will certify that the foregoing resolution was considered at a meeting of the Tribal Council of the Omaha Tribe of Nebraska, duly called and held on Aug 29, 2019, and was adopted by a vote of 5 FOR, 0 AGAINST and 5 NOT VOTING OR ABSENT with the Chairperson not voting. A quorum of 10 was present.

INTRODUCED BY: Mosiah Haklan
MOTION: George Hamilton
SECOND: Everett Baxter Jr

Dated: 8/29/19.

Signed: Waac Kuman Jr
Chairperson, Omaha Tribal Council

[Signature]
Secretary, Omaha Tribal Council