

TITLE 50
Government Organization
TABLE OF CONTENTS

Chapter 50.01

Office of Tribal Prosecutor

50.0101	Creation of the Tribal Prosecutor's Office of the Turtle Mountain Band of Chippewa Indians.....	1
50.0103	Authority.....	1
50.0105	Purpose and Intent.....	1
50.0107	Duties of the Tribal Prosecutor's Office.....	1
50.0109	Necessary Staff.....	2
50.0111	Requirement of Special Prosecutors.....	2
50.0113	Budgeting of Funds.....	2
50.0115	Repeal.....	2
50.0117	Effective Date.....	2
50.0119	Severability.....	3

Chapter 50.02

Office of Human Resources

50.0201	Authority.....	1
50.0203	Purpose.....	1
50.0205	Mission.....	1
50.0207	Functions.....	1
50.0209	Internal Organization.....	1
50.0211	Manager of the Human Resources Department.....	2
50.0213	Annual Report to the Tribe.....	2
50.0215	Strategic Planning and Reporting.....	2
50.0217	Budgeting of Funds.....	2
50.0219	Repeal.....	2
50.0221	Effective Date.....	3
50.0223	Severability.....	3

Chapter 50.03

Early Childhood Services

50.0301	Creation.....	1
50.0303	Authority.....	1
50.0305	Purpose of Intent.....	1
50.0307	Definitions.....	1
50.0309	Number of Children in Program - How Determined.....	3
50.0311	Smoking Prohibited on Premises Where Early Childhood Services are Provided.....	3
50.0313	Early Childhood Services Providers - Training on Infant Safe Sleep Practices.....	3
50.0315	Operation of Early Childhood Services Program - License Required.....	3
50.0317	Application for License - Prerequisites for Issuance - License Granted - Term.....	4
50.0319	In-home Provider - Registration Voluntary - Prerequisites for Approval - Issuance of Registration Document - Term.....	5
50.0321	Conviction Shall Not Bar Licensure or Registration - Exceptions.....	5
50.0323	Background Investigations - Fees.....	5
50.0325	Investigation of Applicant, Licenses or Registration Document, and Staff Members - Inspection of Programs and	

	Premises - Maintenance of Records - Confidentiality of Records.....	6
50.0327	Notice.....	7
50.0329	Correction Orders.....	7
50.0331	Re-Inspections.....	7
50.0333	Suspension of License or Registration Document - Investigation Upon a Report of Child Abuse or Neglect - Notification to Parent.....	7
50.0335	Minimum Standards - Rules - Inspection by a Governmental Unit.....	8
50.0337	Revocation of License or Registration Document.....	9
50.0339	Denial or Revocation of License or Registration Document - Administrative Hearing.....	9
50.0341	Public Agency Purchase of Early Childhood Services.....	9
50.0343	Violation of Chapter or Rules - Injunction.....	9
50.0345	Penalty.....	10
50.0347	Penalty for Provision of Services - When Applicable.....	10
50.0349	Early Childhood Services Inclusion Support Services and Grant Program.....	10
50.0351	Two Year Strategic Plan Requirement.....	10
50.0353	Repeal.....	10
50.0355	Effective Date.....	11
50.0357	Severability.....	11
50.0361	Rules and Regulations.....	11

Chapter 50.04

Clerk of Court Office

50.0401	Creation of the Clerk of Court.....	1
50.0403	Authority.....	1
50.0405	Purpose and Intent.....	1
50.0407	Definitions.....	1
50.0409	Responsibilities.....	1
50.0411	Ordinances and Civil Traffic Violations.....	2
50.0413	Clerk of Court and Division Clerks.....	2
50.0415	Clerk of Court; To Keep Court Papers, Books and Records.....	3
50.0417	Clerk of Court; Credit and Debit Cards; Payment Plans.....	4
50.0419	Repeal.....	4
50.0421	Effective Date.....	4
50.0423	Severability.....	4
50.0425	Rules and Regulations.....	4

Chapter 50.05

Probation and Parole Offices

50.0501	Creation of the Probation and Parole.....	1
50.0503	Definitions.....	1
50.0505	Duties and Responsibilities of the Division of Probation.....	2
50.0507	Conditions of Probation.....	3
50.0509	Rules of Probation.....	3
50.0511	Violations of Conditions of Probation and Alternatives to Revocation.....	4
50.0513	Extension of Probation.....	4
50.0515	Early Discharge.....	4
50.0517	Repeal.....	5
50.0519	Effective Date.....	5
50.0521	Severability.....	5
50.0523	Rules and Regulations.....	5

TITLE 50
GOVERNMENT ORGANIZATION
OFFICE OF TRIBAL PROSECUTOR

50.0101 CREATION OF THE TRIBAL PROSECUTOR'S OFFICE OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

The Turtle Mountain Band of Chippewa hereby creates the Prosecutor's Office for the Turtle Mountain Band of Chippewa Indians.

50.0103 AUTHORITY

1. The Turtle Mountain Band of Chippewa Indians Constitution specifically delegates law creations authority to the Tribal Council in Article IX, Section 5; and
2. The Turtle Mountain Band of Chippewa Indians Constitution creates a Court with all necessary jurisdiction to address the health, safety, and welfare of the Territory of the Tribe; and
3. The Turtle Mountain Band of Chippewa Indians exercises criminal and prohibitory regulatory jurisdiction over the People of the Tribe; and
4. The Turtle Mountain Band of Chippewa Indians authorized the creation of the Tribal Law Enforcement Act; and
5. In furtherance of such Act, the Tribe deems it necessary to create the Office of the Tribal Prosecutor's Office to execute the laws of the Tribe and to ensure the health, safety, and welfare of the People of the Tribe to be secure in their persons and property.

50.0105 PURPOSE AND INTENT

The Purpose and Intent of this law is to provide uniform expectations, duties, and responsibilities for the Tribal Prosecutor's Office to orderly execute justice within the Territory and Jurisdiction of the Tribe.

