

Pala Band of Mission Indians  
**Ordinance No. 37**  
**Child Custody**



**Adopted February 11, 2026**



**Ordinance No. 37**  
**Child Custody Ordinance**

**CHAPTER ONE**  
**JURISDICTION AND DEFINITIONS**

**Section 1 Purpose**

- A. Policy. It is the Pala Band of Mission Indians ("Pala Band") policy that parents have a responsibility to make decisions and perform other parental functions necessary for the care and growth of their children.
- B. Purpose. The purpose of this Child Custody Ordinance is to:
  - 1. Safeguard family relationships;
  - 2. Promote the peaceful and fair settlement of custody disputes between parents;
  - 3. Minimize the potential harm to parents and their children caused by custody disputes; and
  - 4. Provide procedures for establishing the legal relationship existing between a child and their parents in accordance with the Pala Band's culture, tradition, and values.
- C. Forms. The Tribal Court may, from time to time, adopt forms for use by parties in proceedings pursuant to this Ordinance.

**Section 2 Jurisdiction**

- A. Jurisdiction of the Pala Band. The Pala Band has jurisdiction to establish or enforce any action brought pursuant to this Ordinance where both personal and subject matter jurisdiction exist. Actions for the establishment of parentage and child custody may be joined with actions for support pursuant to Pala Tribal Ordinance No. 36: Child Support.
- B. Personal Jurisdiction. The Pala Band has personal jurisdiction over the following:
  - 1. Any Indian child who is a member of, eligible for membership in, or a Direct Descendant of the Pala Band, regardless of the Indian child's domicile or residence ("Pala child").
  - 2. Any Indian child who resides on or is domiciled within the Pala Reservation.

3. Indian parents who are members of the Pala Band.
  4. Non-Indian parents of a Pala child;
  5. Any non-Indian parent of a Pala Child or non-Indian individual who has custody of a Pala Child and who satisfies at least one of the following:
    - a. Initiates a Child Custody Proceeding in Tribal Court over a Pala child; or
    - b. Resides with a Pala child within or outside the Indian country of the Pala Band.
  6. Parent(s) of a Pala Child over whom the Tribal Court has asserted jurisdiction under Ordinance No. 36: Child Support.
- C. Construction. The Court shall construe this Ordinance liberally to exercise maximum jurisdiction consistent with applicable Tribal, state, and federal law.
- D. Nature of Jurisdiction. The jurisdiction of the Tribal Court is civil in nature and includes the right to issue all orders necessary to ensure the health, safety, and welfare of children that come before the Court, as well as those who have been declared to be wards of the Court. The Court has the power to impose fines, issue and enforce subpoenas, and issue and enforce stay away, contempt, protection, and detention orders, and any other orders as appropriate.

### **Section 3 Dispute Resolution – Mediation/Peacemaking**

- A. Purpose. The purpose of the dispute resolution process is to encourage cooperation, reduce bitterness, and develop an agreement that, to the extent possible, meets the needs and best interests of all the parties involved, consistent with the provisions of this Ordinance.
- B. Pretrial Conference. The parties may request that any pretrial settlement conference be held off the record. Even where the Tribal Court consents to the pretrial settlement conference being held off the record, the Tribal Court must go on the record at the conclusion of the pretrial settlement conference and record any agreements reached by the parties.
- C. Dispute Resolution. In any proceeding under this Ordinance, the dispute resolution process outlined in Chapter 3, Section 1B shall be arranged at or before the time the matter is set for hearing.

### **Section 4 Definitions**

The following words and phrases, whenever used in this Ordinance, have the following meaning unless defined otherwise by Tribal Ordinance or guidelines:

