



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

REID D. MILANOVICH CHAIRMAN • CANDACE PATENCIO ANDERSON VICE CHAIRMAN
SAVANA R. SAUBEL SECRETARY-TREASURER • JOHN R. PRECKWINKLE III MEMBER • VIRGINIA SIVA-GILLESPIE MEMBER

ORDINANCE NO. 20-2024

**AN ORDINANCE OF THE AGUA CALIENTE BAND OF
CAHUILLA INDIANS ADDING A NEW CHAPTER 10.22
TRIBAL FOSTER/ADOPTIVE HOME LICENSING TO THE
AGUA CALIENTE TRIBAL CODE**

WHEREAS, the Agua Caliente Band of Cahuilla Indians (the “**Tribe**”) is a federally recognized Indian tribe governing itself according to the Constitution and By-Laws of the Agua Caliente Band of Cahuilla Indians adopted by the Tribe on June 28, 1955 (the “**Constitution**”); and

WHEREAS, the Tribe, acting by and through its duly elected Tribal Council and pursuant to Articles II and IV (a) of the Constitution, exercises inherent sovereign authority and jurisdiction over the territory within the exterior boundaries of the Agua Caliente Indian Reservation (the “**Reservation**”) and over other lands which may be added to the Reservation; and

WHEREAS, pursuant to Article V (a) and (b) of the Constitution, the Tribal Council, among other things, is empowered to administer the affairs and manage the business of the Band; to regulate the procedures of the Tribal Council and of other Tribal agencies; to enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same; and

WHEREAS, the Tribal Council desires to add the chapter noted above to the Agua Caliente Tribal Code.

NOW, THEREFORE, the Tribal Council of the Agua Caliente Band of Cahuilla Indians does hereby ordain as follows:

SECTION 1. All the recitals set forth above are true and correct, and the Tribal Council so finds and determines.

SECTION 2. New chapter 10.22 is hereby added to the Agua Caliente Tribal Code to read as follows:

CHAPTER 10.22. TRIBAL FOSTER/ADOPTIVE HOME LICENSING

Sec. 10.22.010. Foster/adoptive home policy.

The Agua Caliente Band of Cahuilla Indians recognizes that its children are its most important resource. It is the policy of the Agua Caliente Tribal Community to preserve the identity and



culture of Indian children who must be placed outside of the homes of their biological parents. It is vitally important to keep children close to family and the Tribal Community. Underlying this policy is a deeply held belief that children must not be lost to their families and Tribe, and that they need to be assisted in maintaining their connections to the Tribal culture and its traditions.

Sec. 10.22.020. Purpose.

The intent of this Ordinance is to establish standards for the placement of Indian children in Indian Foster/Adoptive Homes and to provide protection and promote the health, safety, and welfare of Indian children in Foster Homes and other Out-of-Home Placements within the Tribal Court's jurisdiction. The Agua Caliente Band of Cahuilla Indians Tribal Family Services Department is charged with the responsibility of establishing and maintaining homes for the care of dependent or neglected minor children; and upon placing these children in approved Foster/Adoptive Homes, to supervise the care and the treatment of these children.

Sec. 10.22.030. License a privilege; rights of applicants and licensees.

(a) Foster placement licenses issued by Tribal Family Services shall be deemed a privilege, not a right, and will be issued at its discretion based on the Applicant's suitability to be a foster/adoptive parent and the Applicant's ability to meet all of the requirements of this Ordinance as established by the Tribal Council. Any person or entity shall have the right to apply for a foster/adoptive home license and to the following:

(1) The right to be evaluated objectively on the basis of the written rules set forth in the Foster/Adoptive Home Packet and the documentation required therefor as determined by Tribal Family Services.

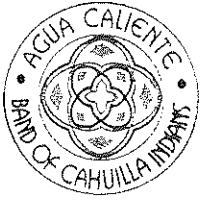
(2) The right to written notice and statement of grounds for denial, suspension, or revocation of a license, including a denial of a criminal record exemption.