50.0107 DUTIES OF THE TRIBAL PROSECUTOR'S OFFICE

The Tribal Prosecutor shall:

1. Attend the court and conduct on behalf of the Tribe all prosecutions for public offenses in accordance with the various Titles of the Turtle Mountain Tribal Code creating criminal and civil offenses;
2. Institute proceedings before Judges and Magistrates for the arrest of persons charged with or reasonably suspected of public offenses when the Prosecutor's Office has information that such offenses have been committed;
3. Attend court in cases of arrests when required by the Court in cases of assault and battery and theft as authorized by Tribal Law;
4. Attend before, and give advice to, the grand jury whenever cases are presented to it for consideration.
5. Draw all complaints, indictments and information;
6. Prosecute all bonds forfeited in the courts of record of the Tribe and prosecute all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the Tribe for crimes and forfeitures of the criminal court;

7. Receive cost and pay costs on behalf of the Prosecutor's Office;
8. Deliver duplicate receipts for money or property received in the Prosecutor's Office official capacity and file copies thereof with the Finance Office of the Tribe and pay over such monies received;
9. Keep a register of all official business in which must be entered a note of each action, whether civil or criminal, prosecuted officially, and of the proceedings therein;
10. Commence and file civil forfeiture actions in furtherance of the Forfeiture Act of 2017;
11. Institute an action in the name of the Tribe to recover any bond or bail which has been forfeited by the Court;
12. Executed destruction of evidence orders upon completion of such cases associated with the evidence;
13. Executed receipt of monies received by Law Enforcement in matter involving monetary or chattel;
14. Assist in the drafting of any necessary warrants for evidence and arrest;
15. Review proposed charges and issue declination of charging decisions when necessary and proper to serve the interests of justice;
16. Maintain logs and records associated with criminal and civil records in furtherance of the Public Records Act of 2018;
17. Draft necessary pleadings and motions in furtherance of the execution of this Title; and
18. Protect the evidence and secrecy of matters in conformance with to the Public Records Act of 2018.

50.0109 NECESSARY STAFF

The Tribe shall hire the necessary staff to effectuate this Title, so that the Prosecutor's Office is effective and efficient in its responsibilities.

50.0111 REQUIREMENT OF SPECIAL PROSECUTORS

There shall be from time to time the requirement to hire special prosecutors to serve the justice interests of the Tribe in light of the Rules of Advocacy and Rules of Professional Responsibility adopted by the Judicial Board, the Court, or the Supreme Court's of the bars of the individual's entrusted with execution of this Code.

50.0113 BUDGETING OF FUNDS

The Turtle Mountain Band of Chippewa shall budget the necessary funds to execute this Title.

50.0115 REPEAL

To the extent that they are inconsistent with this ordinance, all prior Tribal titles, codes, ordinances, and resolutions are hereby repealed.

50.0117 EFFECTIVE DATE

This Title shall take effect immediately.

50.0119 SEVERABILITY

If any provision of this Title is ruled unconstitutional, it shall be severed from the remainder of the Title, and the remaining provisions shall stand without the unconstitutional provision.

TITLE 50
GOVERNMENT ORGANIZATION
OFFICE OF HUMAN RESOURCES

50.0201 AUTHORITY

Article IX, Sections (a)(2-6) of the Turtle Mountain Band of Chippewa Indians Constitution ("Constitution") grants the Tribal Council the power to make laws, including codes, ordinances, resolutions, and statutes.

50.0203 PURPOSE

The Tribal Council establishes and organizes a Department of Human Resources.

50.0205 MISSION

The Department of Human Resources shall administer timely, equitable, and high- quality human resource services to the Tribe and its employees. In doing so, the Department shall safeguard the interests of the Tribe, enhance the sovereignty of the Tribe, and exercise stewardship over those resources committed to it by the Tribe and foreign jurisdictions.

50.0207 FUNCTIONS

The Department of Human Resources shall:

1. Manage the implementation of Human Resources codes and regulations.
2. Ensure adherence to consistent policies and procedures.
3. Promulgate employee handbooks with pertinent Human Resources policies and procedures.
4. Develop and conduct new employee orientation training to ensure familiarity with Human Resources policies and procedures.
5. Development necessary forms for administration.
6. Development necessary training and direct that necessary training occur to enhance the quality of the workforce and the Department.
7. Perform necessary background checks as mandated by policy, tribal, state, or federal law for the position.
8. Direct investigations as necessary to complete its mission.
9. Supervise the Employment Assistance Program.
10. Supervise the Employee Drug Testing Program
11. Ensure compliance with appropriate federal laws.
12. Maintain records of the department in accordance with the Public Records Act of 2018 and the Privacy Act of 1974.

50.0209 INTERNAL ORGANIZATION

1. The Department of Human Resources shall consist of a Manager and such divisions, branches, and offices necessary for the execution of its mission, performance of its mandated functions, and to achieve its annual goals and objectives.
2. The Department shall employ staff professionals, support Human Resources, and/or contract with professional service firms as the Manager shall determine consistent with the Tribe's Finance Manual, other laws of the Tribe, and the legislative

approved budgetary authority.

3. The Department shall maintain a current Organizational Chart. The Organizational Chart shall accompany its annual budget submission and any budget modifications during the fiscal year.

50.0211 MANAGER OF THE HUMAN RESOURCES DEPARTMENT

1. The Manager shall be appointed and confirmed by the Tribal Council.
2. The Manager shall be a full-time employee and paid compensation commensurate with his or her skills, education, experience, and responsibilities and within the standards of compensation established by the Tribal Council.
3. The Manager shall be responsible for operating within the annually appropriated budget for the Department.

50.0213 ANNUAL REPORT TO THE TRIBE

The Department of Human Resources shall submit through the President to the Tribal Council a final written annual report within thirty (30) days of the end of each fiscal year. It will report on the activities of the Department, achievement of the goals and objectives for the previous fiscal year, and the impact, if any, of fiscal constraints on its current goals and objectives.

50.0215 STRATEGIC PLANNING AND REPORTING

1. The Manager of the Department of Human Resources shall be responsible for creating a Departmental Strategic Plan. This strategic plan shall at a minimum consist of the Departmental Mission Statement, goals of the Department in support of that mission, the actions necessary to achieve those goals, and a timeline to regularly review and update the strategic plan as necessary. The plan will be presented to Tribal Council upon completion.
2. On a semi-annual basis, with (1) October for the first semi-annual review (October-November); and (2) March for the second semi-annual review (March-April), the Manager shall provide an update on progress made towards annual goals and objectives as defined in the Departmental Strategic Plan, as well as the goals and objectives stated in the annual budget.
3. The Manager will conduct an annual review of the Departmental Strategic Plan, and make updates or revisions based on the department's achievement, or lack of progress, regarding the completion and fulfillment of the department's strategic goals and objectives for the previous fiscal year. The updated Departmental Strategic Plan shall be presented to the Tribal Council Annually.
4. Periodic Reviews of Departmental Strategic Plans, as requested by the Tribal Council, shall be presented to the Tribal Council upon completion.

50.0217 BUDGETING OF FUNDS

The Turtle Mountain Band of Chippewa shall budget the necessary funds to execute this Title.

50.0219 REPEAL

To the extent that they are inconsistent with this ordinance, all prior Tribal titles, codes, ordinances, and resolutions are hereby repealed.

50.0221 EFFECTIVE DATE

This Title shall take effect immediately.

50.0223 SEVERABILITY

If any provision of this Title is ruled unconstitutional, it shall be severed from the remainder of the Title, and the remaining provisions shall stand without the unconstitutional provision.

TITLE 50
GOVERNMENT ORGANIZATION
EARLY CHILDHOOD SERVICES

50.0301 CREATION

The Turtle Mountain Band of Chippewa Indians hereby creates the Department of Early Childhood Services.

