

WHITE MOUNTAIN APACHE TRIBE
A Sovereign Tribal Nation

**(Enactment of Ordinance No. 291, Amending the Juvenile
Code of the White Mountain Apache Tribe)**

- WHEREAS,** the Tribal Council of the White Mountain Apache Tribe (“Tribe”) is entrusted by the Tribe’s Constitution, Article IV, Section 1(q) to act in all matters that concern the welfare of the Tribe, including but not limited to, the amendment of codes through the adoption of ordinances; and
- WHEREAS,** Ordinance No. 291 proposed changes to the Juvenile Code; and
- WHEREAS,** on March 24, 2021, the Tribal Council authorized the posting of Ordinance No. 291 through Resolution No. 03-2021-57, pursuant to Article XV of the Constitution of the White Mountain Apache Tribe and it was posted on March 26, 2021. Since that time, the Office of the Tribal Council Secretary has received no comments regarding the proposed changes; and
- WHEREAS,** the Council has reviewed Ordinance No. 291 carefully, and considered the recommendations and implications thereof in great detail and finds the adoption of the amendments to the Juvenile Code, as set forth in Ordinance No. 291 to be in the best interest of the White Mountain Apache Tribe.

BE IT ENACTED by the Tribal Council of the White Mountain Apache Tribe that it hereby adopts Ordinance No. 291, attached hereto and incorporated by reference, which amends the Juvenile Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairwoman, or in her absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on APRIL 7, 2021 duly adopted by a vote of SEVEN for, FOUR against, and ZERO abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 4.7.21  4/7/2021
Gwendena Lee-Gatewood, Chairwoman Date Doreen T. Numkena, Tribal Secretary Date

**ORDINANCE OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION**

BE IT ENACTED BY THE COUNCIL OF THE WHITE MOUNTAIN APACHE TRIBE Ordinance No. 291, revising the White Mountain Apache Juvenile Code, as follows:

SECTION 3.1 PETITIONS

B. When a child is in detention or temporary shelter care and a petition is not filed within ~~24~~seventy-two (72) hours, excluding Saturdays, Sundays and ~~legal~~ Tribal holidays, the child shall be ~~immediately~~ released for failure to comply with time requirements, after issuance of an order of the Court on a habeas petition filed for that purpose.

SECTION 4.6 RELEASE FROM DETENTION OR SHELTER CARE; HEARING

A. When a child is not released under the provisions of Section 4.4, a petition shall be filed within seventy-two (72) hours, excluding Saturdays, Sundays and ~~legal~~ Tribal holidays, and a hearing shall be held within twenty-four (24) hours from the time of the filing of the petition (excluding Saturdays, Sundays, and ~~legal~~ Tribal holidays) to determine whether continued detention or shelter care is required under Section 4.3.