(3) The right to a hearing before the Tribal Court, within forty-five (45) days of notice, when a license has been denied, suspended, or revoked.

(4) The right to accept children for care if/when licensed.

Sec. 10.22.040. Application for license.

(a) The person or entity seeking a license shall make an application on forms prescribed by the Tribal Family Services Department. Married couples shall both be parties to the application. Unmarried couples shall have their eligibility determined on a case-by-case basis by Tribal Family Services.



(b) Foster/Adoptive parents wishing to continue to be licensed shall file a new application for a license:

- (1) At least 30 days prior to the expiration of the existing license;
- (2) At least 30 days prior to a planned move from the address specified on the present license;
- (3) Their legal status has changed;
- (4) When they wish to change, modify, or waive conditions specified on their present license.

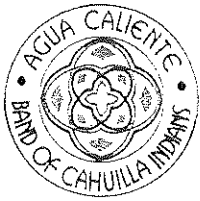
(c) A complete and accurate application along with all requested information and documentation is required in order for an applicant to be evaluated and considered for a license. The application and documentation, as determined by Tribal Family Services shall consist of the following:

- (1) Foster/Adoptive Parent Application.
- (2) Foster/Adoptive Household and Family Information.
- (3) Execution of Foster/Adoptive Parent Agreement and Responsibilities.
- (4) Letters of Recommendation.
- (5) Completed drug test by the applicant and persons age eighteen (18) or over residing in the applicant's household.
- (6) Live Scan and Criminal/Child Abuse Central Index Background Checks.
- (7) All information or documentation otherwise required in the Application Packet by Tribal Family Services.

Sec. 10.22.050. Prospective foster/adoptive parents and their families.

(a) Health and Age.

(1) Foster/Adoptive parents or any individual who assists with the care and supervision of Tribal foster children, shall be in sufficiently good physical and mental health to provide necessary care for a child.



(2) The biological age of a foster parent and potential placement will be considered in relation to physical condition, flexibility, vitality, maturity, and ability to exercise appropriate authority, supervision, and physical and emotional stamina to deal with the guidance, care, and protection of children. The minimum age requirement is generally eighteen (18) years of age, but waivers of this age requirement may be given for good cause as determined by Tribal Family Services.

(b) Personal Qualifications. Foster parents shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good and supportive care for children. They shall give sufficient information to enable Tribal Family Services to verify whether or not they meet these requirements. Tribal Family Services shall have the discretion to promulgate guidelines regarding character and fitness assessment as to the qualifications of a Foster/Adoptive Parent.

(c) Employment. Employment, education, and/or training pursuits of foster parent(s) are evaluated with regard to the ages and needs of the child/children for whom they wish to provide care. When both parents are in a two-parent home and when single parents are employed, suitable plans for day care and/or supervision of the child must be approved by Tribal Family Services.

(d) References. Each household should supply a minimum of two references who can attest to the foster parent(s) ability to care for children. The references should be from persons familiar with the foster family from a variety of perspectives that can provide a well-rounded picture of the family functioning and character. These could include friends, persons with whom the foster parent(s) works, church acquaintances, school officials, mental health care officials, or other individuals deemed necessary by Tribal Family Services.

(e) Background Investigation. Each member of the foster/adoptive family household and any individual who assists with the care and supervision of children, age eighteen (18) or over, must submit to a background investigation and should be free from unacceptable criminal and child welfare backgrounds. Background investigations include submitting to state and federal background checks, fingerprinting, child welfare history checks, local law enforcement checks, electronic database criminal searches, child abuse central index search, and any other check required by Tribal Family Services. To be approved, all individuals must provide background information and must successfully complete a Criminal and Child Abuse Background Check that is consistent with the standards set forth in the Health and Safety Code Sections 1522 and 1522.1.

Sec. 10.22.060. Investigation of applicant and home assessment.