50.0303 AUTHORITY

Article IX, Sections (a) (2-6) of the Turtle Mountain Band of Chippewa Indians Constitution ("Constitution") grants the Tribal Council the power to make laws, including codes, ordinances, resolutions, and statutes.

50.0305 PURPOSE AND INTENT

1. The purpose of this chapter is to assure that children receiving early childhood services be provided food, shelter, safety, comfort, supervision, and learning experiences commensurate to their age and capabilities, so as to safeguard the health, safety, and development of those children; and
2. The intent is to create the Department of Early Childhood Services to ensure that the children of the Tribe are protected, receiving adequate education, food, shelter, and childcare.

50.0307 DEFINITIONS

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Authorized agent" means the county social service board, unless another entity is designated by the department.
2. "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children.
3. "Department" means the department of child care licensing.
4. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.
5. "Early childhood program" means any program licensed under this chapter where early childhood services are provided for at least two hours a day for three or more days a week.
6. "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. Early childhood services does not include:
 - a. Substitute parental child care;
 - b. Child care provided in any educational facility, whether public or private, in grade one or above;
 - c. Child care provided in a kindergarten which has been established pursuant to the Public School System or a nonpublic elementary school program approved by law;
 - d. Child care, preschool, and prekindergarten services provided to children under six years of age in any educational facility through a program approved by the superintendent;
 - e. Summer resident or day camps for children which serve no children under six years of age for more than two weeks;
 - f. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult;

- g. Head start and early head start programs that are federally funded and meet federal head start performance standards; and
 - h. Child care provided in a medical facility by medical personnel to children who are ill.
7. "Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.
 8. "Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.
 9. "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.
 10. "In-home provider" means any person who provides early childhood services to children in the children's home.
 11. "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.
 12. "Multiple licensed program" means an early childhood program licensed to provide more than one type of early childhood services.
 13. "Owner" or "operator" means the person who has legal responsibility for the early childhood program and premises.
 14. "Parent" means an individual with the legal relationship of father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.
 15. "Premises" means the indoor and outdoor areas approved for providing early childhood services.
 16. "Preschool" means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.
 17. "Public approval" means a non-licensed early childhood program operated by a government entity that has self-certified that the program complies with this chapter.
 18. "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter.
 19. "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.
 20. "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.
 21. "School-age child care" means a child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.
 22. "School-age children" means children served under this chapter who are at least five years but less than twelve years of age.
 23. "Staff member" means an individual:
 - a. Who is an employee of an early childhood program or of an early childhood services; or
 - b. Whose activities involve the care, supervision, or guidance of children for or unsupervised access to children under the care, supervision, or guidance of an early childhood program or early childhood services.

50.0309 NUMBER OF CHILDREN IN PROGRAM - HOW DETERMINED

For the purpose of determining the number of children receiving early childhood services, all children present on the premises and under the age of twelve years must be counted. All children present are protected by this chapter regardless of whether money is received or goods or other services are received for their care.

50.0311 SMOKING PROHIBITED ON PREMISES WHERE EARLY CHILDHOOD SERVICES ARE PROVIDED

Smoking is not permitted on the premises where early childhood services are provided. A person providing early childhood services as a registrant is considered a child care facility subject to licensure by the department.

50.0313 EARLY CHILDHOOD SERVICES PROVIDERS - TRAINING ON INFANT SAFE SLEEP PRACTICES

The department shall adopt rules to require an early childhood service provider and the provider's staff members who are responsible for the care or teaching of children under the age of one to annually complete a department approved sudden infant death syndrome prevention training course.

50.0315 OPERATION OF EARLY CHILDHOOD SERVICES PROGRAM - LICENSE REQUIRED

1. A license for family child care is required if early childhood services are provided for four or more children ages twenty-four months and under, or six or seven children through age eleven at any one time which includes no more than three children under twenty-four months of age.
2. A license for group child care is required if early childhood services are provided for at least eight and no more than thirty children at any one time.
3. A license for a child care center is required if early childhood services are provided for more than thirty children at any one time.
4. Except as provided under subsection 5, a person may not establish or operate a family child care, group child care, preschool, school-age child care, or child care center unless licensed to do so by the department.
5. A governmental organization may not establish or operate a family child care, group child care, preschool, school-age child care, or child care center without first receiving public approval by certifying, to the department or the department's authorized agent, that it has complied with all rules applicable to family child care, group child care, preschool, or school-age child care, or to child care centers.
6. A license is not required for onsite child care services located in the actual building in which the child's parent is employed, not to exceed ten children per location.
7. An applicant for a license shall submit the cost for background checks to obtain a license to the program which includes but is not limited to the tribal background check, the federal NCIC check, child welfare background check with any state or tribal area in which the provider has ever resided.
8. An applicant for a license who currently holds a license shall submit the nonrefundable fees set forth in subsection 7 with the application at least sixty days and no more than ninety days before the expiration date of the applicant's current license.
9. All fees collected under subsections 7 and 8 must be paid to the department or the department's authorized agent and must be used to defray the cost, to the department or the department's authorized agent, of investigating, inspecting, and evaluating the applications or to provide training to providers of early childhood

services.

50.0317 APPLICATION FOR LICENSE - PREREQUISITES FOR ISSUANCE - LICENSE GRANTED - TERM

1. An application for operation of an early childhood program must be made on forms provided, in the manner prescribed, by the department. The department or the department's authorized agent shall investigate the applicant's activities and proposed standards of care and shall make an inspection of all premises to be used by the early childhood program applying for a license. The applicant for a license and the staff members, and, if the application is for a program that will be located in a private residence, every individual living in that residence must be investigated in accordance with the rules adopted by the department to determine whether any of them has a criminal record or has had a finding of services required for child abuse or neglect filed against them. The department may use the findings of the investigation to determine licensure. Except as otherwise provided, the department shall grant a license for the operation of an early childhood program within thirty days of receipt of a completed application and all supporting documents by the department and upon a showing:
 - a. The premises to be used are in fit and sanitary condition, are properly equipped to provide for the health and safety for all children, and are maintained according to rules adopted by the department;
 - b. Staff members are qualified to fulfill the duties required of them according to the provisions of this chapter and standards prescribed for their qualifications by the rules of the department;
 - c. The application and supporting documents do not include any fraudulent or untrue representations;
 - d. The owner, operator, or applicant has not had a previous license denied or revoked within the twelve months before the date of the current application;
 - e. The owner, operator, or applicant has not had three or more previous licenses denied or revoked. The most recent revocation or denial may not have occurred within the five years immediately preceding the application date;
 - f. The program paid its license fees and any penalties and sanctions assessed against the program as required by law;
 - g. The family child care owner or operator and staff members have received training and are currently certified in infant and pediatric cardiopulmonary resuscitation and the use of an automated external defibrillator by the American heart association, American red cross, or other similar cardiopulmonary resuscitation and automated external defibrillator training programs that are approved by the department, and are currently certified in first aid by a program approved by the department; and
 - h. The group child care, preschool, school-age child care, or child care center, at all times during which early childhood services are provided, staff members have received training and are currently certified in infant and pediatric cardiopulmonary resuscitation and the use of an automated external defibrillator by the American Heart Association, American Red Cross, or other similar cardiopulmonary resuscitation and automated external defibrillator training programs that are approved by the department, and currently certified in first aid by a program approved by the department.
2. The license issued to the owner or operator of an early childhood program may not be effective for longer than two years.
3. The department may consider the applicant's past licensing and registration history in determining whether to issue a license.
4. The department may issue a provisional or restricted license in accordance with the rules of the department.

