PUEBLO OF ACOMA LAWS 2003 (08-2026)

TITLE 4A
JUVENILE DELINQUENCY

This Replacement includes laws enacted since the Pueblo of Acoma Laws 2003 pursuant to Tribal Council Resolutions dated January 1, 2017, through August 28, 2026.

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These laws may be cited by Title, Chapter, Section and Year as “Section or __-__-__ Pueblo of Acoma Laws 2003 (08-2026)”

TITLE 4A
JUVENILE DELINQUENCY

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Title 4A – JUVENILE DELINQUENCY

Origin: Juvenile Delinquency was originally a Chapter within Title 4, Children and Family Law Code adopted pursuant to Tribal Council Resolution No. 2018-041 on November 2, 2018. Tribal Council Resolution 2026-022 adopted on August 28, 2026 amended and restated Title 4, Children and Family Law and removed the chapter on Juvenile Delinquency while adopting a new Title 4A – Juvenile Delinquency. The content remains entirely the same as it did within Title 4, although 4A-1-3 – Applicability of Title 4 was added. Corrections were made to internal Title 4A internal citations.

Chapter 1 – Juvenile Delinquency

4A-1-1 Purposes of Title; Interpretation

A. Purposes:

1. Consistent with the protection of the public interest, to remove from children committing delinquent acts the adult consequences of criminal behavior, but to still hold children committing delinquent acts accountable for their actions to the extent of the child's age, education, mental and physical condition, background and all other relevant factors, and to provide a program of supervision, care and rehabilitation, including rehabilitative restitution by the child to the victims of the child's delinquent act to the extent that the child is reasonably able to do so;

2. To provide effective deterrents to acts of juvenile delinquency, including an emphasis on community-based alternatives;

3. To strengthen families and to successfully reintegrate children into homes and the community;

4. To foster and encourage collaboration between government agencies and the community with regard to juvenile justice policies and procedures;

5. To develop juvenile justice policies and procedures that are supported by data;

6. To develop objective risk assessment instruments to be used for admission to juvenile detention centers;

7. To encourage efficient processing of cases;

8. To develop community-based alternatives to detention;

9. To improve conditions of confinement in juvenile detention centers; and

10. To achieve reductions in the number of warrants issued, the number of probation violations and the number of youth awaiting placements.

B. Interpretation

The definitions set forth in §4A-1-2 and in Title 4, Chapter 1, Section 2 of the Pueblo of Acoma Laws, 2003, codified as §4-1-2, as amended, shall apply to this Title. Nothing in these definitions shall be used to interfere with or prohibit cultural and spiritual development of the child or family, nor shall these definitions be used to interfere with traditional child-rearing practices of a child's family or Indian tribe.

4A-1-2 Definitions

A. "delinquent act" means an act committed by a child that would be designated as a crime under the law if committed by an adult, including any of the following offenses:

1. Violations of the Acoma Pueblo traffic [laws set out in Title10A of Acoma Laws 2003, as amended] or receiving or transferring of a stolen vehicle or motor vehicle; [or]

a. injuring or tampering with a vehicle;

b. altering or changing of an engine number or other vehicle identification numbers;

c. altering or forging of a driver's license or permit or any making of a fictitious license or permit;

d. driving with a suspended or revoked license; or

2. buying, attempting to buy, receiving, possessing or being served any alcoholic liquor or being present in a licensed liquor establishment, such as a bar or club, other than a restaurant or a licensed retail liquor establishment, except in the presence of the child's parent, guardian, custodian, caretaker or adult spouse; [or]

3. a violation of regarding the illegal use of a glue, aerosol spray product or other illegal chemical substance as defined under Acoma law, Federal law and/or New Mexico state law;

4. a violation of the [Pueblo of Acoma, federal or] New Mexico law concerning controlled substances;

5. escape from the custody of a law enforcement officer or a juvenile probation or parole officer or from any placement made by PASS by a child who has been adjudicated a delinquent child;

6. a violation regarding unauthorized graffiti on personal or real property; or

7. a violation of an order of protection issued pursuant to the provisions of the Family Violence.

B. "delinquent child" means a child who has committed a delinquent act.

C. "delinquent offender" means a delinquent child who is subject to juvenile sanctions only and who is not a youthful offender or a serious youthful offender.