- A. Birth/Family Name shall mean the surname given to a person at the time of their birth.
- B. Clear and Convincing Evidence shall mean evidence indicating that the thing to be proved is highly probable and substantially more likely to be true than false.
- C. Court shall mean the Pala Tribal Court.
- D. Direct Descendent of the Pala Band shall mean a person under the age of eighteen (18) years old, and that has a parent who is a member of the Pala Band.
- E. Domestic Violence shall mean a pattern of abusive behavior in any relationship that is used by one person to gain or maintain power and control over an intimate partner, child, elder, or another adult living in the home. Domestic violence can include physical abuse, emotional abuse, sexual abuse, psychological abuse, abuse to property, economic abuse, threats of abuse, stalking, and other forms of harassment.
- E. Domicile shall mean the place where a person has their permanent home or principal establishment and to where, whenever absent, the person intends to return. A child's domicile is considered that of their parent(s).
- F. Extended Family Member shall mean a child's parents, stepparents, grandparents, great-grandparents, great-aunts, great-uncles, aunts, uncles, nieces and nephews, cousins, sisters and brothers, including step siblings, or as otherwise defined by the Pala Band.
- G. Guardian shall mean a person, not the natural or adoptive parent assigned by a court of law, who has the authority to provide for the health and care of a child.
- H. Guardian Ad Litem shall mean a person appointed by the Court to represent the best interest of a child with respect to their parenting plan.
- I. Indian child shall mean any person (1) under the age of eighteen (18) or any person who is under nineteen (19) and is enrolled full-time in high school or a General Equivalency Diploma program, and is not otherwise emancipated, self-supporting, married, or an active member of the armed forces; and (2) is a member of, or eligible for membership in, a federally recognized Indian Tribe.
- J. Interested Party shall mean a child's parents, grandparents, great-grandparents, great-aunts, great-uncles, aunts, uncles, cousins, sisters and brothers, or other person, subject to a determination by the Tribal Court that the individual has a sufficient direct and material connection to or interest in the child in question.
- K. Noncustodial Parent shall mean a parent of a child or children who is not the parent with primary physical custody.
- L. Pala Band shall mean the Pala Band of Mission Indians and may also be labeled as "PBMI."

- M. Pala Child shall mean an Indian child who is a member of, eligible for membership in, or a Direct Descendant of the Pala Band, regardless of the Indian child's domicile or residence.
- N. Pala Reservation shall mean all lands within the external boundaries of the Pala Indian Reservation and any Tribal trust lands.
- O. Parent shall mean the child's biological parents and legal parents (including adoptive parents or custodial stepparents).
- P. Parental-like Relationship shall mean a very significant relationship between a non-parent and a child in which the non-parent has undertaken responsibilities related to the care, custody, and well-being of the child.
- Q. Parenting Plan shall mean a plan for parenting the child, including allocation of parenting functions, which is incorporated in any final decree in an action for child custody.
- R. Preponderance of the Evidence shall mean evidence that is more likely than not (greater than 50%) that a fact is true.
- S. Presumption means a fact assumed to be true under the law.
- T. Tribe or Tribal means the Pala Band of Mission Indians.

**Section 5 Sovereign Immunity Preserved**

Nothing in this Ordinance shall be deemed to constitute a waiver, limitation, or modification by the Pala Band of its sovereign immunity, rights, powers, or privileges.

**Section 6 Confidentiality**

- A. Confidential Information. All proceedings under this Ordinance are confidential to the greatest extent possible. The Tribal Court shall ensure that disclosure of confidential personal information received or maintained in the course of actions brought under this Ordinance, including actions to establish paternity, is limited to purposes directly connected with the administration of such actions and is consistent with applicable Tribal, federal, and state law.
- B. Sanctions. Appropriate sanctions imposed under this Chapter for the unauthorized use or disclosure of information may include a civil fine not to exceed \$5,000.00 in addition to any disciplinary actions authorized under the Pala Court and Civil Procedures Rules.

**CHAPTER TWO  
PARENT AND CHILD RELATIONSHIP**

**Section 1 "Parent and Child Relationship" Defined**

- A. Parent and Child Relationship. As used in this Ordinance, "parent and child relationship" means the biological or legal relationship between a child and their natural parent, adoptive parent, custodial stepparent, or legal guardian. A parent-child relationship may be established pursuant to a birth certificate and DNA testing, adoption, tribal customary adoption, or a legally authorized guardianship.

- B. Relationship Not Dependent on Marriage. The parent and child relationship extends equally to every child and to every parent, without regard to the marital status of the parents.