5. The department shall notify the owner or operator that the owner or operator is required to post a notice of late application at the early childhood program premises if the department has not received a completed application and all supporting documents for licensure renewal at least thirty days before the expiration date of the early childhood program's license.

50.0319 IN-HOME PROVIDER - REGISTRATION VOLUNTARY - PREREQUISITES FOR APPROVAL - ISSUANCE OF REGISTRATION DOCUMENT - TERM

1. An in-home provider may apply for a registration document from the department.
2. The department or the department's authorized agent shall determine whether the applicant meets the standards and shall issue or deny a registration document based upon that determination.
3. A registration document for an in-home provider may not be effective for longer than one year.
4. The application and supporting documents may not include any fraudulent or untrue representations.
5. The department may consider the early childhood services history of the applicant in determining issuance of a registration document.
6. The department may investigate an applicant according to rules adopted by the department to determine whether the applicant has a criminal record or has been the subject of a finding of services required for child abuse and neglect.
7. The department may issue a provisional in-home provider registration document in accordance with the rules of the department.

50.0321 CONVICTION SHALL NOT BAR LICENSURE OR REGISTRATION - EXCEPTIONS

Conviction of an offense does not disqualify an individual from licensure or registration under this chapter unless the department determines:

1. The offense has a direct bearing upon the individual's ability to serve the public as the owner or operator of an early childhood program or an in-home provider; or
2. Following conviction of any offense, the individual is not sufficiently rehabilitated under section; or
3. It is prohibited pursuant to 25 U.S.C. § 3207 and regulations promulgated pursuant to such law, including but not limited to 45 C.F.R. § 98 and its successor.

50.0323 BACKGROUND INVESTIGATIONS - FEES

1. Upon a determination by the department a criminal history record check is appropriate, the following individuals shall submit to a providing fingerprints to an appropriately trained agency of the Tribe:
 - a. A provider holding or an applicant for early childhood services licensure or in-home provider registration;
 - b. Emergency designees and staff members of providers holding and applicants for early childhood services licensure or in-home provider registration; and
 - c. Household members of a residence out of which early childhood services are provided.
2. The individual shall request the agency to submit the fingerprints and a completed fingerprint card for each set to the division of children and family services of the of the Tribe or prior areas of residency, State or Tribe to the department's authorized agent.
3. If the division has no record of a determination of services required for child abuse or neglect, the division shall submit the fingerprints to the National Crime

Information Center U.S. Department of Justice ("NCIC" and "DOJ") or the State of North Dakota Bureau of Criminal Investigation to determine if there is any criminal history record information regarding the applicant, household members, or staff members in accordance with 25 U.S.C. §3207 and 45 C.F.R. part 98.

4. The results of the investigations must be forwarded to the department's authorized agent.
5. The division may charge a fee not to exceed thirty dollars for the purpose of processing the application.
6. The department shall pay a fee to the Finance Department of the Tribe who direct pays the NCIC DOJ.
7. An agency that takes fingerprints as provided under this section may charge a reasonable fee to offset the costs of the fingerprinting.
8. The department may use background investigation findings to determine approval, denial, or revocation of an early childhood services license or in-home registration.
9. Any individual who is providing early childhood services solely for the provider's own children, grandchildren, nieces, nephews, and cousins as an in-home provider may not be required to submit to a criminal history record check.
10. A criminal history record check conducted under this section and Title is valid for two years, after which the department shall require another criminal history record check.

50.0325 INVESTIGATION OF APPLICANT, LICENSEE OR REGISTRATION DOCUMENT, AND STAFF MEMBERS - INSPECTION OF PROGRAMS AND PREMISES - MAINTENANCE OF RECORDS - CONFIDENTIALITY OF RECORDS

1. The department or its authorized agent at any time may investigate and inspect an early childhood program or registration document and the conditions of their premises, the qualifications of a provider of early childhood services, of current and prospective staff members, of any in-home provider or applicant seeking or holding a license or registration document under this chapter.
2. Upon request of the department or its authorized agent, the state department of health or the state fire marshal, or the fire marshal's designee, shall inspect the premises for which a license is applied or issued and shall report the findings to the department or the department's authorized agent.
3. A licensee, or registrant shall:
 - a. Maintain records as the department prescribes regarding each child in the licensee's, holder's, or registrant's care and control, and shall report to the department or the department's authorized agent, when requested, upon forms furnished by the department, facts the department may require with reference to each child;
 - b. Admit for inspection the department or the department's authorized agent and open for examination all records, books, and reports; and
 - c. Notify the parent of each child receiving early childhood services and all staff members of the process for reporting a complaint or a suspected licensing violation.
4. Except as provided in subsection 5, all records and information maintained with respect to any child receiving early childhood services are confidential and must be properly safeguarded and may not be disclosed except:
 - a. In a judicial proceeding;
 - b. To officers of the law or other legally constituted boards or agencies; or
 - c. To persons having a definite interest in the well-being of the child concerned and who, in the judgment of the department, are in a position to serve the child's interests should that be necessary.

5. A provider of early childhood services, upon the request of the parent of a child for whom the provider provides such services, shall make available to the parent a list of the names, telephone numbers, and addresses of the parents of children for whom early childhood services are provided. The list may include only the names, telephone numbers, electronic mail addresses, and addresses of parents who grant the provider permission to disclose that information.
6. The following information for early childhood services licensees, in-home providers, staff members, and adults residing in a home out of which early childhood services are provided is not confidential:
 - a. Name;
 - b. Address;
 - c. Telephone number; and
 - d. Electronic mail address.

50.0327 NOTICE

After each inspection or re-inspection, the department or the department's authorized agent, by certified mail, shall send copies of any correction order or notice of noncompliance, to the early childhood program.

50.0329 CORRECTION ORDERS

1. If the department or the department's authorized agent finds, upon inspection, that the program or premises licensed are not in compliance with this chapter or the rules adopted under this chapter, the department or the department's authorized agent shall issue a correction order to the licensee, may withhold payment, provided the department does not revoke the license as a result of the noncompliance.
 - a. The correction order must cite the specific law or rule violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction.
 - b. The correction order must also specify the amount of any fiscal sanction, if any, to be assessed if the program fails to comply with the correction order in a timely fashion.
2. Within five business days of the receipt of the correction order, the licensee of the early childhood program shall notify the parent of each child receiving early childhood services that a correction order has been issued.
3. In addition to providing notice to the parent of each child, the licensee shall post the correction order in a conspicuous location upon the early childhood premises until the violation has been corrected or for five days, whichever is longer.