(a) After receipt of a completed application for a license, the Tribal Family Services Advocate/Caseworker (Caseworker) shall investigate and conduct a home assessment to determine if the applicant meets all minimum requirements for a license.



(b) A home assessment will be completed and must be approved by the Caseworker. The following is a list of criteria that will be reviewed during the home assessment and during home visits:

(1) Conditions of the Home:

- a. Have adequate lighting, ventilation, and proper trash and recycling disposal if recycling is available.
- b. Be free of obvious fire hazards, such as defective heating equipment or improperly stored flammable materials.
- c. Be free from rodents and insect infestation.
- d. Maintain proper water heater temperature.
- e. Weapons and ammunition must be stored separately, be locked, unloaded, and inaccessible to children.
- f. Pets must be vaccinated in accordance with applicable Tribal, state, or local law.
- g. Have safety measures in place to prevent the child's access, as age appropriate, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
- h. Any swimming pool, hot tub, or spa must meet the following requirements to ensure they are safe and hazard free:
 1. Swimming pools must have a barrier on all sides.
 2. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.
 3. Swimming pools must be equipped with a lifesaving device such as a ring or buoy;
 4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(2) Living Spaces:



- a. Access within the home to a telephone.
- b. An adequate supply of safe drinking water.
- c. A properly operating kitchen with a sink, refrigerator, stove, and oven.
- d. At least one toilet, sink and tub or shower in operating condition.
- e. Heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition.
- f. At least one smoke detector and carbon monoxide detector on each level of occupancy of the home and at least near all sleeping areas.
- g. Have at least one operable fire extinguisher that is readily accessible.
- h. Have a written emergency evacuation plan to be reviewed with the child (as age appropriate) and posted in a prominent place in the home.
- i. Maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home; and
- j. Maintain first aid supplies.

(3) Transportation: Foster parents must show ownership or clear access to a vehicle, which is safe and carries at least the minimum automobile liability insurance coverage required by the State of California. Proper automobile safety restraints must be utilized on all children placed in their home.

(4) Location of Residence: The location should be such that the foster parent(s) is able to arrange transportation to visits, school, place of worship, recreation, Tribal events, and community resources as needed.

(5) Sleeping Arrangements/Personal Space: The child who is placed in a foster home shall be provided adequate and appropriate sleeping space, consistent with his/her needs for privacy or personal contact. Space shall be provided for the child's personal possessions. Separate sleeping areas must be provided to children over age six (6) who are of the opposite sex, or in any situation whereby the certification and the child's caseworker determines that separate sleeping areas are in the best interest of the child/children involved. Children over the age of two (2) must not share sleeping quarters with adults in the household, unless the certification and the child's



caseworker have been notified of special circumstances and have approved the arrangements. Foster parents must not co-sleep or bed-share with infants.

(6) Capacity: The total number of children in foster care in a foster family home must not exceed six (6) except for one of the following reasons:

- a. To allow adolescent youth in foster care to remain with their own child of an adolescent parenting youth.
- b. To allow siblings to remain together.
- c. To allow a child with an established meaningful relationship with the family to remain with the family; or
- d. To allow a family with special training or skills to provide care to a child who has a severe disability.

Sec. 10.22.070. Evaluation of and determination on application.

- (a) Within ten (10) days of a request for home licensure, Tribal Family Services shall advise the Applicant of the information and supporting material required to support the application as required by Section 10.22.040(c) above.
- (b) Within sixty (60) days of receiving a completed application including all required information and materials, Tribal Family Services shall approve or deny the application for licensure or request additional information or materials in support of the application.
- (c) If Tribal Family Services requests additional information, then it shall approve or deny the application for licensure within forty-five (45) days after receiving the requested information.
- (d) Any denial shall be accompanied by a concise statement of the grounds for denial.
- (e) A license will not be issued if the prospective foster parent(s) falsifies (including by acts of omission) the application or supporting documents. Tribal Family Services may act to revoke a license if falsification is discovered after licensure, or if the foster parent(s) fails to inform Tribal Family Services of any disqualifying condition that arises after licensure.
- (f) Tribal Family Services will not issue or renew a license if any safety rule or other standard required by this Ordinance is not met or the applicant/licensee fails to meet the minimum requirements to obtain a license.