D. "restitution" means financial reimbursement by [a] delinquent child to the victim or community service imposed by the Court and is limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical, psychiatric and psychological treatment for injury to a person and lost wages resulting from physical injury, which are a direct and proximate result of a delinquent act. "Restitution" does not include reimbursement for damages for mental anguish, pain and suffering or other intangible losses. "Restitution" does include remedies such as community service for any damage to the Pueblo of Acoma Community or its traditions, as determined by the Court based upon evidence provided by the Tribal Sheriffs or other Traditional leaders or Clan Elders.

E. "serious youthful offender" means an individual fifteen [(15)] to eighteen [(18)] years of age who is charged with and indicted or bound over for trial for first degree murder. A "serious youthful offender" is not a delinquent child as defined in [this Title].

F. "supervised release" means the release of a juvenile, whose term of commitment has not expired, from a facility for the care and

rehabilitation of adjudicated delinquent children, with specified conditions to protect public safety and promote successful transition and reintegration into the community. A juvenile on supervised release is subject to monitoring by a juvenile probation officer until the term of commitment has expired, and may be returned to custody for violating conditions of release.

G. "youthful offender" means a delinquent child subject to adult or juvenile sanctions who is fourteen to eighteen [(14-18)] years of age at the time of the offense, and:

1. who is adjudicated [as committing] at least one of the following offenses:

a. second degree murder;

b. assault with intent to commit a violent felony;

c. kidnapping;

d. aggravated battery with a deadly weapon or where great bodily harm results;

e. aggravated battery against a household member, with a deadly weapon or where great bodily harm results;

f. aggravated battery upon a peace officer;

g. shooting at a dwelling or occupied building or shooting at or from a motor vehicle;

h. dangerous use of explosives;

i. criminal sexual penetration;

j. robbery;

k. aggravated burglary;

l. aggravated arson; or

m. abuse of a child that results in great bodily harm or death to the child; [or]

2. who is adjudicated for any felony offense and who has had three [(3)] prior, separate felony adjudications within a three [(3)]-year time period immediately preceding the instant offense. The felony adjudications relied upon as prior adjudications shall not have arisen out of the same transaction or occurrence or series of events related in time and location. Successful completion of consent decrees are not considered a prior adjudication for the purposes of this paragraph; or

3. who is adjudicated for first degree murder and is a "serious youthful offender".

4A-1-3 Applicability of Title 4

Title 4, Chapters 1 through 4 of the Pueblo of Acoma Laws 2003, as amended, shall apply to this Title, to the extent relevant and not in conflict with this Title.

4A-1-4 Detention facilities; standards; reports; appeals: PASS in conjunction with [the Acoma detention facility] shall promulgate updated standards for detention facilities, including standards for site, design, construction, equipment, care, program, personnel and clinical services. PASS in conjunction with [the Acoma detention facility] shall establish emergency procedures for temporary detention of children.

4A-1-5 Adult jails and lockups used as temporary holding facilities; reports

A. A child arrested and detained for an alleged delinquent act may be temporarily held in an adult jail or lockup for no longer than twenty-four (24) hours without a hearing. A child who is detained in an adult jail or lockup shall be placed in a setting that is physically segregated by sight and sound from adult offenders.

B. An adult jail or lockup used as a temporary holding facility for alleged delinquent offenders shall file an annual report regarding its compliance with federal requirements.

4A-1-6 Juvenile probation services; establishment; juvenile probation and parole officers; powers and duties

A. Juvenile probation and parole services (JPO) are established and provided under the Pueblo of Acoma Court.

B. To carry out the objectives and provisions of [this Title], but subject to its limitations, JPO has the power and duty to:

1. receive and examine complaints and allegations that a child is a delinquent child for the purpose of considering beginning a proceeding pursuant to the provisions of [this Title];

2. make case referrals for services as appear appropriate or desirable;

3. make predisposition studies and assessments and submit reports and recommendations to the Court;

4. supervise and assist a child placed on informal probation, probation or supervised release or under supervision by Court order or by JPO;

5. give notice to any individual who has been the subject of a petition filed pursuant to the provisions of [this Title] of the sealing of that individual's records in accordance with [this Title];

6. informally dispose of up to three [(3)] misdemeanor charges brought against a child within two [(2)] years;