50.0331 RE-INSPECTIONS

1. The department or the department's authorized agent shall re-inspect an early childhood program issued a correction order.
2. If, upon re-inspection, the department determines that the program has not corrected a violation identified in the correction order, the department shall mail to the program, by certified mail, a notice of noncompliance with the correction order.
3. The notice must specify the violations not corrected and the penalties assessed.

50.0333 SUSPENSION OF LICENSE OR REGISTRATION DOCUMENT - INVESTIGATION UPON A REPORT OF CHILD ABUSE OR NEGLECT - NOTIFICATION TO PARENT.

1. The department may:
 - a. Suspend a license or registration document at any time after the onset of a child abuse and neglect investigation alleging the owner or operator or the in-home provider has committed child abuse, including child sexual abuse, or has neglected a child and law enforcement has been involved, if continued operation is likely to jeopardize the health and safety of the children.
 - b. Suspend upon a child abuse or neglect services required determination indicating that a child has been abused or neglected by the owner or operator, the holder of the license or the in-home provider if continued operation is likely to jeopardize the health and safety of the children present.
 - c. Prohibit the presence of an accused owner, operator, in-home provider, staff member, or household member of the early childhood program, or in-home provider from the early childhood premises when children are in child care, upon a report of child abuse or neglect at the premises of the licensed program, holder of the or registration, or involving a staff member or household member if continued operation or the presence of the accused individual is likely to jeopardize the health and safety of the children present.
2. The department:
 - a. Shall notify the parent of any child receiving early childhood services when that program's license, or registration document is suspended.
 - b. Shall notify the parent of any child receiving early childhood services when an owner, operator, in-home provider, adult staff member, or adult household member of the program providing care of the child is under investigation under subsection 1.
 - c. Shall notify the parent of any child receiving early childhood services that a staff member or household member is under investigation under subsection 1 if the staff member or household member is a minor.
3. Upon the conclusion and disposition of the investigation, the department shall notify the parent of each child receiving early childhood services of the disposition.
4. Notwithstanding any provision to the contrary, any action taken under this section may preclude an individual's ability to operate pending an appeal.

50.0335 MINIMUM STANDARDS - RULES - INSPECTION BY A GOVERNMENTAL UNIT

The department may:

1. Establish reasonable minimum standards for the operation of early childhood programs and the registration of in-home providers. In appropriate circumstances and upon good cause shown, specific minimum standards may be substituted by alternate, equivalent standards, approved by the department.
2. Take such action and make reasonable rules for the regulation of early childhood services necessary to carry out the purposes of this chapter and entitle the state to receive aid from the federal government.
3. Authorize a governmental unit to:
 - a. Inspect the premises for which a license, or registration document is applied or issued under this chapter; and
 - b. Certify to the department that the premises of a program, holder of the license or registration document meets the requirements of this chapter and the minimum standards prescribed by the department.

50.0337 REVOCATION OF LICENSE OR REGISTRATION DOCUMENT

1. The department may revoke the license or registration document of any early childhood services provider upon proper showing of any of the following:
 - a. Any of the applicable conditions set forth in this code or duly adopted regulation or policy as prerequisites for the issuance of the license, or registration document no longer exist.
 - b. The licensee or registrant is no longer in compliance with the minimum standards prescribed by the department.
 - c. The license or registration document was issued upon fraudulent or untrue representation.
 - d. The licensee, or registrant has violated any rules of the department.
 - e. The licensee, registrant, or a household member of a home out of which early childhood services are provided has been found guilty of, or pled guilty to, an offense the department determines has a direct bearing upon an individual's ability to serve the public as a licensee, a holder of the license or registrant.
 - f. The licensee, or registrant has been convicted of any offense and the department has determined that the individual has not been sufficiently rehabilitated.
 - g. The department may consider the early childhood services history of the licensee, or registrant in determining revocation of a license, or in-home registration document.
2. The department shall notify, in writing, the parent of each child receiving early childhood services from the early childhood services provider that is the subject of the revocation notice.

50.0339 DENIAL OR REVOCATION OF LICENSE OR REGISTRATION DOCUMENT - ADMINISTRATIVE HEARING

Before the department may deny any application for a license, or registration document under this chapter or before the department may revoke any license, or registration document, the department shall provide a written notice to the applicant, licensee or registration document of the reasons for the denial or revocation. The applicant, licensee, or registrant may request an administrative hearing appealing the denial or revocation in the manner subscribed by regulation and policy. The applicant, licensee, or registrant shall make a request for hearing to the department within ten days after receipt of the notice of denial or revocation from the department.

50.0341 PUBLIC AGENCY PURCHASE OF EARLY CHILDHOOD SERVICES

No agency of the Tribe may purchase early childhood services, including care provided by or in the home of a relative, unless the early childhood program is licensed, registered, or approved by the department.

50.0343 VIOLATION OF CHAPTER OR RULES - INJUNCTION

The department or the department's authorized agent may seek injunctive action against an individual who provides early childhood services for which licensure is required, an early childhood program, or in-home provider in the district court through proceedings instituted by the attorney general on behalf of the department or by a state's attorney on behalf of the authorized agent, if:

1. There is a violation of this chapter or a rule adopted under this chapter; or
2. An early childhood program, or in-home provider, after notice and opportunity for hearing on the notice of noncompliance, on the resumption.

50.0345 PENALTY

Any person, partnership, firm, corporation, limited liability company, association, or organization who violates opens a childcare facility providing childcare services to more than three non-familial children for more than eight hours any day or any other of the provisions of this chapter is guilty of a class 2 Offense.

50.0347 PENALTY FOR PROVISION OF SERVICES - WHEN APPLICABLE

1. An individual who provides early childhood services to any child, other than a child who is a member of that individual's household, is guilty of a class 3 Offense if:
 - a. Those services are provided after that individual is required to register as a sexual offender;
 - b. The department has denied that individual's application for licensure, or or registration to provide early childhood services or has revoked that individual's license, or registration document to provide early childhood services following a finding that services are required under by this code or other tribal code or regulation and that finding has become final or has not been contested by that individual; or
 - c. The individual allows another individual to be in the presence of the child receiving early childhood services if that other individual is required to register as a sexual offender or has had an application for licensure, or registration to provide early childhood services denied or revoked by the department following a finding that services are required under tribal law and that finding has become final or has not been contested by that other individual.
2. An individual is not guilty of a class 3 offense under paragraphs b and c of subsection 1 if the department has made a determination that the individual is able to provide care that is free of abuse and neglect, in spite of a finding that services are required under this Title.

