



Mashpee Wampanoag Tribe
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NOTICE AND SYNOPSIS OF PROPOSED ORDINANCE

AMENDMENT

Regarding Amended and Restated Child and Family Ordinance

Posted: August 18, 2022

2009-ORD-003, Regulating Adoption, Amendment or Repeal of Ordinances and Resolutions of the Mashpee Wampanoag Tribe (the “Tribe”) requires notice to be served by posting of the title and synopsis of the material provisions of a proposed ordinance on the Tribe’s website and at the Tribe’s Tribal Council office. Such posting is required to be posted at least ten (10) days before the Tribal Council meeting at which a final vote will be conducted (with the day of posting and the day of the meeting not counting as part of the ten (10) day period).

TITLE OF PROPOSED ORDINANCE

“2022-ORD-000, Amended and Restated Mashpee Wampanoag Child and Family Ordinance” (the “Proposed Ordinance”).

DIRECTIONS AND DEADLINES FOR PUBLIC COMMENT

The public may submit written comments on the Proposed Ordinance by delivery or mail to the Mashpee Wampanoag Tribal Secretary, Cassie Jackson, 483 Great Neck Road South, Mashpee, MA 02649 or e-mailed to Cassie.jackson@mwtribe-nsn.gov Written comments should be submitted on or before September 6, 2022.

SYNOPSIS OF PROPOSED ORDINANCE

AMENDMENTS TO THE ORDINANCE

Numbering and formatting were fixed to ensure compliance with 2007-ORD-001, Establishing Format of Ordinances, Resolutions and Measures.

Table of Contents is amended and provides additional language and deletions to reflect changes to the Ordinance.

Section 8(c) amends the subsection title from Emergency Removal of a Child to more adequately reflect the substance of the section, which is Emergency Removal of a Child and Court Hearing on Emergency Removal.

Section 8(c)(2) provides a more detailed process to be utilized by the Tribal Court when conducting an emergency hearing on a removal of a child from a home.

Section 8(c)(3) clarifies that parents and custodians have a right to dispute an emergency removal of a child, and that parents have the burden of proof to show the Tribal Court that the child is not in immediate danger or harm if not removed.

Section 8(e)(4)(A) adds a requirement that the Child Protection Staff must file and serve a report three (3) business days before a hearing.

Section 8(e)(7)(A) retains the same language as previously included in Section 8(e)(7) regarding the requirement of formatting all documents in accordance with the Mashpee Wampanoag District Court Rules of Civil Procedure, but reformats it to be more easily read along with the addition of Section 8(e)(7)(B).

Section 8(e)(7)(B) explains what is required for proper service and who must be served in care and protection cases and child custody cases.

Section 13(a)-(e) adds a section regarding the use of a Guardian Ad Litem. This section elaborates on the appointment process, qualifications considered during appointment, responsibilities, duties, prohibited duties, and funding or compensation for a Guardian Ad Litem.

Section 15(a) clarifies that during pendency of a child welfare matter, the Tribal Court may grant grandparents' right to visitation if it is within the best interests of the grandchildren.

Section 15(b) retains the same language as previously included in the second sentence of Section 15(a) regarding grandparent's visitation rights, but moves it to Section 15(b) to allow the subsection to be read more clearly.

ALL OTHER SECTIONS UNCHANGED

All sections and subsections not specifically enumerated above under the heading "AMENDMENTS TO THE ORDINANCE" remain unchanged from the Ordinance as last amended.