

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL  
AGENDA

APRIL 17, 2016

9:00 AM

TRIBAL TRANSIT FACILITY  
1800 SYRACUSE AVENUE  
NORFOLK, NEBRASKA

- I. CALL TO ORDER
  - a. Invocation
  - b. Roll Call
- II. APPROVAL OF AGENDA
- III. JOEY NATHAN, EXECUTIVE DIRECTOR - NORTHERN PONCA HOUSING AUTHORITY
  - a. Quarterly Report
  - b. Success Rate of Homeownerships
  - c. Consensus Vote on Bad Debtors Support
  - d. Annual Performance Report - MOTION
- IV. KITRINA KEY, ENROLLMENT SPECIALIST
  - a. Approval of Applicants – RESOLUTION
- V. STEPHANIE POSPISIL, DIRECTOR OF SOCIAL SERVICES
  - a. Tribal Court Improvement Grant – RESOLUTION
- VI. LAW & ORDER CODE TITLE II REVISED – RULES OF PROCEDURE IN CIVIL ACTION – PUBLIC COMMENTS (Ruthanne Gallup, Law & Order Committee)
- VII. LAW & ORDER CODE TITLE IV REVISED – DOMESTIC RELATIONS – PUBLIC COMMENTS (Ruthanne Gallup, Law & Order Committee)
- VIII. NEW BUSINESS
  - a. Political Contributions – DISCUSSION/MOTION (Chairman Wright)
- IX. LAW & ORDER CODE – TITLE VIII – REVIEW
- X. OTHER BUSINESS
- XI. ADJOURN

2

**AGENDA ITEM REQUEST**

(for employees only)

DATE SUBMITTED: 04 / 10 / 2016

All agenda item requests must be approved by the Executive Director of Tribal Affairs and then forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of:  Tribal Council  
 Executive Committee

Meeting Date: 04 / 17 / 2016

Subject: Northern Ponca Housing Authority

ACTION REQUEST: (Please describe request in the form of a motion)

- 1) Quarterly Report Discussion
- 2) Success Rate of Homeownerships
- 3) Consensus vote on bad debtors support
- 4) APR Motion

Will there be support materials for this agenda item?  Yes  No  
(If there are support materials, one copy must be attached)

Submitted By: Joey Nathan

APPROVED \_\_\_\_\_  
Executive Director of Tribal Affairs

**AGENDA ITEM REQUEST**

(For employees only)

DATE SUBMITTED: 04/08/2016

All agenda item requests must be approved by the Executive Director of Tribal Affairs and forwarded to the Niobrara Office, Attn: Jan Colwell five (5) **working days before the meeting.**

Meeting of:  Tribal Council  
 Executive Committee

Meeting Date: 04/17/2016

Subject: Applicants

ACTION REQUEST: (Please describe request in the form of a motion)

- Motion to approve (28) applicants.

Will there be support materials for this agenda item? Yes                      No   
(If there are support materials, one copy must be attached)

Submitted By.

*Kitrina Key*

\_\_\_\_\_  
Kitrina Key – Enrollment Specialist

APPROVED

*[Signature]*  
\_\_\_\_\_  
Executive Director of Tribal Affairs

**AGENDA ITEM REQUEST**  
(for employees only)

DATE SUBMITTED: 04/08/2016

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell **five (5) working days before the meeting.**

Meeting of: XX Tribal Council  
                  \_\_\_\_\_ Executive Committee

Meeting Date: 04/17/2016

Subject: Grant Application approval

ACTION REQUEST: (Please describe request in the form of a motion)  
Motion to approve a resolution in support of the Department of Social Service's submission of the Tribal Court Improvement Non-Competing Continuation funding application.