50.0349 EARLY CHILDHOOD SERVICES INCLUSION SUPPORT SERVICES AND GRANT PROGRAM

1. The department may establish in collaboration with other tribal agencies an early childhood services inclusion grant program for early childhood services providers that provide, or applicants for licensure who indicate they will provide, care for children with disabilities or developmental delays. The grant program must be designed to:
 - a. Support the staffing needs to expand the ability to care for children with disabilities or developmental delays; and
 - b. Assist in modifying or adapting the early childhood services setting as needed to address the health, safety, and developmental needs of children with disabilities or developmental delays.
2. The department may fund early childhood services specialists to make available technical assistance to early childhood services providers that care for children with disabilities.

50.0351 TWO YEAR STRATEGIC PLAN REQUIREMENT

The Department shall ever two years draft a strategic plan for implementation.

50.0353 REPEAL

To the extent that they are inconsistent with this ordinance, all prior laws, resolutions, and statutes are repealed.

50.0355 EFFECTIVE DATE

This ordinance shall take effect immediately.

50.0357 SEVERABILITY

If any provision of this Title is ruled unconstitutional, it shall be severed from the remainder of the Title, and the remaining provisions shall stand without the unconstitutional provision.

50.0361 RULES AND REGULATIONS

The Tribe and Department of Child Care may adopt rules in furtherance of this Title with notice and comment to the Public.

TITLE 50
GOVERNMENT ORGANIZATION
CLERK OF COURT OFFICE

50.0401 CREATION OF THE CLERK OF COURT

The Turtle Mountain Band of Chippewa hereby creates the Clerk of Court office for the Turtle Mountain Tribal Court and Appellate Court.

50.0403 AUTHORITY

1. The Turtle Mountain Band of Chippewa Indians Constitution specifically delegates law creations authority to the Tribal Council in Article IX, Section 5.
2. The Turtle Mountain Band of Chippewa Indians Constitution elects a Chief Clerk of Court but does not define the scope or requirement of the office of the Clerk of Court, Article XIV, Section 4, (c).

50.0405 PURPOSE AND INTENT

1. The Purpose and Intent of this law is to provide uniform expectations, duties, and responsibilities for the Clerk of Court to orderly administer justice within the Territory and Jurisdiction of the Tribe.
2. The Purpose and Intent is to ensure compliance with the Rules of Administration of the Court Rules of Advocates and Sanctions, and Practice before the Court.

50.0407 DEFINITIONS

1. "Books" is defined as the receipts and financial records of the court of court filing fees, fines, and forfeitures.
2. "Docket" is defined as 1.) A formal record in which a judge or court clerk briefly notes all the proceedings and filings in the Court; or 2.) a schedule of pending cases before the Court for any particular day.
3. "Ledger" is defined as the minute record or spindle maintained in each paper file of a proceeding or electronic file when such system is adopted, such ledger will record the dates of filings and dates of hearings and all matters maintained in a file.
4. "Ministerial act" is defined as an act performed without the independent exercise of discretion or judgment. If the act is mandatory it is also termed a ministerial duty.
5. "Minute or Minute Order" is defined 1.) as an order recorded in the minutes of the court rather than a directly on the case Ledger; or 2.) memoranda or notes of the proceedings before the Court; or.
6. "Record" is defined as the Minutes and Minute Orders of the Court, filings, and orders of the Court.

50.0409 RESPONSIBILITIES

1. The Chief Clerk of Court shall keep the books, dockets, ledgers, and records for all matters in the court, including juvenile, guardianship, and probate.

- (a) These books, dockets, ledgers, and records shall include all criminal pleadings, filings, and orders filed in the Court; and
 - (b) These books, dockets, ledgers, and records shall include all civil pleadings, filings, and orders filed in the Court.
2. The Chief Clerk shall maintain the jury pool, create a quarterly schedule of the changes, and update it on a quarterly basis.
 3. The clerk shall enter the defendant's plea, which shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue, any other provisions of law notwithstanding.
 4. The Chief Clerk of Court shall ensure that the necessary extradition requisition papers are executed in accordance with the laws of the Tribe.
 5. The Chief Clerk of Court or an assistant clerk shall:
 - (a) Be present at each session of the Court assigned criminal and traffic cases and shall perform all ministerial acts required by and under the direction of the judges; and.
 - (b) When the court is not in session, the Clerk may take bail for the appearance of any person under arrest before the courts for a misdemeanor or a traffic violation, subject to the uniform bail schedule established by the Court;
 6. The clerk or one of his or her deputies, shall issue all processes under the clerk's hand and the seal of the court and attest it in the name of the judge, signing it by the title of office, and shall tax costs;
 7. The Chief Clerk of Court's office shall collect fees as ordered by the Court and deposit such fees with the Tribe for orderly administration of the judiciary.
 8. The Clerk of Court shall process complaints, warrants, recognizance, commitments, attachments, venires, subpoenas and all other writs and papers in the courts shall be in substance in the form provided by Judicial administrative Rules duly adopted and published and the Rules of Procedure, either criminal or civil.
 9. The Chief Clerk of Court shall monitor all cases before the Court to ensure that matters are timely handled and take active efforts to ensure the criminal timelines are noticed to the parties and the Court.
 10. The Clerk shall enter information in the necessary Tribe, State, and Federal databases as required by the laws of the Tribe and the United State of America.

50.0411 ORDINANCES AND CIVIL TRAFFIC VIOLATIONS

In prosecutions of ordinance violations and civil traffic violations in the court, the clerk, or one of the clerk's assistants, shall enter upon the records of the court the citation from law enforcement, unless the court directs formal complaint to be made; then the defendant's plea shall be guilty or not guilty, and shall be entered as not guilty on failure to plead, which plea of not guilty shall put all matters in the case at issue, any other provision of law notwithstanding.

50.0413 CLERK OF COURT AND DIVISION CLERKS

The Chief Clerk of Court shall appoint one or more Division Clerks based upon the nature of the work performed but shall be revocable by the Chief Clerk's pleasure. The appointments and revocations shall be in writing and shall be filed in the Chief Clerk's office. The Division Clerks shall aid the Chief Clerk in the discharge of the clerk's duties. In the absence of the clerk from the office or from the court, the Division Clerks may perform all the clerk's duties; or in case of a vacancy by resignation, death, removal or other cause a Divisional Clerk appointed shall perform all such duties until the vacancy is filled.