7. give notice to the Court attorney of the receipt of any felony complaint and of any recommended adjustment of such felony complaint;

8. receive and act upon notices from a state that identify an Indian child for the purpose of contacting the Indian child's tribe in delinquency cases;

9. work with the New Mexico Children Youth and Families Department [and similar agencies from other states and Indian tribes] to ensure proper consultation and exchange of information when a predisposition report is made, commitment or placement of a child from the Pueblo of Acoma is contemplated or has been ordered;

10. when any report is made by [a state or tribal agency] pursuant to Paragraphs (8) and/or (9) of this Subsection, JPO shall work with [PASS] and prepare a report for Tribal Administration and the Court on what action is being taken by [a state or Indian tribe] as well as provide PASS and JPO recommendations on actions that should be taken to ensure that the best interests of the child and the Pueblo of Acoma are promoted.

C. A JPO officer does not have the powers of a [peace] officer. A JPO officer may take into physical custody and place in detention a child who is under supervision as a delinquent child or as a youthful offender when there is reasonable cause to believe that the child has violated the conditions of the child's probation or that the child may leave the jurisdiction of the Court. Taking a child into custody under this Subsection is subject to and shall proceed in accordance with the provisions of this Title relating to custody and detention procedures and criteria.

4A-1-7 Complaints; referral; preliminary inquiry; notice; time waiver

A. Complaints alleging delinquency shall be referred to [JPO], which shall conduct a preliminary inquiry to determine the best interests of the child and of the public with regard to any action to be taken.

B. During the preliminary inquiry on a delinquency complaint, the matter may be referred to another appropriate agency, such as PASS and conferences may be conducted for the purpose of effecting adjustments or agreements that will obviate the necessity for filing a petition. At the commencement of the preliminary inquiry, the parties shall be advised of their basic rights pursuant to this Title, and no party may be compelled to appear at any conference, to produce any papers or to visit any place. The child shall be informed of the child's right to remain silent.

C. Prior to a preliminary inquiry being conducted with a child who is detained, the child's parent[(s)], guardian or custodian or the child's attorney shall be given reasonable notice by the [JPO] officer and an opportunity to be present at the preliminary inquiry. If a child is not detained, the preliminary inquiry shall be conducted within thirty (30) days of receipt of the referral from law enforcement. The thirty (30) - day time period may be extended upon a determination by [JPO] that an extension is necessary to conduct a thorough preliminary inquiry and that the extension is not prejudicial to the best interests of the child.

D. When a child is in detention or custody and the prosecutor does not file a petition within the time limits authorized by this Title, the child shall be released immediately. If a child is not detained and a determination is made to file a petition, the petition shall be filed within sixty (60) days of completion of the preliminary inquiry, unless a motion is granted to extend the time limit for good cause shown. If a child is not in custody or detention, a petition shall not be dismissed

for failure to comply with the time limit set forth in this Subsection unless there is a showing of prejudice to the child.

E. After completion of the preliminary inquiry on a delinquency complaint involving a misdemeanor, JPO may notify the prosecutor and recommend an appropriate disposition for the case. If the child has been referred for three (3) or more prior misdemeanors within two (2) years of the instant offense, JPO shall notify the prosecutor and recommend an appropriate disposition for the case.

F. JPO shall notify the prosecutor of the receipt of any complaint involving an act that constitutes a felony under the applicable criminal law. JPO shall also recommend a disposition to the prosecutor.

G. The child, through counsel, and the prosecutor may agree, without judicial approval, to a waiver of time limitations imposed after a petition is filed. A time waiver defers adjudication of the charges. The prosecutor may place restrictions on a child's behavior as a condition of a time waiver. If the child completes the agreed upon conditions and no new charges are filed against the child, the pending petition shall be dismissed. If the prosecutor files a new petition against the child, the prosecutor may proceed on both the original petition and the new charges.

4A-1-8 Petition; authorization to file

A. A petition alleging delinquency shall not be filed in delinquency proceedings unless the prosecutor, after consulting with JPO has determined and endorsed upon the petition that the filing of the petition is in the best interests of the public and the child. The prosecutor shall furnish legal services in connection with the authorization and preparation of the petition.