Will there be support materials for this agenda item? XX Yes    \_\_\_\_\_ No  
(If there are support materials, one copy must be attached)

Submitted By: Stephanie Pospisil, Social Services Director

APPROVED   
Executive Director of Tribal Affairs

PONCA TRIBE OF NEBRASKA  
TRIBAL COUNCIL

RESOLUTION 16-\_\_\_\_\_

WHEREAS: The Ponca Tribe of Nebraska is a federally recognized Indian Tribe (P.L. 101-484) whose business affairs are conducted by the Ponca Tribal Council as defined in the Constitution approved July 22, 1994 by the Acting Deputy Commissioner of Indian Affairs; and

WHEREAS: Pursuant to the Constitution of the Ponca Tribe of Nebraska, the Ponca Tribal Council exercises legislative powers to enact and promulgate resolutions and ordinances subject to all express restrictions upon such powers contained in the constitution; and

WHEREAS: The Tribe has the authority to submit an application on behalf of the Native American individuals in the Tribe and to administer programs and activities funded under this program;

THEREFORE, BE IT RESOLVED that the Social Services Director, Stephanie Pospisil, is approved to submit the Non-Competing Continuation application for funding to the Tribal Court Improvement Program, administered by the Administration for Children and Families on behalf of the Ponca Tribe of Nebraska.

CERTIFICATION

THIS IS TO CERTIFY AND AFFIRM that the above and foregoing Resolution was duly authorized and passed by the Ponca Tribal Council on the \_\_\_\_\_ day of April 2016, at a duly called meeting held in Norfolk, Nebraska by a vote of \_\_\_\_\_Ayes; \_\_\_\_\_Nays; \_\_\_\_\_Abstained; \_\_\_\_\_Absent. Chairperson \_\_\_\_\_ voting \_\_\_\_\_not voting. A Quorum of \_\_\_\_\_ was present.

ATTEST

\_\_\_\_\_  
Larry Wright, Jr., Chairman  
Ponca Tribe of Nebraska

\_\_\_\_\_  
Candace Bossard, Secretary  
Ponca Tribe of Nebraska

**AGENDA ITEM REQUEST**  
(for employees only)

DATE SUBMITTED: 03 / 01 / 2016

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell five (5) working days before the meeting.


Meeting of:  Tribal Council  
 Executive Committee

Meeting Date: 04 / 17 / 2016

Subject: Open Discussion about Removing Rule 16 in Title II of Code

**ACTION REQUEST:** (Please describe request in the form of a motion)  
Requesting open discussion to Remove Rule 16, Title II from the Law and Order Code.

Will there be support materials for this agenda item?  Yes  No  
(If there are support materials, one copy must be attached)

Submitted By: 

APPROVED   
Executive Director of Tribal Affairs

**LAW AND ORDER CODE REVISION**  
**Discussion on April 17, 2016 at 9:00 a.m.**  
**During Tribal Council Meeting**

**\*\*\*\* NOTICE: All Tribal Members \*\*\*\***

**The Tribal Council will be discussing amending the Law and Order Code. Please take your time to read this FLYER**

The Ponca Tribal Council will be proposing amending the Law and Order Code. The revisions are being considered because this is a policy of the Tribal Court and should be reflected as a policy. By removing this from the Code, Tribal programs may be able to utilize in-kind matches that are required for funding.

**CHANGES BEING CONSIDERED**

**Removing Rule 16, Title II, which states, "No Filing Fees for Tribe. The court shall not charge any filing fees to the Tribe, its departments, agencies, commissions, instrumentalities, economic enterprises, officers and employees in their capacities as such."**

A complete copy of the proposed amendments is available at the tribal offices, or one may be obtained by contacting Jan Colwell, Tribal Council Secretary at 402-857-3391.

**There will be a discussion by Tribal Council that is open for public comment on April 17, 2016 at 9:00 a.m. or as soon thereafter as it may be heard.**

**Written comments will be accepted until April 14, 2016.** The written comments may be emailed to [janc@poncatribene.org](mailto:janc@poncatribene.org) or mailed to

Jan Colwell, P.O. Box 288, Niobrara, NE 68760

**AGENDA ITEM REQUEST**  
(for employees only)

**DATE SUBMITTED: 04/ 05/ 2016**

All agenda item requests must be approved by the Tribal Business Manager and forwarded to the Niobrara Office, Attn: Jan Colwell five (5) working days before the meeting.