The Chief Clerk of Court shall be responsible for execution and completion of the following responsibilities:

1. File and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit the papers. The papers shall be transferred to electronic format, within ten (10) days after filing.
2. Keep a court record and write in that record the names of parties in every civil action or proceeding in the court, the names of attorneys representing the parties, a brief statement of the nature of the action or proceeding, the date of filing every paper therein and of each proceeding taken, the file in which the papers can be found, the time when the action or proceeding is put on the calendar for trial, and when and how the action or proceeding is disposed of; the location where minutes in every case can be found and the place in the judgment record and electronic file where any judgment, order or report has been recorded, so as to make the court record a history in brief of each action or proceeding from beginning to final disposition; and a complete index of all proceedings therein.
3. Keep a criminal record and write in that record a history in every criminal action like the court record in civil actions and proceedings with references to the file where papers in the action can be found, to the minute record and to the information record where indictments and criminal complaints can be found.
4. Keep a minute record and write in that record a brief statement of all proceedings in open court showing motions and orders during trial, names of witnesses, jurors selected, the officer sworn to take them in charge, jury verdicts and openings and adjournments of court. The clerk, in lieu of keeping a minute record, may elect to incorporate in the appropriate court record, civil or criminal, the data which this paragraph requires to be recorded.
5. Keep a judgment and lien docket of all money judgments of the court, transcripts from judgment and lien dockets of other Tribes, states courts and/or other federal courts.
6. Keep a judgment and lien docket of all claims for liens filed by prime contractors, subcontractors, suppliers, service providers, and laborers and all claims filed for log, mining, and maintenance liens.
7. Keep an index to the court record, the criminal record, the judgment record and the lien record.
8. File, enter, record and keep such other papers, books and records as are required by law.
9. Keep a record of all payments ordered by the court to be paid to the clerk of court.
10. Keep a record of law enforcement operating within the Territory and Jurisdiction of the Court and such law enforcement officer's certifications and qualifications.
11. Keep a record of all qualified interpreters the Court may need from time to time.
12. Deposit monthly to the Tribe's Finance Office for the use of the Tribe the Tribe's percentage of the costs, fees, and surcharges imposed that are required to be paid on each civil action, criminal action, and special proceeding filed during the preceding month and pay monthly to the treasurer for the percentage of court imposed fines and forfeitures that are required by law to be deposited in the treasury. The payments shall be made by the 15th day of the month following receipt of the payments at a minimum.

13. Deposit monthly to the Tribe's Finance Office the amounts required for the jail assessment surcharge and the amounts required by any criminal sentence. The payments shall be made by the 15th day of the month following receipt thereof at a minimum.
14. Cooperate with child support for any child and spousal support and establishment of paternity and medical support liability program, and provide that department with any information from court records which it requires to administer that program.
15. Perform all other duties that are required by law.
16. The clerk may refuse to accept any paper for filing or recording until the fee prescribed under the rules of court or the civil procedures or any applicable code is paid, or if the pleadings do not conform to the rules of procedure or rules of court administration.

50.0417 CLERK OF COURT; CREDIT AND DEBIT CARDS; PAYMENT PLANS.

In this subsection:

1. "Credit card" means a card or other similar device existing for the purpose of obtaining money, property, or services on credit under an open-end credit agreement.
2. "Debit card" means a card or other similar device existing for the purpose of obtaining money, property, or services through the use of a depository-institution access device.
3. "Depository-institution access device" means a terminal or other facility or installation which connects to depository institution so that payments and transactions may be directly deposited through a debit or credit card system.
4. The clerk of court may accept a credit card or debit card for any required payment to the clerk of court and may charge and collect a reasonable service fee for the use of a credit card or debit card.
5. The clerk of court may charge and collect a fee for the establishment and monitoring of a payment plan for persons ordered to make payments to the clerk of court. The amount of the fee may not exceed \$15 and shall be on a sliding scale based on the person's ability to pay in view of the person's income.

50.0419 REPEAL

To the extent that they are inconsistent with this ordinance, all prior laws, resolutions, and statutes are repealed.

50.0421 EFFECTIVE DATE

This ordinance shall take effect immediately. upon its approval by the NIGC Chair.

50.0423 SEVERABILITY

If any provision of this Title is ruled unconstitutional, it shall be severed from the remainder of the Title, and the remaining provisions shall stand without the unconstitutional provision.

50.0425 RULES AND REGULATIONS

The Clerk of Courts and the Court may adopt rules in furtherance of this Title with notice and comment to the Public.

TITLE 50
GOVERNMENT ORGANIZATION
PROBATION AND PAROLE OFFICES

50.0501 CREATION OF THE PROBATION AND PAROLE

1. The TMB CI hereby creates the Division of Probation whose responsibility it shall be to supervise criminal offenders in the community to the extent necessary to meet the public, victim, staff and offender safety responsibilities.
2. The Division of Probation shall endeavor to protect the community, ensure completion of sentence requirements, and to cooperate with other agencies and community programs for the prevention of crime and victimization.

50.0503 DEFINITIONS

- (1) "Abscond" means the failure of an offender to make himself or herself available as directed by the agent.
- (2) "Administrator" means the administrator of the division or designee.
- (3) "Alternative to revocation" means placement in a program or imposition of a sanction in lieu of revocation.
- (4) "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.
- (5) "Body contents search" means a search in which the offender is required to provide a biological specimen, including but not limited to a sample of urine, breath, blood, stool, hair, fingernails, saliva, semen, or other identifying physical material.
- (6) "Collateral" means any person who has contact with or information about an offender.
- (7) "Commitment term" or "term" means that period of time during which the offender is subject to the control and supervision of the department.
- (8) "Community supervision" or "supervision" means the control and management of offenders on probation, parole, extended supervision, or other statuses as authorized by court order or statute.
- (6) "Conditions" means specific regulations imposed on the offender by the court or earned release review commission.
- (7) "Contacts" means communications between an agent and an offender or collateral.
- (8) "Contraband" means any item which the offender may not possess under the rules or conditions of the offender's custody or supervision or is unlawful.
- (9) "Discharge" means the completion of the term of supervision by an offender.
- (10) "Extension" means the continuation by the sentencing court of supervision beyond the current discharge date.
- (11) "Financial resources" of an offender means any income or assets from any source under the offender's sole or joint control.
- (12) "Intoxicating substance" means anything which if taken into the body may alter or impair normal mental or physical functions.
- (13) "Non-deadly force" means force which the user reasonably believes will not create a substantial risk of causing death or great bodily harm to another.
- (14) "Offender" means a person who is committed to the custody of the department for correctional purposes and is under community supervision of the division.
- (15) "Pat-down" means a frisk of the offender's body outside the clothing.

- (16) "Personal search" means a search of an offender's person, including but not limited to the offender's pockets, an examination of the offender's shoes, hat, and other clothing, and a visual inspection inside the offender's mouth.
- (17) "Probation" shall mean community supervision of individuals under sentence.
- (18) "Region" means a subunit of the division.
- (19) "Regional chief" means an employee or designee of the division responsible for the administration of a region.
- (20) "Reporting" means a contact between an agent and offender determined by the rules or conditions of supervision.
- (21) "Revocation" means the removal of an offender from community supervision.
- (22) "Rules" means departmental regulations applicable to a specific offender under supervision.
- (23) "School" means a public or private school.
- (24) "Supervision fees" means financial obligations imposed on offenders pursuant to his or her sentence.
- (25) "Tolled time" means the period of time between the date of an offender's violation and the date the offender's supervision is reinstated or revoked.
- (26) "Waiver" means the written relinquishment of known rights by an offender.
- (27) "Working day" means each day, except Saturday, Sunday, and holidays designated by the Tribe.