**Section 2 Judgment or Order Determining Parent and Child Relationship**

- A. Determinative for All Purposes. The child's birth certificate and DNA testing, determining the existence or nonexistence of parentage, shall be determinative for all purposes.
- B. Other Factors. The Court may also take judicial notice of any adoptive, tribal customary adoptive, or other valid order establishing a parent-child relationship. The Court has discretion to order DNA testing and take any other actions necessary to establish or determine a parent and child relationship.
  - 1. If the judgment and order of the Court is at variance with the child's birth certificate, the Court shall order that an amended birth certificate be issued. The Tribal Court Clerk shall send the order to the Department of Vital Statistics of the state in which the child was born.
- C. Contents. The judgment and order shall contain other appropriate provisions directed to the appropriate parties to the proceeding concerning (1) the duty of current and future support consistent with any order made pursuant to Ordinance No. 36 - Child Support Ordinance; (2) the extent of any liability for past support furnished to the child if that issue is before the Tribal Court; or (3) any other matter in the best interest of the child. The judgment and order may also direct the father to pay the reasonable expenses of the mother's pregnancy if requested in the petition.
- D. Parenting Plan. On the same basis as provided in Chapter 3, Section 4(B), the Tribal Court shall make a residential schedule designating in which parent's home each child shall reside on given days of the year, except that a parenting plan shall not be required unless requested by a party.
- E. Long-term Out of Home Placement. In any dispute between the natural parents of a child and a person or persons who: (1) have commenced adoption proceedings or who have been granted an order of adoption; and (2) pursuant to a Court order, or placement by the Pala Band's Department of Social Services or by a licensed agency, have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the Tribal Court shall consider the best interest and welfare of the child, including the child's need for situational stability, and need for cultural and family support, for the purposes of long-term adjustment and stability, in determining the matter of custody.

**Section 3 Closed Court- Records Confidential**

- A. Hearing or Trial. Any hearing or trial held under this Chapter shall be held in closed Tribal Court without admittance of any person other than those necessary to the action or proceeding or for the orderly administration of justice.

- B. Papers and Records. All papers and records, other than the final judgment and matters related to the enforcement of the final judgment, pertaining to the action or proceeding are subject to inspection by a nonparty only upon an order of the Tribal Court for good cause shown following reasonable notice to all parties of the hearing where such order is sought.

**Section 4 Paternity Established by Other Jurisdiction - Comity**

Properly issued Court and administrative orders, judgments, or decrees of other Indian tribes, states, or federal agencies establishing paternity will be given comity. Such orders will be considered properly issued when the issuing Court or administrative agency has personal jurisdiction over the person claimed to be bound by the foreign order, subject-matter jurisdiction over the matter, proper service of process under the law of the issuing jurisdiction was made on such person, and the order was issued according of the laws of that jurisdiction.

**CHAPTER THREE  
PARENTING PLANS AND VISITATION**

**Section 1 Best Interests of the Child.**

- A. Policy. The Pala Band recognizes the fundamental importance of the parent-child relationship and that the relationship between the child and each parent should be fostered unless inconsistent with the best interests of the child. The interests of the child are served by a parenting arrangement that best maintains a child's physical care, emotional growth, tribal and cultural ties, health and stability, educational and other needs.
- B. Resolution of Child Custody Disputes. The Court shall resolve child custody disputes by issuing a parenting plan allocating decision-making and custodial responsibility between the parents and any intervening Immediate Family Member based on the best interests of the child.
- C. Standard. In any proceeding between parents pursuant to this Ordinance, the best interest of the child shall be the standard by which the Tribal Court determines and allocates parental responsibilities. The best interests of the child are ordinarily served when the existing pattern of interaction between a parent and child is altered only to the extent necessitated by the changed relationship of the parents or as required to protect the child from physical, educational, cultural, mental, or emotional harm.
- D. Equal Access to Minor Children. It is the policy of the Pala Band to ensure that minor children have frequent and continuing contact with parents who have shown the ability to act in the best interests of their children and to encourage parents to share in the rights and responsibilities of rearing their children. To effectuate this policy, the Court shall provide substantially equal access to minor children to both parents unless the Court finds by clear and convincing evidence that shared parenting would be detrimental to the children. A parent requesting sole custody shall have the burden to prove by clear and convincing evidence that shared parenting would be detrimental to the children, and if the Court makes such a determination, it shall be documented in the court record.