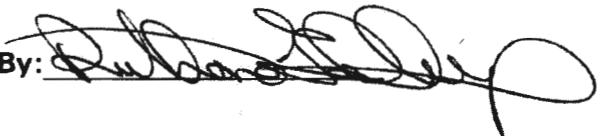
Meeting of:  X  Tribal Council  
  Executive Committee

Meeting Date: 04/ 17/ 2016

Subject: Code Revision – Adding Chapter 1 “General Provisions” to Title IV

**ACTION REQUEST: (Please describe request in the form of a motion)**  
Requesting an open discussion regarding adding child support to Title IV to include adding Chapter 1 “General Provisions” to Title IV

Will there be support materials for this agenda item?  X  Yes   No  
(If there are support materials, one copy must be attached)

Submitted By: 

**APPROVED** \_\_\_\_\_  
Executive Director of Tribal Affairs



**TITLE IV  
DOMESTIC RELATIONS**

**CHAPTER 1  
GENERAL PROVISIONS**

**Section 4-1-1. Purpose and Policy.** This Title shall be liberally construed and applied to promote its underlying purposes, which are to:

- 1. Protect and govern the family relations of the members of the Tribe and other persons in the territory of the Tribe;
- 2. Ensure the safety and vitality of families which are essential to the Tribe and its sovereignty and self-determination; and
- 3. Promote the health, safety and general welfare of the Tribe by providing uniform, efficient and equitable processes and procedures governing marriage, dissolution, separation, child custody and child support.

**Section 4-1-2. Definitions.** Unless the context requires otherwise or another definition is provided for a particular chapter or section, in this Title:

- 1. "Court" means the Ponca Tribe of Nebraska Tribal Court, including the Court acting as the juvenile court of the Tribe.
- 2. "Custodian" means the person designated as such by agreement of the parties or in a custody decree or, in the absence thereof, the person granted sole physical custody of a child or with whom the child resides a majority of the time.
- 3. "Non-custodial parent" means a parent who is not a custodian of a child.
- 4. "Order for protection" means a temporary or permanent protective order, restraining order or injunction issued by a court on the grounds of domestic or family violence pursuant to the laws of the jurisdiction where the order is issued and includes a court-approved consent agreement for an order for protection.
- 5. "Parent" means a person who has a legal parent-child relationship with a child which confers or imposes on the person

legal rights, privileges, duties, and obligations and includes a biological parent of a person, a person for who parentage is presumed or established pursuant to the laws of the Tribe, and a person who has lawfully adopted another person, including adoptions under the laws of the Tribe, but does not include unwed persons where parentage has not been acknowledged or established.

6. "Parent-child relationship" means the legal relationship between a child and a parent of the child incident to which the law confers or imposes rights, privileges, duties, and obligations and includes the mother-child relationship and the father-child relationship.

7. "Parenting time" means the time during which a parent is responsible for exercising caretaking functions with respect to a child.

8. "Program" means the Ponca Tribe of Nebraska Child Support Program.

**Section 4-1-3. Subject Matter Jurisdiction.**

1. Subject to any limitations on the Court's general subject matter jurisdiction in the laws of the Tribe, the Court shall have original subject matter jurisdiction over all matters arising under this Title.

2. In any matter arising under this Title, if a prior action on the same matter has been commenced in the court of another jurisdiction involving the same individuals, the Court shall decline to assert original subject matter jurisdiction unless and until the prior action is dismissed.

**Section 4-1-4. Personal Jurisdiction.** Except for limitations, restrictions, or exceptions imposed by or under the authority of the Constitution or laws of the United States or by express provision elsewhere in the laws of the Tribe and in addition to any other personal jurisdiction the Court may exercise pursuant to the laws of the Tribe, the Court shall have jurisdiction over the following persons under this Title:

1. Individuals who are members or eligible to be members of the Tribe regardless of residence or domicile;

2. Individuals who are members of another federally recognized Indian tribe and who are residing or domiciled within the territory of the Tribe;

3. Individuals who are the parent or alleged parent of a child who is a member or eligible to be a member of the Tribe regardless of residence or domicile;

4. Individuals who are alleged to be the parent of a child, including an unborn child, whose parenting partner is a member of or eligible for membership in the Tribe or another federally recognized Indian tribe;

