

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL
(Enacting 3 Tohono O'odham Code Chapters 1-3 "Children's Code of the Tohono
O'odham Nation" and Repealing "Children's Code of the Papago Tribe")**

RESOLUTION NO. 13-166

1 **WHEREAS, the Constitution of the Tohono O'odham Nation vests the Legislative Council with the**
2 **authority to "promote, protect and provide for public health, peace, morals, education**
3 **and general welfare of the Tohono O'odham Nation and its members. . ." and "to**
4 **regulate the domestic affairs of members of the Tohono O'odham Nation and to**
5 **provide for the appointment of guardians or custodians for minors. . ." (Constitution,**
6 **Article VI, Section 1(c)(2) and Section 1(c)(3)); and**

7 **WHEREAS, the Children's Code of the Papago Tribe, currently compiled within the Tohono**
8 **O'odham Code as 3 Tohono O'odham Code Chapter 1, was enacted on February 13,**
9 **1979 to address child welfare issues, child offender proceedings, and the duties and**
10 **responsibilities of child welfare and child offender-related personnel; and**

11 **WHEREAS, the Children's Code of the Papago Tribe is in need of substantial amendments and as**
12 **early as 2007, the Domestic Affairs Committee worked closely with the Nation's**
13 **Judicial Court, the Child Welfare Division, the Office of the Prosecutor, the**
14 **Department of Health and Human Services, and Office of Attorney General to**
15 **incorporate suggested comprehensive amendments to update and improve the**
16 **Children's Code; and**

17 **WHEREAS, in 2010, 2012, and on March 27, 2013, the Domestic Affairs Committee provided drafts**
18 **of the revised Children's Code to the public and requested written comments; and**

19 **WHEREAS, over the course of two years, the Domestic Affairs Committee reviewed numerous**
20 **public comments and amended the drafts of the Children's Code with the cooperation**
21 **and assistance of the Child Welfare Division and Office of the Prosecutor; and**

22 **WHEREAS, the proposed 3 Tohono O'odham Code Chapters 1-3 Children's Code includes**
23 **provisions for child in need of care proceedings; duties and responsibilities for**
24 **guardianships; outlines parental rights, provides a framework for child offender**
25 **proceedings and addresses other child welfare and child offender issues; and**

26 **WHEREAS, it is in the Nation's best interest to repeal the "Children's Code of the Papago Tribe"**
27 **and enact the "Children's Code of the Tohono O'odham Nation" as 3 Tohono O'odham**
28 **Code Chapters 1-3.**

29 **NOW, THEREFORE, BE IT RESOLVED by the Tohono O'odham Legislative Council that it enacts the**

RESOLUTION NO. 13-166

(Enacting 3 Tohono O'odham Code Chapters 1-3 "Children's Code of the Tohono O'odham Nation" and Repealing "Children's Code of the Papago Tribe")

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"Children's Code of the Tohono O'odham Nation" as 3 Tohono O'odham Code Chapters 1-3 and repeals the "Children's Code of the Papago Tribe," subject to the savings provisions of Section 3303 of the "Children's Code of the Tohono O'odham Nation."

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 16TH Day of MAY, 2013 at a meeting at which a quorum was present with a vote of 1,938.85 FOR; 841.75 AGAINST; [02] NOT VOTING; and [03] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Section 1(c)(3) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

21 day of May, 2013

ATTEST:

Evonne Wilson, Legislative Secretary

20 day of May, 2013.

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 21 day of May, 2013 at 10:04 o'clock, A.M., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

Timothy Joaquin, Legislative Chairman

APPROVED

on the 23 day of May, 2013

DISAPPROVED

at 9:35 o'clock, A.M.

NED NORRIS, JR., CHAIRMAN
TOHONO O'ODHAM NATION

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(Enacting 3 Tohono O'odham Code Chapters 1-3 "Children's Code of the Tohono O'odham Nation" and Repealing "Children's Code of the Papago Tribe")

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Returned to the Legislative Secretary on the 23 day of

May, 2013, at 9:50 o'clock, a.M.

Evonne Wilson

Evonne Wilson, Legislative Secretary

ACTION: ENACTING 3 TOHONO O'ODHAM CODE CHAPTERS 1-3 "CHILDREN'S CODE OF THE TOHONO O'ODHAM NATION" AND REPEALING "CHILDREN'S CODE OF THE PAPAGO TRIBE"

MOVED: COUNCILWOMAN ETHEL GARCIA

SECOND: COUNCILWOMAN CYNTHIA E. MANUEL

DATE: MAY 16, 2013

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
BABOQUIVARI 342.0	1. FRANCES MIGUEL (Roberta Harvey)	171.0	X			X
	2. FRANCES G. ANTONE (<i>Absent</i>) (Vernon Smith) (<i>Present</i>)	171.0	X			
CHUKUT KUK 302.2	1. ETHEL GARCIA (Sara Mae Williams)	151.10	X			
	2. BILLMAN LOPEZ ()	151.10		X		
GU ACHI 244.9	1. TIMOTHY L. JOAQUIN ()	122.45	X			
	2. CYNTHIA E. MANUEL (Louis L. Johnson)	122.45	X			
GU VO 226.7	1. GRACE MANUEL (Floyd Flores)	113.35	X			
	2. PAMELA ANGHILL ()	113.35	X			
HICKIWAN 186.3	1. LOUIS R. LOPEZ (Michelle Ortega)	93.15		X		
	2. SANDRA ORTEGA ()	93.15	X			
PISINEMO 200.7	1. CHESTER ANTONE (Tony Murrietta)	100.35	X		X	
	2. EDWARD MANUEL (Gerald Fayuant)	100.35	X			
SAN LUCY 204.6	1. LORRAINE EILER(<i>Absent</i>) (Diana Manuel) (<i>Present</i>)	102.30	X			X
	2. JANA MONTANA (Gloria Ramirez)	102.30	X			
SAN XAVIER 215.8	1. HILARION CAMPUS (Racheal Vilson-Stoner)	107.90		X		
	2. OLIVIA VILLEGAS-LISTON (Eugene Enis)	107.90		X		
SCHUK TOAK 169.8	1. FRANCES B. STEPHENS (Anthony J. Rios)	84.90		X		
	2. FREDERICK JOSE (Phyllis Cachora)	84.90		X		
SELLS 475.7	1. ARTHUR WILSON (Kimberly Mull)	237.85	X			X
	2. MARIA ACKERMAN ()	237.85	X			
SIF OIDAK 211.9	1. NICHOLAS JOSE ()	105.95		X	X	
	2. MARY LOPEZ ()	105.95		X		
TOTAL		2,780.60	1,938.85	841.75	[02]	[03]