Sec. 10.22.080. Issuance of license.

(a) Tribal Family Services will issue a provisional license for one year to a new Applicant when all required documentation has been received and all applicable standards have been assessed as being met. A license will not be issued to an Applicant before all standards have been reviewed with the Applicant and the Applicant agrees to comply with all standards when the foster home license is issued. A license will not be issued until the required background checks for the applicant(s) and household members have been completed and show no evidence of criminal or other history, that would prohibit the home from being licensed to provide foster care under Tribal, state, or federal law.

(b) Each license shall bear the names of the persons licensed, describe the premises included, and state the maximum number of children to be received specifying age and sex.

(c) Tribal Family Services may impose special conditions and rules on individual licenses where it is deemed necessary in the best interests of the child.

(d) Before the end of the first year of licensure, Tribal Family Services will assess compliance with licensing standards. If the foster home meets all requirements, it will issue a Biennial Foster Home license that will be in effect for two years.

(e) Before the expiration of a biennial license, Tribal Family Services will reassess compliance with all licensing standards. If the foster home is in compliance with the standards, it will renew the biennial license for another two years.

Sec. 10.20.090. Role and responsibilities of foster/adoptive parents.

(a) Role of Foster Parents. Foster parents are responsible for being a temporary parent to the child. This means providing structure, nurturance, guidance, and affection to the child. The child must be allowed to participate in all appropriate family activities, vacations, etc.

(b) Responsibilities as a Foster Parent.

(1) Attend and complete a parenting course provided by Tribal Family Services while taking into account the years of hands-on experience they may have had raising their own children, grandchildren, and often, a relative's children.



- (2) Attend and complete an orientation with Tribal Family Services.
 - (3) Obtain a first aid and CPR certification (at least one parent per household).
 - (4) Understand and follow water safety guidelines if there is a pool, jacuzzi, or any body of water on or near the property.
 - (5) Any additional training and preparation so identified by Tribal Family Services, especially on topics that will assist the foster parent to better understand their child's mental health conditions or other special needs.
- (c) Responsibilities to Tribal Family Services.
- (1) Provide a verbal or written report of child's behaviors, activities, progress, and/or concerns to Tribal Family Services on a weekly basis.
 - (2) Notify Tribal Family Services of any plans to transport the child out of state and/or any changes in the home environment.
 - (3) Cooperate with Tribal Family Services to arrange transportation for visits with parents, siblings, and other family members, if so determined by Tribal Family Services.
 - (4) Direct all communication concerning the child to Tribal Family Services such as home visits, problem areas, scheduling, and other important matters.
 - (5) Cooperate with and adhere to the requirements set forth herein, any rules set by Tribal Family Services, and any applicable Tribal Court Orders.
 - (6) Cooperate with any investigation involving their license and/or any child in their home.
 - (7) Cooperate with Tribal Family Services and the birth parents in developing and implementing a child's case and service plans, if so determined by Tribal Family Services.
- (d) Responsibilities to Foster Children.
- (1) Provide a safe and comfortable family environment for the child.
 - (2) Provide physical and emotional care appropriate to the child's age and needs.



