



NCA 18-041

CLASSIFICATION: #6. CHILDREN AND FAMILY RELATIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 6, CHAPTER 1 ENTITLED "CHILDREN"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. FINDINGS. The National Council finds that:

A. The Muscogee (Creek) Nation has taken a strong stand against abuse and neglect of children.

B. It is the intent of the Nation to protect the children within the jurisdiction of the Nation and to offer protective services in order to prevent any further harm to a child suffering abuse and neglect.

C. It is the further intent of the Nation that the various federal, state and tribal medical, mental health, education and social services agencies impacting on child welfare matters find a common purpose through cooperative interaction.

D. By updating these Code provisions, the Nation will be better able to protect our children.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 6, Chapter 1 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification said amendment and its inclusion in pocket parts of the Code of Laws for the Muscogee (Creek) Nation, the Attorney General is authorized (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts of the Code of Laws and; (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION THREE. AMENDMENT. MCNCA Title 6, § 1-507 is hereby amended to read as follows:

§ 1-507. Reporting procedures

A. Reports of known or suspected child abuse or neglect made pursuant to this subchapter shall be made immediately to the CFSA or Lighthouse Police, and The CFSA and/or Lighthouse shall, to the fullest extent possible, obtain the following: ~~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 CFSA.~~

~~B. Such reports, when possible, shall include the following information:~~

1. The name, address, age, sex and race of the child;
2. The name and address of the parent, guardian or Indian custodian;
3. 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;
4. The names and addresses of the persons responsible for the suspected abuse or neglect, if known;
5. The family composition;
6. The source of the report and the name, address and occupation of the person making the report;
7. Any action taken by the reporting source;
8. Any other information that the person making the report believes may be helpful in furthering the purposes of this section.

~~CB. CFSA and/or Lighthouse shall forward~~ A copy of the report a copy of the information obtained regarding of known or suspected child abuse or neglect shall be transmitted immediately by the receiving agency to the Prosecutor's office and to the Lighthouse Police within 36 hours of receiving the information.

~~DC. A written report~~ Documentation from persons or official required by this subchapter to report known or suspected child abuse or neglect shall be admissible as evidence in any proceeding related to child abuse.

SECTION FOUR. AMENDMENT. MCNCA Title 6, §1-514 is hereby amended to read as follows:

§ 1-514. Action upon receipt of report

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A. The Muscogee (Creek) Nation Children and Family Services Administration (CFSA) shall make a thorough investigation immediately upon receipt of any report of known or suspected child abuse or neglect pursuant to cooperative agreement between the two agencies. The immediate concern of such investigation shall be the protection of the child.

B. The investigation, to the **fullest** extent ~~that is reasonably possible~~, shall include:

1. The nature, extent and cause of the abuse or neglect;
2. The identity of the person responsible for such abuse or neglect;
3. The names and conditions of any other children living in the same place;
4. The environment and the relationship of any children therein to the person responsible for the suspected abuse or neglect;
5. All other data deemed pertinent.

C. The investigation shall, at a minimum, include a visit to the child's place of residence or place of custody and the location of the alleged abuse or neglect and an interview with or observance of the child reportedly having been abused or neglected. If admission to the child's place of residence cannot be obtained, the District Court, upon good cause shown, shall order the responsible person to allow the interview, examination and investigation.

D. The receiving agency responsible for the coordination of all investigation of all reports of known or suspected child abuse or neglect shall, **within two (2) business days**, arrange for such investigations to be conducted by persons trained to conduct either the complete investigation or such parts thereof as may be assigned. The receiving agency may conduct the investigation independently or in conjunction with another appropriate agency or may arrange for the initial investigation to be conducted by another agency with personnel having appropriate training and skill. The receiving agency shall provide for persons to be continuously available to respond to such reports. Nations and state and federal agencies may cooperate to fulfill the requirements of this subsection. As used in this subsection, "continuously available" means the assignment of a person to be near an operable telephone not necessarily located in the premises ordinarily used for business by the receiving agency or to have such arrangements made through agreements with local law enforcement agencies.

E. The receiving agency shall refer its investigation report to the ~~Child Protection Worker~~ **Children and Family Services Administration**. ~~Upon receipt of a report~~ If the CFSA reasonably believes abuse or neglect has occurred, it shall immediately offer social services to the child who is the subject of the report and ~~his~~ **the child's** family. If, before the investigation is completed, the opinion of the investigator is

that assistance of the appropriate law enforcement agency is necessary for the protection of the child or other **Native** children under the same care, the law enforcement agency and the Prosecutor shall be notified. If immediate removal is necessary to protect the child or other children under the same care from further abuse, the child or children may be placed in protective custody in accordance with applicable provisions of this chapter.