B. A petition alleging delinquency or petition for probation revocation shall state the allegations of delinquency or violation of probation; the Title, chapter and section of the Pueblo of Acoma Laws (2003), as amended, that was violated; the statement whether the violation occurred within the exterior boundaries of the Pueblo of Acoma, except for probation violations; the respondent's name and address; the respondent's parent[(s)]' or guardian's name and address; whether the JPO has conducted a preliminary inquiry; and whether the respondent is in detention.

C. When the prosecutor files a petition alleging delinquency or petition for probation revocation, the Court shall issue a summons ordering the respondent to appear for a first appearance set within twenty-one

(21) days of issuing the summons. If the respondent is in detention, the summons shall be served upon the respondent and the first appearance shall be held at the time of the detention hearing.

4A-1-9 Taking into custody: A child may be taken into custody:

A. pursuant to a Court order issued because a parent, guardian or custodian fails when requested to bring the child before the Court after having promised to do so when the child was delivered [to them] upon release from custody;

B. pursuant to the laws of arrest for commission of a delinquent act;

C. by a JPO officer proceeding pursuant to the provisions of this Chapter, or

D. pursuant to a bench warrant for failure to appear at a hearing or failure to comply with conditions of release set by the Court.

4A-1-10 Release or delivery from custody

A. A person taking a child into custody shall, with all reasonable speed:

1. release the child to the child's parent[(s)], guardian or custodian or an adult authorized by the child's parent[(s)], guardian or custodian and issue verbal counsel or warning as may be appropriate;

2. release the child to the child's parent[(s)], guardian or custodian or an adult authorized to sign on behalf of the child's parent[(s)], guardian or custodian upon written promise to bring the child before the Court when requested by the Court. If the parent[(s)], guardian or custodian or an adult authorized to sign on behalf of the child's parent[(s)], guardian or custodian fails, when requested, to bring the child before the Court as promised, the Court may order the child taken into custody and brought before the Court;

3. deliver the child to a place of detention as provided in [this Chapter;

4. deliver the child to a medical facility, if available, if the child is believed to be suffering from a serious illness that requires prompt treatment or prompt diagnosis;

5. deliver the child to an evaluation facility, if available, if the person taking the child into custody has reasonable grounds to believe the child presents a likelihood of serious harm to the child's self or others or is suffering from some other serious mental condition or illness that requires prompt treatment or prompt diagnosis; or

6. deliver the child to a center or organization that the Court recognizes as an alternative to secure detention.

B. When an alleged delinquent child is delivered to a place of detention or a center or organization recognized as an alternative to secure detention as provided in [this Title], only a JPO officer or a trained detention professional designated by the JPO may place the child in detention or with a center or organization recognized as an alternative to secure detention in accordance with the criteria for detention set forth in [this Title]. If the criteria for detention of an alleged delinquent child are not met, the child shall be released from custody.

C. A child under the age of eleven (11) shall not be held in detention. If a child under the age of eleven (11) poses a substantial risk of harm to the child's self or others, a JPO or Acoma law enforcement officer may detain and transport that child for emergency mental health evaluation and care.

D. If a child is taken into custody and is not released to the child's parent[(s)], guardian or custodian or an adult authorized by the child's parent[(s)], guardian or custodian, the person taking the child into custody shall give written notice thereof as soon as possible, and in no case later than twenty-four (24) hours, to the child's parent[(s)], guardian or custodian or an adult authorized by the child's parent[(s)], guardian or custodian and to the Court, together with a statement of the reason for taking the child into custody.

E. In all cases when a child is taken into custody, the child shall be released to the child's parent[(s)], guardian or custodian or an adult authorized by the child's parent[(s)], guardian or custodian in accordance with the conditions and time limits set forth in this [Title].

4A-1-11 Criteria for detention of children

A. Unless ordered by the Court pursuant to the provisions of [this Title], a child taken into custody for an alleged delinquent act shall not be placed in detention unless a detention risk assessment determination is made that the child:

1. poses a substantial risk of harm to himself;

2. poses a substantial risk of harm to others; or

3. has demonstrated that he/she may leave the jurisdiction of the court.