- (3) Provide full-time care for and supervision of the child and arrange child care or babysitting services when needed.
- (4) Enroll all school-age children in school and ensure the children attend regularly.
- (5) Attend school meetings, parent-teacher conferences, Individualized Educational Plan (IEP) meetings or conferences, and other activities, and permit the Tribal Family Services Caseworker to attend upon the request of the Caseworker.
- (6) Provide appropriate and adequate clothing for the child as needed.
- (7) Schedule and attend any appointments regarding child's health and ensure their medical, mental health, dental, and vision needs are met.
- (8) Schedule and transport the child to therapy/counseling.
- (9) Discipline must be fair, reasonable, and consistent and must relate to the offense.
 - b. Punishment connected with functions of living, such as sleeping and eating, shall not be used.
 - c. Discipline cannot involve withholding money or punitive interference connected with daily functions, such as eating and sleeping.
 - d. Even if child's parents have given consent, corporal punishment is not permitted as a form of punishment including, but not limited to, spanking, hitting, swatting, slapping, pinching, shaking, pulling hair, or washing a child's mouth out with soap.
 - e. No form of behavior restraints may be used such as devices to confine a person to a bed, chair, or to deprive a child of the use of arms, hands, or feet as a means of controlling behavior. No child shall be locked in any room for any amount of time.
 - f. Any form of discipline which violates a child's personal rights is prohibited.
- (10) Not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and/or nonprescription drugs by consuming them in excess amounts or using them contrary to indicated in the prescription or directions of use.
- (11) Not smoke in the foster family home, in any vehicle used to transport the child, or in the presence of the child, unless smoke or tobacco is being used in ceremony.



(12) Adhere to the reasonable and prudent parent standard. (The standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and welfare).

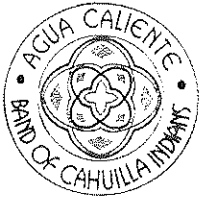
(13) Other responsibilities as determined by Tribal Family Services for the health, safety, and welfare of the child, including participation with the Tribe in Tribal ceremonies, events, and activities that may further or enhance their understanding and appreciation for their Native heritage.

Sec. 10.22.100. Responsibilities of the tribal family services advocate/caseworker.

- (a) Explain to and guide the Applicant through the process to become a foster/adoptive parent.
- (b) Provide clear, consistent, and meaningful communication with the Applicant and Foster/Adoptive Parent.
- (c) Provide a complete assessment of the needs of the child being placed in the foster/adoptive home to the foster/adoptive parent.
- (d) Notify foster/adoptive parent of Tribal and state or county services and funding that are potentially available.
- (e) Inform foster/adoptive parent of Tribal and state or county regulations and assist in helping them determine if they have met the requirements for being a foster/adoptive parent.
- (f) Provide emotional support to the foster/adoptive parent in addition to the assistance with referrals to services for the foster/adoptive parent.
- (g) Keep the foster/adoptive parent informed about the current status of any child protection case involving their child.
- (h) Focus on the safety of the child as well as on maintaining the child's cultural connectedness.
- (i) Be accessible, supportive, responsive, and culturally sensitive.

Sec. 10.22.110. Inspections and visits.

Foster home licensees are deemed to have consented to an inspection of the foster home at reasonable times upon reasonable advance notice. The Tribal Family Services Caseworker shall be given unrestricted access to the premises as described in the foster home application. The Caseworker may also visit a foster home at various times without advance notice.



Sec. 10.22.120. Advance notice and immediate reporting to tribal family services.

(a) Foster parent will provide advance notice in person, in writing, or telephonically to Tribal Family Services in either of the following circumstances:

- (1) Foster parent(s) will be absent from the home for twenty-four (24) hours or longer.
- (2) Any change in family composition such as an adult or child coming/leaving the home.

(b) Notify Tribal Family Services immediately when any of the following occurs:

- (1) Death of the child or other member of the household.
- (2) Any injury to the child that requires medical or dental treatment.
- (3) Any medical or dental treatment provided to the child that was not discussed with Tribal Family Services prior to receiving the child for placement.
- (4) Any unusual incident in the household or to the child or any unexplained absence of the child that threatens the physical or emotional health or safety to any household member.
- (5) Any suspected physical, sexual, or emotional abuse or neglect of the child consistent with Penal Code Section 11166.
- (6) When there is an epidemic outbreak such as measles, COVID, or other serious disease that threatens the physical health of and that can be transmitted to the child.
- (7) Poisoning.
- (8) Catastrophes that pose a threat to the safety of the child or the family.
- (9) Fires or explosions that occur in or on the premises.
- (10) Suicide threats, gestures, or acts.
- (11) Child is not enrolled in school or regularly attending school.
- (12) Foster parent, the child, or other member of the household is involved in a vehicle accident.