5. Subject to any limitations on the Court's general subject matter jurisdiction in the laws of the Tribe, any other individual who resides or is domiciled within the territory of the Tribe who consents to the jurisdiction of the Court, provided that such consent, once given, may be revoked only with the permission of the Court;

6. Subject to any limitations on the Court's general subject matter jurisdiction in the laws of the Tribe, any other individual who does not reside and is not domiciled within the territory of the Tribe who:

a. Is personally served with a summons within the territory of the Tribe;

b. Consents to the jurisdiction of the Court, provided that such consent, once given, may be revoked only with the permission of the Court;

c. Resided in the past with the child subject of the action within the territory of the Tribe;

d. Resided in the past within the territory of the Tribe and provided prenatal or other expenses or support for the child subject of the action;

e. Is the parent of a child subject of the action and such child resides within the territory of the Tribe as a result of the acts or directives of the individual;

f. Engaged in sexual intercourse within the territory of the Tribe and the child subject of the action may have been conceived by that act of intercourse; or

g. Is otherwise subject to the personal jurisdiction of the Court consistent with the laws of the Tribe.

7. Where the Court asserts jurisdiction over a parent under this Section, the parent's child whenever the Court deems it necessary or appropriate for the purpose of the proceedings;

8. Where the Court asserts jurisdiction over an individual under this Section, the individual's extended family whenever the Court deems it necessary or appropriate for the purpose of the proceedings.

**Section 4-1-5. Procedure.**

1. The procedures in the Court under this Title shall be governed by the rules of procedure for the Court which are not in conflict with this Title.

2. The Court may issue orders under this Title by telephone, facsimile, or other electronic means and such orders shall have the same force and effect as original written orders. Order issued by telephone shall be followed by a written order as soon thereafter as possible.

**Section 4-1-6. Rights of Parties.**

1. Every party to a proceeding under this Title has the following rights:

- a. To be represented by legal counsel at his or her own expense in all proceedings in the matter;
- b. To introduce evidence;
- c. To be heard on his or her own behalf;
- d. To have the Court compel the attendance of a witness on his or her behalf as permitted in this Chapter; and
- e. To examine witnesses.

2. All parties shall be entitled to advance copies of court documents, including petitions and reports, unless deemed inappropriate by the Court.

**Section 4-1-7. Summons and Service of Process.**

1. Upon the filing of a petition in a proceeding under this Title, a summons shall be issued in accordance with the general rules governing the issuance of summons by the Court to the following:

- a. Each respondent;
- b. If the proceeding involves a child and his or her parent is not a petitioner or respondent, such child's parent, guardian, or custodian, except for parents whose parental rights to the child have been terminated; and
- c. All known interested persons listed in the petition.

2. If the petition declares any person required to be issued a summons under this Section is unknown, the summons shall be issued to "All Whom it May Concern" and shall be deemed sufficient to authorize the Court to hear and determine the action as though such person had been described by his or her proper name.

3. The summons shall be served in accordance with the Tribal Rules of Civil Procedure and shall be made at least ten (10) days before the first hearing on the petition.

**Section 4-1-8. Responsive Pleading.**

1. The respondent and any person issued a summons may file a responsive pleading to any petition filed in a proceeding under this Title.

2. Any responsive pleading shall be filed with the Court and served on all parties within the time period provided in the rules of procedure for the Court for answering or responding to a claim or at least seven (7) business days before the hearing on the petition, whichever is earlier.

3. Failure to file a responsive pleading shall not constitute an admission of any allegation contained in the petition.

**Section 4-1-9. Conduct of Hearings.** All hearings involving proceedings under this Title shall be conducted in accordance with the following:

- 1. Hearings shall be informal in nature, but orderly;
- 2. Concerned parties shall be provided an opportunity to introduce evidence, be heard in their own behalf, and examine witnesses;
- 3. Any matter or information relevant and material to the subject matter of the hearing is admissible and may be received in evidence;
- 4. Hearsay evidence will not be excluded as long as it is reasonably reliable;
- 5. A verbatim record shall be taken of all hearings; and
- 6. A child may be temporarily excluded from any hearing if the Court finds it is in the best interests of the child.