50.0505 DUTIES AND RESPONSIBILITIES OF THE DIVISION OF PROBATION

- 1. The Division of Probation Program's responsibilities are as follows:
 - (a) Obtain information necessary for appropriate supervision of the offender.
 - (b) Evaluate the offender's needs and risk to re-offend.
 - (c) Determine the short-term and long-term goals and overall objectives of the offender's supervision.
 - (d) Establish rules and explain and provide the offender with a copy of the rules and conditions.
 - (e) Inform the offender of the possible consequences of not abiding by the rules and conditions.
 - (f) Cooperate with and assist the prosecutor who is responsible for determining restitution.
 - (g) Inform the offender of applicable law and enforcement registration requirements.
 - (h) Monitor the offender's compliance with the conditions and rules.
 - (i) Maintain complete and accurate case records for each offender.
 - (j) Report suspected child abuse cases to the appropriate authorities.
 - (L) Report to a supervisor as directed on the status of the offender.
 - (n) Report all violations of the criminal law by the offender to a supervisor and if appropriate, to law enforcement.
 - (p) Collect restitution and other court ordered financial obligations, and fees as authorized by statute.
 - (q) Draft and request issuance of warrants, probation holds, and revocations.
 - (r) Advise the Court of failures to comply with probation sentences and request extensions for non-compliance for with monetary conditions
 - (s) Charge fees for supervision.
- 2. The Probation Division shall notify the Court by either written correspondence or email whether an offender has successfully completed probation.
- 3. The Probation Division shall be responsible for recommendations associated with modifications of sentences to probation if circumstances warrant a modification and shall do that by written notice to the Court.

4. The Probation Division shall be responsible for enforcement of revocations of probation and alternatives to probation.
5. The Probation Division shall be responsible for entering information into the necessary databases to ensure compliance with terms of probation.
6. The Probation Division shall be responsible for preparing pre-sentencing reports and accessing the necessary databases to appropriately research such reports.

50.0507 CONDITIONS OF PROBATION

The Court may sentence an individual to a term of probation:

1. Except if a term of probation is prohibited for a particular offense by statute, if a person is convicted of a crime, the court, by order, may withhold sentence or impose sentence and stay its execution, and in either case place the person on probation to the division for a stated period, stating in the order the reasons therefor. The court may impose any conditions which appear to be reasonable and appropriate. The period of probation may be made consecutive to a sentence on a different charge, whether imposed at the same time or previously. If the court imposes a term of probation, it shall place its reasons for doing so on the record.
2. If the court places the person on probation, the court shall order the person to pay restitution under, unless the court finds there is substantial reason not to order restitution as a condition of probation. If the court does not require restitution to be paid to a victim, the court shall state its reason on the record. If the court does require restitution, it shall notify the division of its decision if the victim may be eligible for compensation.
3. If a person is convicted of an offense that provides a mandatory or presumptive minimum period of one year or less of imprisonment, a court may place the person on probation if the court requires, as a condition of probation, that the person be confined as part of the sentence for at least that mandatory or presumptive minimum period.
4. The court may impose a sentence and stay its execution and place the person on probation.

50.0509 RULES OF PROBATION

Rules for Probationers to follow:

1. Avoid all conduct which is in violation of tribal, federal or state statute, or county ordinances.
2. Avoid all conduct which is not in the best interest of the public welfare or the offender's rehabilitation.
3. Report all arrests or police contacts to an agent within 72 hours.
4. Make every effort to accept opportunities and counseling offered by the division. This includes authorizing the exchange of information between the department and any court ordered or agent directed program and subsequent disclosure to any parties deemed necessary by the agent to achieve the purposes of the probation.
5. Inform the agent of whereabouts and activities as directed.
6. Submit a written offender report and any other relevant information as may be required.
7. Submit to searches ordered by the agent.
8. Obtain permission from an agent prior to changing residence or employment. In the case of an emergency, notify the agent of the change within 72 hours.
9. Obtain permission and a travel permit from an agent before leaving the state.
10. Obtain permission from an agent prior to the purchase, trade, sale, or operation of a motor vehicle.

11. Obtain permission from an agent prior to borrowing money or purchasing on credit.
12. Pay court ordered financial obligations and other fees as required.
13. Obtain permission from an agent prior to purchasing, possessing, owning or carrying a firearm or other weapon, including incapacitating agents. An offender may not be granted permission to possess a firearm if prohibited under federal, tribal, or state law.
14. Abide by all rules of any detention or correctional facility.
15. Provide true and correct information verbally and in writing as required by the department.
16. Report to an agent as directed.
17. Submit a biological specimen for testing when ordered by law, statute, regulation or other Court order.
18. Comply with any additional rules that may be established by an agent. The rules may be modified at any time as appropriate.
19. Advise that failure to comply with the terms of probation and or failure to pay costs, fees, restitution, and fines shall result in extension of the probation until payment of the court order monetary conditions.

50.0511 VIOLATIONS OF CONDITIONS OF PROBATION AND ALTERNATIVES TO REVOCATION

1. Any person who violates the terms and conditions of his/her probation or release may be required to serve the original sentence imposed.
2. The Division of Probation upon issuance of a warrant for non-compliance may require an alternative revocation for failures to comply with probation terms and such alternative shall include incarceration up to twenty (20) days without Court order.
3. The Division of Probation shall have five days to provide notice of intent to enforce an alternative to probation or revoke the probation from the date of arrest.

50.0513 EXTENSION OF PROBATION

1. The Division may extend a term of probation under one of the following situations:
 - a. Failure to pay required Court Costs and fines;
 - b. Failure to substantially meet the Court's requirements of probation as ordered by the Court.
2. Probation shall not expire until all the financial terms of the underlying sentence are met.
3. If a probationer fails to make the necessary payments for fines, costs, and or restitution the probation sentence shall automatically extend until all the payments are made.

50.0515 EARLY DISCHARGE

1. The division may grant an offender early discharge when there is a reasonable probability that supervision is no longer necessary for the rehabilitation and treatment of the offender and for the protection of the public. The department shall consider all of the following in making its determination:
 - (a) The goals and objectives of supervision have been satisfied; and
 - (b) The offender has served at least fifty percent of the term of probation.
2. The probation division shall provide notice of the early discharge to the Court and law enforcement.

50.0517 REPEAL

To the extent that they are inconsistent with this ordinance, all prior ordinances are hereby repealed.

50.0519 EFFECTIVE DATE

This ordinance shall take effect immediately.

50.0521 SEVERABILITY

If any provision of this Title is ruled unconstitutional, it shall be severed from the remainder of the Title, and the remaining provisions shall stand without the unconstitutional provision.

50.0523 RULES AND REGULATIONS

The Tribe and Division of Probation may adopt rules in furtherance of this Title with notice and comment to the Public.