(13) Any injury to foster parents that may impact their ability to carry out foster parent duties.

Sec. 10.22.130. Records to be maintained by foster/adoptive parent.

(a) Foster parents shall maintain during the time the child is in their care, a record on forms provided by Tribal Family Services. Such records shall contain the following information:

- (1) Child's name or alias by which he or she is known.
 - (2) Child's birth date.
 - (3) Name of the person or agency to be notified in an emergency.
 - (4) Name of physician to be called in an emergency.
 - (5) Dates child received care.
 - (6) Medical information about the child while in their care, such as physical and mental health/medical examinations, counseling, immunizations, illnesses, and accidents including dates of each and all other medical and mental health records.
 - (7) Name of dentist and dates the child is seen.
 - (8) Name of school and grades attended.
 - (9) Grades, attendance, and disciplinary records received from the school including any Individualized Educational Plan (IEP) records or other required or recommended educational plan records.
 - (10) All income and inheritances received by the child while in their care including paid employment.
 - (11) Any and all legal notices which relate to the child's care and/or to the child directly.
- (b) Foster parents shall make available for inspection any records of the child placed with them for care at the request of the Caseworker.

Sec. 10.22.140. Confidentiality; exceptions.



(a) The contents of all applications, records, reports, home assessments, investigations, and other information and documentation filed or prepared pursuant to this Ordinance shall be considered and kept confidential except:

(1) When such confidentiality is waived in writing, by the person or entity who is the subject of such application, records, reports, home assessments, investigations, and/or license, and by the parent, guardian, or Tribal Court in any case involving a specific child.

(2) When required by the Tribal Court in the exercise of its jurisdiction over a particular child, in any proceeding and for any purpose.

(3) In a criminal prosecution charging the licensed person or entity with an offense against any person, including a child placed in their care in the residence which is the subject of the application, reports, home assessments, investigation, and license.

(4) In any action arising out of the exercise of the Tribe's power and authority to license foster/adoptive homes and place children therein, when said action names the Tribe or its subsidiary organizations, officers, agents, or employees as defendants.

(5) When such application, records, reports, home assessments, or investigations are necessary in further Tribal proceedings relating to the subject matter thereof.

Sec. 10.22.150. Suspension, revocation, or termination of license.

(a) A license issued by Tribal Family Services will automatically terminate upon notice that:

(1) The licensed person or entity voluntarily relinquishes the license.

(2) The residence of the licensed person or entity has changed, without required notice.

(3) The licensed person has died or become totally incapacitated or the licensed entity has dissolved.

(4) At the end of the term of the license, unless the licensed person or entity has filed an application for license renewal as required by Sections 10.22.040(b)(1) and 10.22.080(e).

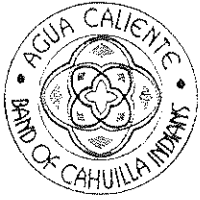
(b) A license may be suspended or revoked for a violation by the licensee of any provision of this Ordinance or any of the rules adopted by Tribal Family Services pertaining to this Ordinance. A license may also be suspended or revoked if the licensee fails to meet the minimum requirements to obtain a license, including but not limited to:



- (1) Physical, sexual, or emotional abuse of any person within the licensed residence.
- (2) Refusal, following written notification by Tribal Family Services to correct any condition(s) constituting noncompliance with the provisions this Ordinance.
- (3) Physical or emotional incapacity, not amounting to total incapacity, of the licensed person, which substantially impairs the ability of the foster home to provide adequate care, custody, and control of the child placed therein.
- (4) Refusal, for a period of two (2) years without good cause, to accept any offered child placement.
- (5) Refusal to cooperate with efforts by Tribal Family Services, Tribal Court, or biological parents to reunite and revitalize the biological family unit except in cases where parental rights have been terminated or as otherwise ordered by the Tribal Court.