F. If a local law enforcement agency receives a report of known or suspected child abuse or neglect, it shall first attempt to contact the receiving agency in order to refer the case for investigation. If the local law enforcement agency is unable to contact the receiving agency, it shall make a complete investigation and may request the Prosecutor to institute appropriate legal proceedings on behalf of the subject child or other **Native** children under the same care. The law enforcement agency, upon receipt of a report and upon completion of any investigation it may undertake, shall immediately forward a summary of the investigatory data plus all relevant documents to the CFSA.

G. For every reported incident of suspected child abuse or neglect, regardless of finding or outcome, the CFSA shall, within thirty (30) calendar days, complete a full investigative report to the Attorney General and submit said report to the Prosecutor for review. An additional fifteen days may be approved by the Prosecutor if necessary. If a reported incident of suspected child abuse or neglect results in emergency custody the CFSA will submit its report within five (5) calendar days. This report shall be in addition to the information required in section 1-507 and shall be in the following format:

MUSCOGEE (CREEK) NATION
CHILDREN & FAMILY SERVICES ADMINISTRATION
Investigation of Child Abuse and Neglect
Report to Attorney General

A. REFERRAL INFORMATION

Family Name	Referral Date	Assignment Date
Referral Synopsis		

B. CHILDREN

NAME	DOB	Gender	Alleged Victim	Tribe

C. PARENT/PERSON RESPONSIBLE FOR CARE (PRFC)

NAME	DOB	Alleged Perpetrator	Tribe	Relationship to Child

D. INTAKE INFORMATION

Is child ward of this court or other court? YES NO

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Are there other custody proceedings pending? YES NO

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Were preventive services offered to this family? YES NO

Was child taken into protective custody? YES NO

E. CENTRAL CHILD ABUSE REGISTRY/OTHER RECORDS

Prior Referrals

<u>CPS/ICW</u>	<u>Date</u>	<u>Alleged Victim</u>	<u>Overall Findings</u>

If information is unavailable please list when it was requested:

List Other Documents/Records/Reports Attached

F. Addresses/Locations

CHILDREN

PARENT/PRFC

COLLATERALS/WITNESSES

Relation to Family:
Address:
Phone:
Employer:

G. INTERVIEW WITH ALLEGED CHILD VICTIM

Name of Child	Date of Birth
Interviewer(s)	Title
Interview Time/Date	Interview Location

Interview Summary

H. INTERVIEW WITH OTHER CHILDREN IN THE HOME

Name of Child	Date of Birth
Interviewer(s)	Title
Interview Time/Date	Interview Location

