

**RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION**

- Whereas, This nation having accepted the Indian Reorganization Act of June 18, 1934, and authority under said act; and**
- Whereas, The Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribe and tribal members; and**
- Whereas, The Three Affiliated Tribes, through the Tribal Business Council as the legislative body of the Three Affiliated Tribes has the authority and power to adopt, promulgate and amend Tribal codes, statutes and ordinances.**
- Whereas, The Three Affiliated Tribes Social Services Agency through its Child Welfare Department has the responsibility to protect the confidentiality of information obtained in the course of providing services to children and their families.**
- Whereas, The Three Affiliated Tribes Social Service Agency through its Child Welfare Department also has a need to share confidential information with authorized and appropriate persons and agencies to carry out required services to children and their families.**
- Whereas, The current Child Welfare Code does not allow for the administrative release of authorized information which unduly restricts the ability of Social Services to share information needed to carry out required services to children and their families.**

Therefore Be It Resolved, The Tribal Business Council of the Three Affiliated Tribes hereby amends Title 8 Child Welfare Code of the Three Affiliated Tribes, Section 8A-1.7 by adding a subsection 2.a to read as follows:

a. Authorized Release of Information in Social Service Files Excluding Child Protection (Abuse and Neglect) Records

Three Affiliated Tribes Social Service Agency may release information contained in subsection (2) provided authorization is granted through a signed release of information by the parent or guardian and the information requested has been generated by the agency and is not third party information.

Therefore Be It Further Resolved, The Tribal Business Council of the Three Affiliated Tribes hereby amends Title 8 Child Welfare Code of the Three Affiliated Tribes, Section 8A-1.7 subsection (4) "Other Records" by striking said subsection and replacing it with the following:

4. CONFIDENTIALITY OF CHILD PROTECTION RECORDS- AUTHORIZED DISCLOSURES. All reports made pursuant to the Child Welfare Code of the Three Affiliated Tribes' Tribal code, as well as any other information obtained, are confidential and upon request, shall be made available to:

1. A physician who has before him a child whom he reasonably suspects may have been abused, neglected or deprived.
2. A person who is authorized to place a child in protective custody and has before him a child whom he reasonably suspects may be deprived, abused, or neglected and the person requires the information in order to determine whether to place such child in protective custody.
3. Authorized staff of appropriate Social Services Agency and Tribal child protection team.
4. Any person who is the subject of a report provided, however that the identity of that the persons reporting the suspected child abuse, neglect, abandonment or deprivation is protected.
5. Public officials and their authorized agents who require such information in connection with the discharge of their official duties.
6. A court whenever it determines that the information is necessary for the determination of an issue before the court.
7. A person who is identified in subsection 1 of section 8A-2.1, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporters official or professional capacity.
8. Parents or a legally appointed guardian of a child who is suspected of being, or having been, abused, or neglected, provided the identity of persons making reports or supplying information under this chapter is protected.

4. Other Records

Any official record or information obtained as a result of proceedings pursuant to the Child Welfare Code of the Three Affiliated Tribes' Tribal Code that are not covered by subsection (2) above shall be confidential and made available only to the court and, subject to the court's discretion, or a party and his representative, or the minor's parent, guardian or custodian or to other persons the court determines has valid reason to see such records and who has a written court order allowing such access.

5. Penalty for Unauthorized Disclosure

Any person, including but not limited to law enforcement personnel, tribal employees and court employees, found to have violated the confidentiality of any records or information protected by this Code are in contempt of court and shall be punished accordingly.

6. Contempt of Court

a. Definition

Any willful disobedience or interference with any order of the court or of any act made subject to contempt proceedings by the Children's Court constitutes contempt of court, and shall constitute class B misdemeanor.

8A-2.1 REPORTS AND INVESTIGATIONS - PART 2

1. Duty to Report Abuse and Neglect

Those persons who are mandated to report suspected abuse or neglect include any physician, nurse, dentist, optometrist or any other medical or mental health professional; school principal, school teacher or other school official; social worker; child day care center

8A-1.7 CONFIDENTIALITY - HEARINGS; RECORDS; PENALTIES

1. Hearings

a. How Conducted

Hearings on all petitions filed pursuant to Title 8A shall be conducted by the court separate from other proceedings. Hearings shall be before the court without a jury and may be conducted in an informal manner. The proceeding shall be recorded; and

b. Hearings to be Private

The general public shall be excluded from hearings on petitions under the Child Abuse and Neglect Code. Only the tribal representative, the minor and his parent(s), guardian or custodian and his representative may be present at a hearing. Other persons may act as witnesses but shall not remain in the hearing otherwise.

2. Court, Law Enforcement Records and Social Services

All juvenile court, law enforcement and social services records shall be confidential and shall not be open to inspection to anyone except the court or agency that generated the records, provided that the court, in its discretion, may allow inspection by the child, his parent(s), guardian or custodian and their counsel, law enforcement officials, social workers or other persons the court determines have a valid reason to see such records and who have a written court order allowing such access.

3. Destruction of Records

When a child who has been the subject of any proceeding before the juvenile court under Title 8A, who attains the age of 21 and is no longer subject to the jurisdiction of the juvenile court, the judge of the Tribal Court shall order the Clerk of the Court to seat both the court records and law enforcement records.

And Be It Further Resolved, That this Resolution shall go into effect immediately on this 7th day of August, 1996.

CERTIFICATION

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 7 were present at a Regular meeting thereof duly called, noticed, convened, and held on the 7th day of August, 1996; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 7th day of August, 1996.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:

[Signature]
Chairman, Tribal Business Council