Sec. 10.22.160. Appeal.

- (a) Any person or entity who is denied a license or whose license is suspended or revoked shall have a right to a hearing before the Tribal Court within thirty (30) days of such request being filed with the Tribal Court Administrator. Within ten (10) days of receipt of a written denial, suspension, or revocation by Tribal Family Services, said person or entity may file an appeal and request a hearing before the Tribal Court. Failure to file an appeal within ten (10) days of receipt, shall constitute a waiver of the right to an appeal.
- (b) The hearing before the Tribal Court shall provide the person or entity with the full and fair opportunity to present documents and testimony demonstrating by a preponderance of the evidence that the denial, suspension, or revocation was issued in error. The appellant may confront in person the witnesses against him, dispute the contents of any written reports, and request the Tribal Court to compel the attendance of any material witness.
- (c) The Tribal Court shall issue a written decision within fourteen (14) days of the conclusion of the hearing and after any supplemental briefing requested by the Tribal Court is received. All judgments of the Tribal Court shall be final, and shall be in writing, signed by the Tribal Court judge. There is no right to appeal to the Tribal Council.
- (d) All records and proceedings of the Tribal Court shall be confidential and not subject to disclosure except:
 - (1) When such confidentiality is waived in writing, by the person or entity who is the subject of such application, records, reports, home assessments, investigations, and/or license, and by the parent, guardian, or Tribal Court in any case involving a specific child.



(2) When required by the Tribal Court in the exercise of its jurisdiction over a particular child, in any proceeding and for any purpose.

(3) In a criminal prosecution charging the licensed person or entity with an offense against any person, including a child placed in their care in the residence which is the subject of the application, reports, home assessments, investigation, and license.

(4) In any action arising out of the exercise of the Tribe's power and authority to license foster/adoptive homes and place children therein, when said action names the Tribe or its subsidiary organizations, officers, agents, or employees as defendants.

(5) When such application, records, reports, home assessments, or investigations are necessary in further Tribal proceedings relating to the subject matter thereof.

(6) By order of the Tribal Court for good cause shown.

SECTION 3. The Tribal Council hereby finds that the adoption of this Ordinance does not constitute a "Major Tribal Action" requiring the preparation of an environmental assessment or an environmental impact statement.

SECTION 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unlawful or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Tribal Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase, or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unlawful or unconstitutional.

SECTION 5. Nothing contained in this Ordinance is intended to, nor does in any way, limit, alter, restrict, or waive the Agua Caliente Band of Cahuilla Indians' sovereign immunity.

SECTION 6. The Tribal Council expressly reserves the right to alter, amend, or repeal this Ordinance if it determines that such action is in the best interest of the Tribe.

SECTION 7. This Ordinance shall become effective immediately upon its adoption.

SECTION 8. Upon the effective date of this Ordinance, any and all prior inconsistent resolutions, policies, ordinances, and/or procedures of the Tribe that pertain to the subject matter hereof are hereby repealed, superseded, and/or amended to comply with this Ordinance.



SECTION 9. Within fifteen (15) days after adoption, Tribal staff shall cause a summary of this Ordinance to be published one time in a newspaper of general circulation published and circulated on the Reservation.

BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 4th day of June, 2024.

Reid D. Milanovich, Chairman

Candace C. Patencio, Vice Chairman

Savana R. Saubel, Secretary-Treasurer

John R. Preckwinkle III, Member

Virginia Siva, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5 constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 4th day of June, 2024; that the foregoing Ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said Ordinance has not been rescinded or amended in any way.

Savana R. Saubel, Secretary-Treasurer