4A-1-12 Placement or detention

A. A child alleged to be a delinquent child may be placed or detained, pending a Court hearing, in any of the following places:

1. a licensed foster home or a home otherwise authorized under the law to provide foster or group care;

2. a facility operated by PASS or a child welfare services agency [licensed by a state or Indian tribe];

3. a shelter-care facility provided for in [Acoma law or that of an Indian tribe or state] that is in compliance with all applicable standards, conditions and regulatory requirements and that shall be considered a temporary placement subject to judicial review within thirty (30) days of placement;

4. a detention facility certified by the Pueblo of Acoma or [a state or Indian tribe] for children alleged to be delinquent children;

5. any other suitable place, other than a facility for the long-term care and rehabilitation of delinquent children to which children adjudicated as delinquent may be [detained] and that meets the standards for detention facilities pursuant to the Pueblo of Acoma or federal law; or

6. the child's home or place of residence, under conditions and restrictions approved by the Court.

B. A child adjudicated as a youthful offender or serious youthful offender who is violent toward staff or other residents in a detention facility may be transferred and detained, pending a Court hearing, to any jail, tribal, federal, state or county facility. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age and shall take measures to provide protection to the child. However, provision of protective measures

shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.

C. A child who has previously been incarcerated as an adult or a person eighteen (18) years of age or older shall not be detained in a juvenile detention facility or a facility for the long-term care and rehabilitation of delinquent children, but may be detained in a [tribal, federal, state or] county jail. A child shall not be transferred to a [tribal, federal, state or] county jail solely on the basis of attaining the age of eighteen (18) while detained in a juvenile detention facility. In the event that a child is detained in a jail, the director of the jail shall presume that the child is vulnerable to victimization by inmates within the adult population because of the child's age, and shall take measures to provide protection to the child. However, provision of protective measures shall not result in diminishing a child's civil rights to less than those existing for an incarcerated adult.

D. A child alleged to be a youthful offender or serious youthful offender may be detained pending a Court hearing in any of the following places, prior to arraignment:

1. a detention facility for children alleged to be delinquent children; or

2. any other suitable place, other than a facility for the long-term care and rehabilitation of delinquent children to which children adjudicated as delinquent children may be confined.

E. A child detained in an out-of-home placement pursuant to this section may request judicial review of the appropriateness of the placement.

4A-1-13 <u>Detention hearing required on detained children; probable cause determination; court determination; disposition</u>

A. When a child who has been taken into custody is not released but is detained:

1. a judicial determination of probable cause shall be made by [the Court] as soon as reasonably practicable but in any case within forty-eight (48) hours (excluding weekends and holidays) [from the time the child is taken into custody]. A statement by a [peace] officer, which shall include the charges, may be the basis of a probable cause determination. The probable cause determination shall be non-adversarial, may be held in the absence of the child and counsel and may be conducted by telephone. If the Court finds no probable

cause to believe the child committed an offense, the child shall be released;

2. a petition and motion for detention shall be filed within seventy-two (72) hours (excluding weekends and holidays) from the time the child is taken into custody, and if not filed within the stated time, the child shall be released; and

3. a detention hearing shall be held within seventy-two (72) hours, excluding Saturdays, Sundays and holidays, from the time of filing the petition and motion for detention to determine whether continued detention is required. At the request of any party, the Court may permit a detention hearing to be conducted by appropriate means of electronic communication; provided that all hearings conducted by electronic means shall be recorded and preserved as part of the record, the child shall have legal representation present with the child and the Court finds:

   a. that undue hardship will result from conducting the hearing with all parties, including the child, present in the courtroom; and

   b. that the hardship substantially outweighs any prejudice or harm to the child that is likely to result from the hearing being conducted by electronic means.

B. Notice of the detention hearing, either oral or written, stating the time, place and purpose of the hearing shall be given by the person designated by the Court to the child's parent[(s)], guardian or custodian, if they can be found, and to the child. The JPO shall be provided with reasonable oral or written notification and an opportunity to be heard.

C. At the commencement of the detention hearing, the Court shall advise the child of their basic rights provided in this Title and shall appoint counsel, guardians and custodians, if appropriate.

D. If the Court finds that the child's detention is appropriate under the criteria established by this Title, the Court shall order detention in an appropriate facility.

E. If the Court finds that detention of the child is not appropriate under the criteria established under this Title, the Court shall order the release of the child, but, in so doing, may order one or more of the following conditions to meet the individual needs of the child:

1. place the child in the custody of a parent, guardian or custodian or under the supervision of PASS or other agency agreeing to supervise the child;

2. place restrictions on the child's travel, association with other persons or place of abode during the period of the child's release; or

3. impose any other condition deemed reasonably necessary and consistent with the criteria for detaining children established by this Title, including a condition requiring that the child return to custody as required.