## **Section 2 Representation of Child**

The Tribal Court may appoint a guardian ad litem, a Court Appointed Special Advocate, or any other spokesperson with a direct and material connection to the child to represent the interests of a minor or dependent child with respect to their parenting plan. The Tribal Court may enter an order for costs, fees, and disbursements in favor of the child's representative. The order may be against either or both parents.

## **Section 3 Petition for Parenting Plan**

- A. Petition. Either parent or an Immediate Family Member may petition the Tribal Court for resolution of a child custody dispute. The parties to the child custody dispute shall jointly draft the proposed parenting plan. If the parties cannot agree on a proposed parenting plan, the Tribal Court shall issue a parenting plan based on the best interests of the child. If the issue of child custody is before the Court at the time it issues a Child Support Order pursuant to Ordinance No. 36: Child Support, the Tribal Court shall concurrently issue a parenting plan under this Chapter.
- B. Civil Procedure to Govern. Except as otherwise specified herein, Pala Court and Civil Procedure Rules shall govern all proceedings under this Ordinance.
1. Parentage and child custody proceedings between parents shall be entitled "In re: \_\_\_\_\_ and \_\_\_\_\_."

## **Section 4 Contents of Parenting Plan**

- A. Objectives. The objectives of any parenting plan shall be to:
1. Provide for the child's education, physical and medical care, and to maintain the child's emotional stability and overall well-being;
  2. Provide for the child's changing needs as the child grows;
  3. Promote and preserve the child's Indian heritage;
  4. Set forth the rights and responsibilities of each parent consistent with any restrictions pursuant to Section 4E below;
  5. Minimize the child's exposure to harmful parental conflict;
  6. Encourage the placement of siblings together where appropriate;
  7. Encourage parents to meet their responsibilities through the parenting plan rather than by relying on Tribal Court intervention; and
  8. Otherwise, protect the best interests of the child consistent with the policy expressed in Section 1A above.

- B. Contents. The contents of any proposed or ordered parenting plan shall include:
1. *Process for Dispute Resolution.* A process for resolving disputes, other than Tribal Court action, shall be provided unless the parties agree at the time of the dispute that it is beyond the financial means of the parties, or precluded or limited by the Tribal Court as provided herein. The dispute resolution process may include counseling, mediation, peacemaking, arbitration, or another method agreed upon by the parties or ordered by the Court. In the dispute resolution process:
    - i. Preference shall be given to complying with the parenting plan;
    - ii. The parents shall use the designated process to resolve disputes relating to implementation of the plan, unless there is an emergency;
    - iii. If the Tribal Court finds that, based on the specific facts and circumstances of the case, a parent has frustrated the dispute resolution process without good reason, the Tribal Court may impose financial sanctions against that parent; and
    - iv. Both parents have the right to request the Court review the dispute resolution process.
  2. *Decision-Making Authority.* The parenting plan shall allocate decision-making authority to one or both parents regarding the children's education, health care, and religious, cultural, or spiritual upbringing. The plan shall state that:
    - i. Each parent may make decisions regarding the day-to-day care and control of the child while the child is residing with that parent, including emergency decisions affecting the health and safety of the child; and
    - ii. When mutual decision-making is designated but cannot be achieved, the parents shall make a good-faith effort to resolve the issue through the dispute resolution process.
  3. *Residential Provisions.* The plan shall contain a residential schedule designating in which parent's home each child shall reside on given days of the year, including provisions for holidays, birthdays, vacations, Tribal dances or ceremonies, and other special occasions. The plan shall also include provisions for the visitation of the parents and extended family members.
- C. Failure to Comply. If a parent fails to comply with a provision of the parenting plan, the other parent's obligations under the parenting plan are not affected.
- D. Uniform Parenting Plan Form. The Tribal Court may authorize and approve the utilization of a uniform parenting plan form for all proceedings under this Section.