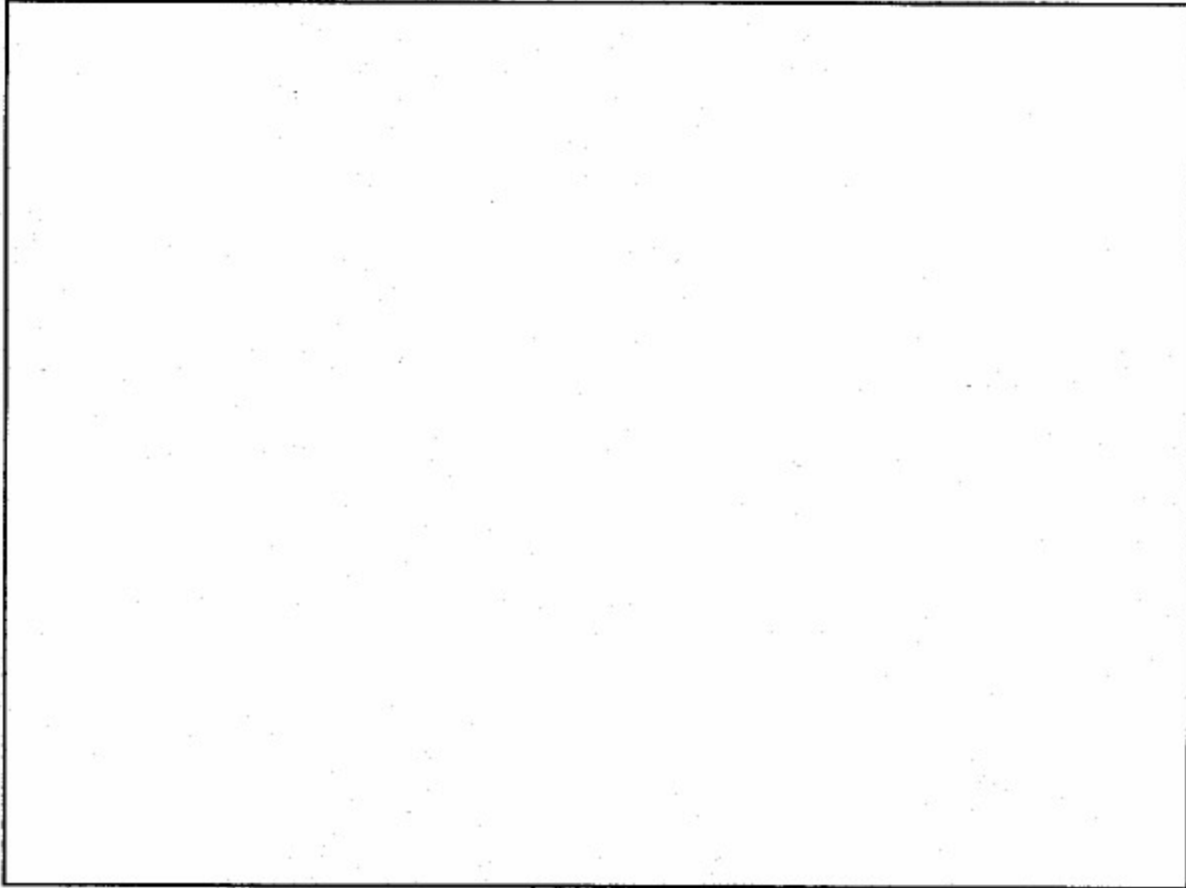
Interview Summary

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I. PRFC/ALLEGED PERPETRATOR INTERVIEW

<u>Name of PRFC/Alleged Perpetrator</u>	<u>Relationship to Child</u>
<u>Interviewer(s)</u>	<u>Title</u>
<u>Interview Time/Date</u>	<u>Interview Location</u>

Interview Summary



J. PRFC/ALLEGED PERPETRATOR INTERVIEW

Name of PRFC/Alleged Perpetrator	Relationship to Child

Interviewer(s)	Title

Interview Time/Date	Interview Location

Interview Summary

K. COLLATERAL/WITNESS INTERVIEW

Name of Collateral/Witness	Relationship of Child
Interviewer(s)	Title
Interview Time/Date	Interview Location
Interview Summary	

Name of Collateral/Witness	Relationship of Child
Interviewer(s)	Title
Interview Time/Date	Interview Location
Interview Summary	

Name of Collateral/Witness	Relationship of Child
Interviewer(s)	Title
Interview Time/Date	Interview Location

Interview Summary

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Name of Collateral/Witness

Relationship of Child

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Interviewer(s)

Title

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Interview Time/Date

Interview Location

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Interview Summary

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Name of Collateral/Witness

Relationship of Child

--	--

Interviewer(s)

Title

--	--

Interview Time/Date

Interview Location

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Interview Summary

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L. SUMMARY/RECOMMENDATION

M. INVESTIGATIVE/ASSESSMENT FINDINGS

Substantiated Court Involvement Substantiated Non-Court Involvement
 Unsubstantiated Services Recommended
 Reasonable Parental Discipline

N. RECOMMENDATION TO ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

_____ Deprived Petition YES NO

_____ Caseworker _____ Date

_____ Supervisor _____ Date

O. Prosecutor's Decision

_____ Deprived Petition Filed
_____ Deprived Petition Declined

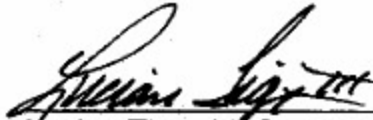
Notes:

_____ Prosecutor _____ Date

H. Failure to comply with the provisions of this section may result in civil or criminal sanctions including but not limited to felony charges pursuant to Title 14 §2-908.

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

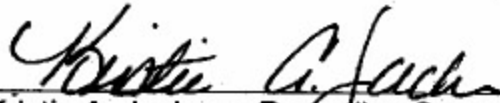
ENACTED by the Muscogee (Creek) National Council on this **28th** day of **April, 2018**.
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



Lucian Tiger III, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

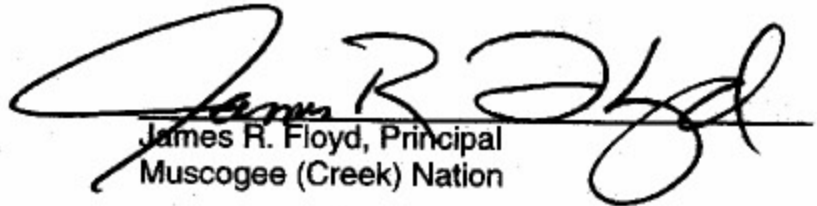
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **28th** day of **April, 2018** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Kristie A. Jackson, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 3rd day of May, 2018 to the above Law, **NCA 18-041** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.


James R. Floyd, Principal
Muscogee (Creek) Nation