F. An order releasing a child on any conditions specified in this section may at any time be amended to impose additional or different conditions of release or to return the child to custody or detention for failure to conform to the conditions originally imposed.

G. If the child is not released at the detention hearing and a parent, guardian or custodian was not notified of the hearing and did not appear or waive appearance at the detention hearing, the Court shall rehear the detention matter without unnecessary delay upon the filing of an affidavit stating the facts and a motion for rehearing.

4A-1-14 Basic rights

A. A child subject to the provisions of [this Title] is entitled to the same basic rights as an adult, except as otherwise provided in this [Title], including rights provided in this [Section], except as otherwise provided in this [Title].

B. The public defender (subject to availability) shall represent the child. If there is no public defender then a[n attorney or lay advocate] appointed by the Court and licensed to practice before the Court may act on behalf of the child. The parent[(s)], guardian or custodian may also obtain a licensed attorney [or lay advocate] to represent the child.

C. No person subject to the provisions of [this Title] who is alleged or suspected of being a delinquent child shall be interrogated or questioned without first advising the child of the child's rights under Pueblo of Acoma and federal law and securing a knowing, intelligent and voluntary waiver of any applicable rights.

D. Before any statement or confession may be introduced at a trial or hearing when a child is alleged to be a delinquent child, the Pueblo shall prove by clear and convincing evidence that the statement or confession offered in evidence was elicited only after a knowing, intelligent and voluntary waiver of the child's rights under Pueblo of Acoma and federal law was obtained.

E. Unless life threatening circumstances exist; serious bodily injury is and could likely be avoided based upon a reasonable likelihood of information a juvenile possesses or the child does not want his parent[(s)] or guardian present, no child may be subject to a custodial interrogation without a parent or guardian present. If a parent or guardian is not available a guardian ad litem will be appointed by the Court. Any violation of this provision shall render any statement inadmissible in any Court proceeding to determine whether the child committed a delinquent act.

F. In determining whether the child knowingly, intelligently and voluntarily waived the child's rights, the Court shall consider the following factors:

1. the age and education of the child;

2. whether the child is in custody;

3. the manner in which the child was advised of the child's rights;

4. the length of questioning and circumstances under which the child was questioned;

5. the condition of the quarters where the child was being kept at the time of being questioned;

6. the time of day and the treatment of the child at the time of being questioned;

7. the mental and physical condition of the child at the time of being questioned; and

8. whether the child had the counsel of an attorney, friends or relatives at the time of being questioned.

G. Notwithstanding any other provision to the contrary, no confessions, statements or admissions may be introduced against a child under the age of thirteen [(13)] years on the allegations of the petition. There is a rebuttable presumption that any confessions, statements

or admissions made by a child thirteen [(13)] or fourteen [(14)] years old to a person in a position of authority are inadmissible.

H. An extrajudicial admission or confession made by the child out of court is insufficient to support a finding that the child committed a delinquent act alleged in the petition unless it is corroborated by other evidence.

I. The child and the parent[(s)], guardian or custodian of the child shall be advised by the Court that the child shall be represented by counsel at all stages of the proceedings on a delinquency petition, including all post-dispositional Court proceedings. If counsel is not retained for the child or if it does not appear that counsel will be retained, counsel shall be appointed by the Court for the child.

J. A child under the age of thirteen [(13)] alleged or adjudicated to be a delinquent child shall not be fingerprinted or photographed for identification purposes without obtaining a court order.

K. The Court shall appoint a guardian for a child if the Court determines that the child does not have a parent or a legally appointed guardian in a position to exercise effective guardianship. No officer or employee of an agency that is vested with the legal custody of the child shall be appointed guardian of the child except when parental rights have been terminated and the agency is authorized to place the child for adoption.

L. A person afforded rights under [this Title] shall be advised of those rights at that person's first appearance before the court on a petition under [this Title].

M. A serious youthful offender who is detained prior to trial in an adult facility has a right to bail unless there is a finding on the record by the Court that a no bond hold is needed to protect the child and/or public. A child held in a juvenile facility designated as a place of detention prior to adjudication does not have a right to bail but may be released pursuant to the provisions of [this Title].