- E. Restrictions. The Tribal Court may restrict or limit any provision of a parenting plan based on factors or conduct that the Court finds by clear and convincing evidence that it is adverse to the best interests of the child, including:
1. Willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions;
  2. Physical, sexual, or a pattern of emotional abuse of a child;
  3. A history of acts of domestic or family violence;
  4. An assault or sexual assault that causes serious bodily harm;
  5. Neglect or substantial nonperformance of essential parenting functions;
  6. Emotional or physical impairment that interferes with the parent's performance of parenting functions;
  7. Impairment resulting from drug, alcohol, or other substance abuse that interferes with the performance of parenting functions;
  8. Parental alienation and/or abusive use of conflict by the parent that creates the danger of serious damage to the child's psychological development;
  9. Withholding from the other parent or the other parent's extended family access to the child for a protracted period without good cause; or
  10. Any other relevant factors deemed appropriate by the Tribal Court.
- F. Evidence of Abuse, Neglect, Domestic Violence, or Substance Abuse. If a party offers clear and convincing evidence of abuse, neglect, domestic violence, or substance abuse, the Court may hold a hearing to consider such evidence.
1. Prior to the hearing, the Court shall provide notice to the parties that accusations of abuse, neglect, domestic violence, or substance abuse have been raised. At the hearing, the accused Party may refute and/or offer evidence of rehabilitation or other circumstances to demonstrate that continued contact is in the best interests of the child. The Court may require a safety plan, which may include rehabilitative or other services for continued contact with the child.
  2. If the Party alleged to have engaged in abuse, neglect, domestic violence, or substance abuse fails to appear, or fails to refute such evidence, or does not offer evidence of rehabilitation or services, the Court may only make a finding of abuse, neglect, domestic violence, or substance abuse by clear and convincing evidence.

3. If the Court makes a finding of abuse, neglect, domestic violence, or substance abuse by either or both parents, the Court may recommend that the parties seek appropriate treatment, services or training, or refer the matter to the Social Services Department of the Pala Band to investigate whether the child is an Indian child in need of care under Child Welfare Ordinance No. 21. The success of any remedial or rehabilitative efforts will be reviewed under five (5) below.

G. Domestic Violence. If the Tribal Court finds by clear and convincing evidence that a parent or child is a victim of domestic violence, or the child has witnessed domestic violence, it may ensure the safety of the victim by making an order providing any of the following:

1. That the address and telephone number of the parent or child be kept confidential in the proceedings.
2. That any exchanges of a child occur in a protected setting.
3. That visitation be supervised by another person or agency, or be subject to any other reasonable conditions. The perpetrator may be ordered to pay a fee to offset the costs of supervised visitation.
4. That the perpetrator(s) of domestic violence attend and complete a domestic violence batterer's program and/or counseling.
5. That overnight visitation is prohibited.
6. That the perpetrators of domestic violence post a bond for the return and safety of the minor child.
7. That the perpetrator of domestic violence cannot remove the child from the Pala Reservation.
8. That the perpetrators of domestic violence stay away from certain locations or events, or other safeguards, including monitoring and supervision.
9. Drug and/or alcohol testing.
10. Any other orders deemed necessary and appropriate by the Court to protect the child and family from domestic violence.

H. Inability to Reach Agreement. If the parents are unable to reach an agreement on the terms of the parenting plan and the Tribal Court determines that it needs additional information before ordering a parenting plan, the Tribal Court may:

1. Convene a family meeting with the parties and/or Immediate Family Members and Interested Parties for the purpose of reaching an agreed-upon parenting plan;

2. If the Tribal Court determines that it is in the best interests of the child, interview the child in chambers to ascertain the child's needs and desires. The Tribal Court may permit the child's advocate to be present at the interview. The Tribal Court shall take special care to ensure that questions are stated in a form that is appropriate to the child's age or cognitive level. The Tribal Court shall cause a record of the interview to be made and to be made part of the record in the case; and/or
3. Request the assistance of the Pala Band's Department of Social Services to evaluate the parents' ability to provide adequate food, clothing, shelter, medical care, love and emotional support, and day-to-day supervision. The evaluation should also report on any conduct outlined in Section 4E above. The report shall be in writing and shall be made available by the Tribal Court to the parents upon request.
4. Seek an evaluation by appointing an agreed-upon evaluator who will make recommendations to the Court. Payment obligations for such an evaluation will be determined by the Court pursuant to any and all resources available.
5. Order any additional reports, information, assessments, and/or documents to be secured by the parties and lodged with the Court.
6. The parents, or their representative, may call for cross-examination of any persons interviewed by Pala Social Services or consulted by the Tribal Court.