**Section 4-1-10. Witness Lists and Subpoenas.**

- 1. In a proceeding under this Title, each party shall provide to each other party in the proceeding or their respective legal counsel with a list of names of all witnesses that will be called at any hearing under this Title. Such list shall be provided as soon as possible and in no event later than five (5) days prior to the hearing date set.
- 2. Upon request of a party or on the Court's own motion, the Court shall issue subpoenas requiring attendance and testimony of witnesses and production of papers or other things at any hearing under the provisions of this Title.

**Section 4-1-11. Notices of Hearings.**

- 1. The Court shall ensure that the following persons are notified of each hearing in a proceeding under this Title:
  - a. Any party to the proceedings, including the petitioner, and their legal counsel;
  - b. Any person issued a summons who makes an appearance in the proceedings;
  - c. The parents, guardian or custodian of any child subject of the proceedings and their legal counsel;

d. Legal counsel, guardian ad litem or advocate for a child subject of the proceedings, if any;

e. Individuals providing care for a child subject of the proceedings;

f. The Tribal Attorney, if the Tribe is a party to the proceedings or he or she is representing the Program in the proceedings;

g. The Program or its legal counsel, if it is involved in the proceedings or acting on behalf of the Tribe in the proceedings; and

h. Any other person the Court may direct to be notified.

2. When a party fails to appear in response to a notice of hearing, the Court may order the party's appearance by summons or subpoena.

**Section 4-1-12. Appointment of Guardian Ad Litem.**

1. At any stage of a proceeding conducted under this Title, the Court may appoint separate counsel or a spokesperson for a child subject of the proceeding to act as guardian ad litem representing the child's best interests.

2. A guardian ad litem shall be an officer of the Court for the purpose of representing the child's best interests and shall investigate the circumstances of each case where the guardian ad litem is appointed, including contacting family members, school officials, and other individuals having pertinent information regarding the child.

3. The Court may assess the cost of the guardian ad litem against the petitioner or any other party in the proceeding.

**Section 4-1-13. Severability.** If any chapter, section or provision of this Title or amendment made by this Title is held invalid, the remaining chapters, sections and provisions of this Title and amendments made by this Title shall continue in full force and effect.

**Section 4-1-14. Sovereign Immunity.** Except where expressly and unequivocally provided otherwise, nothing in this Title shall be construed as limiting, waiving or abrogating the sovereignty or

the sovereign immunity of the Tribe or any of its agencies, departments, enterprises, agents, officers, officials or employees.

**CHAPTER 2  
MARRIAGE**

**Section 4-2-1 Authority.** The Ponca Tribe of Nebraska shall have the authority to issue marriage licenses to individuals who are residents within the territorial jurisdiction of the Ponca Tribe of Nebraska.

**Section 4-2-2 Marriage License.** No marriage shall be performed under authority of this Code unless the parties have first obtained a marriage license from the Tribal Court Administrator. The Tribal Court Administrator shall issue a marriage license to persons who appear entitled to be married as provided in this Code upon payment of a \$25.00 fee. The Tribal Court Administrator shall keep a record of all marriage licenses and certificates issued.

**Section 4-2-3 Existing Marriages.** All marriages performed other than as provided for in this Code, which are valid under the laws of the jurisdiction where and when performed, are valid within the jurisdiction of the Ponca Tribe of Nebraska. All marriages performed within Ponca Tribe of Nebraska jurisdiction prior to the effective date of this Code, including those perfected according to any Tribal custom and tradition, are declared valid for all purposes under this Code. Parties to such marriages may obtain a marriage certificate upon proof to the Tribal Court Administrator by affidavit or otherwise of the validity of their marriage, and payment of a \$25.00 fee.

**Section 4-2-4 Persons Who May Marry.** No marriage license shall be issued or marriage performed unless the persons to be married meet the following qualifications:

- 1. They are at least eighteen (18) years of age, or at least sixteen (16) years of age but less than eighteen (18) years of age, and have the written consent of their parents or guardians properly notarized, to marry; and
- 2. At least one of the persons to be married is a resident Ponca tribal member.

**Section 4-2-5 Solemnization.** To be valid, a marriage shall be solemnized within the Ponca territorial jurisdiction in the