N. The provisions of [this Title] shall not be interpreted to limit the right of a child to petition a court for a writ of habeas corpus.

4A-1-15 Conduct of hearings; findings; dismissal; dispositional matters; penalty

A. Hearings on petitions shall be conducted by the Court separate from other proceedings. The proceedings shall be recorded by stenographic notes or by electronic, mechanical or other appropriate

means. An adjudicatory hearing before a jury is presumed to be waived unless the child files a written request with seven (7) days of the first appearance. The standards for a jury in these proceedings shall be the same as an adult case.

B. All hearings to declare a person in contempt of court and all [other] hearings on petitions pursuant to the provisions of [this Title] shall be open except, upon motion of any party or the Court's motion, in the discretion of the Court, on a finding that it is appropriate to close the hearing, the hearing shall be closed. Only the parties, their counsel, witnesses and other persons approved by the Court may be present at a closed hearing. Those other persons the Court finds to have a proper interest in the case or in the work of the Court may be admitted by the Court to closed hearings on the condition that they refrain from divulging any information concerning the exceptional circumstances that resulted in the need for a closed hearing.

C. Those persons or parties granted admission to a closed hearing who intentionally divulge information in violation of Subsection B of this Section may be held in contempt.

D. The Court shall determine if the allegations of the petition are admitted or denied. If the allegations are denied, the Court shall proceed to hear evidence on the petition. The Court after hearing all of the evidence bearing on the allegations of delinquency shall make and record its findings on whether the delinquent acts subscribed to the child were committed by the child. If the Court finds that the allegations of delinquency have not been established, it shall dismiss the petition and order the child released from any detention or legal custody imposed in connection with the proceedings.

E. The Court shall make a finding of delinquency based on a valid, in-court admission of the allegations of the petition or on the basis of proof beyond a reasonable doubt.

F. If the Court finds on the basis of a valid, in-court admission of the allegations of the petition or on the basis of proof beyond a reasonable doubt that the child is a delinquent, the Court may proceed immediately or at a postponed hearing to make disposition of the case. A disposition [hearing] must be held within thirty [(30)] days of the finding of delinquency if the child is in detention or forty-five [(45)] days if the child is not in detention.

G. In that part of the hearings held under [this Title] on dispositional issues, all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be

received by the Court and may be relied upon to the extent of its probative value even though not competent had it been offered during the part of the hearings on adjudicatory issues.

H. On the Court's motion or that of a party, the Court may continue the hearing on the petition for a reasonable time to receive reports and other evidence in connection with disposition. The Court may continue the hearing pending the receipt of the predisposition study and report if that document has not been prepared and received. During any continuances under this Subsection, the Court shall make an appropriate order for detention or legal custody.

I. An adjudicatory hearing on a petition alleging delinquency or a petition for probation violation must commenced:

1. Within forty-five [(45)] days of the detention hearing if the child is in detention;

2. Within four [(4)] months of the first appearance if the child is not in detention, or has been released from detention prior to the expiration of the time limits set forth in this [Title] for a child in detention; or

3. If a bench warrant is issued due to failure to appear for any hearing before the Court or failure to abide by conditions of release set by the Court, the time limits are reset to begin from the next hearing that the child appears.

J. If an adjudicatory hearing is not commenced within the time limits set out in Subsection [I(1)], the child shall be released if in detention and the time limits set out in [Subsection] I([2]) or ([3]) shall apply; or, for good cause shown, the time for commencement of an adjudicatory hearing may be extended by the Court, provided that the aggregate of all extensions granted by the Court shall not exceed thirty (30) days, except upon a showing of exceptional circumstances. An order granting an extension shall be in writing and shall state the reasons supporting the extension.

K. If an adjudicatory hearing is not commenced within the time limits set out in Subsection I([2]) or ([3]), the petition shall be dismissed with prejudice; or, for good cause shown, and upon written motion of any party filed before the time limit expires, the time for commencement of an adjudicatory hearing may be extended by the Court, provided that the aggregate of all extensions granted by the Court shall not exceed four [(4)] months, except upon a showing of exceptional

circumstances. An order granting an extension shall be in writing and shall state the reasons supporting the extension.