## **Section 5 Interim and Modification of Parenting Plan**

- A. Interim parenting plan. Unless it is shown by clear and convincing evidence to be detrimental to the welfare of the child, the child shall have, to the greatest degree practical, equal access to both parents during the time prior to the issuance of a parenting plan under Section 4.
- B. Modification of the parenting plan or visitation.
  1. A parenting plan or visitation with the child may be modified if the Tribal Court determines, upon clear and convincing evidence, that a change in circumstances requires the modification of the award, and the modification is in the best interests of the child.
  2. A crime involving domestic violence that has occurred since the last parenting plan or visitation determination is a finding of a change of circumstances under this Section.
  3. The parties having joint custody of the child may agree to modify the terms of the plan for joint care, custody, and control. The written modification to the plan shall be presented to the Tribal Court by the parties, and if the Court determines If the modifications are in the best interests of the child, the Court shall approve the modifications and direct the same to be filed.

4. The Tribal Court shall enter on the record the reasons for any modification of a parenting plan or visitation order with the child.

## CHAPTER FOUR FOREIGN CHILD CUSTODY ORDERS

### Section 1 Purpose and Scope

In accordance with the goals of the Parental Kidnapping Prevention Act, 28 U.S.C. § 1738A, and the Uniform Child Custody Jurisdiction and Enforcement Act, the Pala Band intends to ensure that parents and children are able to move across state and Tribal boundaries without losing the ability to enforce custody orders they have previously obtained. As a matter of comity, the Tribal Court will recognize and enforce a foreign custody order that meets all requirements of this Chapter.

### Section 2 Registration of Child Custody Determinations

- A. Materials for Clerk of the Tribal Court. A child custody determination issued by a court of another state or Indian tribe may be registered with the Tribal Court, with or without a simultaneous request for enforcement, by sending to the Clerk of the Tribal Court:
  1. A letter or other documentation requesting registration and the appropriate filing fee;
  2. A certified copy of the court order to be registered and a statement that, to the best of the knowledge and belief of the person seeking registration, the determination has not been vacated, stayed, or modified;
  3. A statement that, to the best of the knowledge and belief of the person seeking registration, the issuing Court had personal jurisdiction over the parties or the child and had subject-matter jurisdiction over the cause of action;
  4. The name and address of the person seeking registration and any parent or person acting as parent who has been awarded custody or visitation in the child custody determination sought to be registered.
- B. Notice. On receipt of the documents required under Subsection A, the Tribal Court shall cause notice to be served upon the persons named pursuant to Subsection A(6) and provide them with an opportunity to contest the registration.
- C. Contesting Registration. A person seeking to contest the validity of a registered determination must request a hearing within twenty (20) days after service of the notice. At that hearing, the Tribal Court shall confirm the registered determination unless the person contesting registration establishes that:
  1. The issuing state or tribal Court did not have jurisdiction over the parties and child under the laws of the issuing jurisdiction;
  2. The child custody determination sought to be registered has been vacated, stayed, or modified by a court having jurisdiction to do so;

3. The person contesting registration was entitled to notice, but notice was not given in the proceeding before the Court that issued the determination for which registration is sought;
  4. The judgment or cause of action on which the custody order is based is repugnant to the public policy of the Pala Band or would be contrary to the general welfare of the Pala Band or its members, examples include but are not limited to child custody awards despite clear and convincing evidence of abuse and neglect; or
  5. The foreign jurisdiction's laws or court order violate applicable federal law, or Tribal law, custom, or tradition.
- D. Default. If a request for a hearing to contest the validity of the registration is not made within twenty (20) days, the registration is confirmed as a matter of law, and the person requesting registration and all persons served must be notified of the confirmation. The deadline for requesting a hearing may be extended to provide respondents who demonstrate good cause.

## **CHAPTER FIVE NAME CHANGE**

### **Section 1 Jurisdiction.**

1. In conjunction with a child-custody proceeding, including any Tribal Adoption or other adoption, a parent(s) may submit a petition for a name change of their child. Any name change, however, shall include the child's birth/family name in a hyphenated manner.
2. This requirement shall also extend to any non-Pala court and/or administrative name-change proceeding or process.
3. As a matter of comity, any non-Pala Court and/or administrative proceeding will recognize, enforce, and afford this requirement full faith and credit to the same extent that the Court or proceeding would afford full faith and credit to the laws, records, judicial proceedings, and judgments of any other entity.
4. Any non-Pala court and/or administrative proceeding shall provide written notice to the Pala Court at least sixty (60) days prior to any name change. The Pala Court shall transmit such name change notice to the Pala Executive Committee Secretary within ten (10) days of receipt.

### **Section 2 Contents of Petition.**

The petition for a name change shall include the following information:

1. Current name of child;
2. Current address;
3. Date and place of birth;
4. Proposed new name;
5. Reason for the change of name; and

6. Name and signature of parent(s) submitting the name change petition. If both living parents are in support of the name change, the petition must be signed by both parents.
7. A statement in the petition and Tribal court order that (1) there are ramifications to the child's Pala enrollment and any Pala benefits if the child's birth/family name is changed; and (2) an annual Section 3 (C)(2) report must be filed with the Pala Court.

### **Section 3 Procedure**

#### **A. Notice.**

1. Unless the petition is signed by both living parents, the petitioning parent must have the petition personally served on the nonconsenting parent at least thirty (30) days before the hearing. Proof of service must be filed with the Tribal Court prior to the hearing on the petition.
2. Notice of the petition shall be posted and published, and proof of notice shall be filed with the Tribal Court prior to a hearing on the petition. The notice shall be in such form as the Tribal Court may direct and shall state the nature of the application and the time and place for hearing.
3. Notice of the petition shall be posted for at least fifteen (15) days prior to the hearing at the Pala Administration Building, with a copy provided to the Pala Executive Committee.

#### **B. Hearing.** The Tribal Court shall hold a hearing on the petition at the time and place designated in the notice. Any interested party may be heard with regard to the petition. The petition shall be granted if the Tribal Court determines the name change is in the best interest of the child.

#### **C. Order.**

1. If the petition is granted, the Tribal Court shall enter an order changing the name as requested in the petition. If necessary, the Clerk of the Tribal Court shall prepare a certified copy of the order and transmit the same to the Tribal Finance and Enrollment Departments.
2. Any Tribal Adoption Order shall also require that the new parents file an annual written status report with the Court, informing the Court about the child's:
  - a. Physical and mental health issues and/or needs;
  - b. Education progress (grades, needs, etc.); and
  - c. How the child is maintaining connections to the Pala Band and its culture (e.g., attendance at Pala's Cupa Days and other Pala events and gatherings).
3. The Pala Court shall transmit such report to the Pala Executive Committee Secretary within ten (10) days of receipt.

**CHAPTER SIX  
AMENDMENTS**

**Section 1 Effective Date and Amendments**

- A. Amendment of Ordinance. This Ordinance No. 37 – Child Custody may be amended by a majority vote of those members present at a duly called General Council meeting at which a quorum is present.
- B. Clerical Revisions. Any clerical, administrative, and non-substantive amendments may be made and approved by the Executive Committee.

**CERTIFICATION**

We, the undersigned duly elected members of the Executive Committee, do hereby certify that the foregoing Ordinance was adopted by a majority vote of the **General Council**, at a duly held regular meeting at which a quorum was present, with 34 in favor, 8 opposed, with 10 abstentions, on this 11<sup>th</sup> day of February in the year **2026**.



Robert H. Smith, Chairman



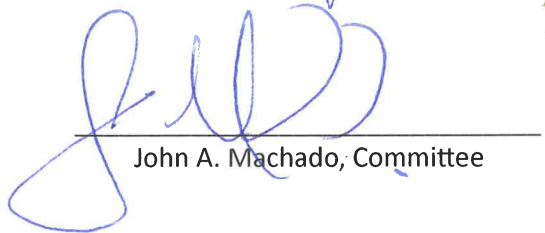
Brandon L. Johnson, Vice-Chairman



Theresa J. Nieto, Treasurer



Theresa Villa, Secretary



John A. Machado, Committee



Shelia Smith-Lopez, Committee

**-Office of the Secretary-**