4A-1-16 Predisposition studies; reports and examinations

A. After a petition has been filed and either a finding with respect to the allegations of the petition has been made or a notice of intent to admit the allegations of the petition has been filed, the Court may direct that a predisposition study and report to the Court be made in writing by an appropriate agency or JPO concerning the child, the family of the child, the environment of the child and any other matters relevant to the need for treatment or appropriate disposition of the case. The following predisposition reports shall be provided to the parties and the Court five (5) days before actual disposition or sentencing:

1. the adult probation department shall prepare a predisposition report for a serious youthful offender;

2. the JPO shall prepare a predisposition report for a serious youthful offender who is convicted of an offense other than first degree murder;

3. the JPO shall prepare a predisposition report for a youthful offender concerning the youthful offender's amenability to treatment and if:

a. the Court determines that a juvenile disposition is appropriate, the JPO shall prepare a subsequent predisposition report; or

b. the Court makes the findings necessary to impose an adult sentence pursuant to [this Title], the adult probation office shall prepare a subsequent predisposition report; and

4. the JPO shall prepare a predisposition report for a delinquent offender, upon the Court's request.

B. Where there are indications that the child may have a mental disorder or developmental disability, the Court, on motion by the Court attorney or counsel for the child, may order the child to be examined at a suitable place by a physician or psychiatrist, a licensed psychologist, a licensed professional clinical counselor or a licensed independent social worker prior to a hearing on the merits of the petition. An examination made prior to the hearing or as a part of the predisposition study and report shall be conducted on an

outpatient basis, unless the Court finds that placement in a hospital or other appropriate facility is necessary.

C. The Court, after a hearing, may order examination by a physician or psychiatrist, a licensed psychologist or a licensed professional clinical counselor or a licensed independent social worker of a parent or custodian whose ability to care for or supervise a child is an issue before the Court.

D. The Court may order that a child adjudicated as a delinquent child be administered a pre-dispositional evaluation by a professional designated by [PASS]for purposes of diagnosis, with direction that the Court be given a report indicating what disposition appears most suitable when the interests of the child and the public are considered. The evaluation shall be completed within fifteen (15) days of the Court's order and the preference shall be for performing the evaluation in the child's community.

E. If a child is detained for purposes of performing a pre-dispositional evaluation, it shall be completed within fifteen (15) days except upon a finding of good cause shown.

4A-1-17 Judgment; noncriminal nature; non-admissibility

A. The Court shall enter a judgment setting forth the Court's findings and disposition in the proceeding. A judgment in proceedings on a petition under this Title resulting in a [delinquent offender] disposition shall not be deemed a conviction of crime nor shall it impose any civil disabilities ordinarily resulting from conviction of a crime nor shall it operate to disqualify the child in any civil service application or appointment. The juvenile disposition of a child and any evidence given in a hearing in Court shall not be admissible as evidence against the child in any case or proceeding in any other tribunal whether before or after reaching the age of majority, except in sentencing proceedings after conviction of a felony and then only for the purpose of a presentence study and report.

B. If a judgment resulting from a youthful offender or serious youthful offender proceeding under this Title results in an adult sentence, a record of the judgment shall be admissible in any other case or proceeding in any other court involving the youthful offender or serious youthful offender.

C. If a judgment on a proceeding under [this Title] results in an adult sentence, the determination of guilt at trial becomes a conviction for purposes of the criminal laws of the Pueblo of Acoma.

4A-1-18 Disposition of an adjudicated delinquent offender

A. At the conclusion of the dispositional hearing, the Court may make and include in the dispositional judgment its findings on the following:

1. the interaction and interrelationship of the child with the child's parent[(s)], siblings, and any other person who may significantly affect the best interests of the child;

2. the child's adjustment to the child's home, school and community;

3. the mental and physical health of all individuals involved, including consideration of such factors as the child's brain development, maturity, trauma history and disability;

4. the wishes of the child as to the child's custodian;

5. the wishes of the child's parent[(s)] as to the child's custody;

6. whether there exists a relative of the child or other individual who, after study by the JPO, is found to be qualified to receive and care for the child;

7. the availability of services recommended in the predisposition report; and

8. the ability of the parent[(s)] to care for the child in the home.

B. If a child is found to be delinquent, the Court may impose a fine not to exceed the fine that could be imposed if the child were an adult and may enter its judgment making any of the following dispositions for the supervision, care and rehabilitation of the child:

1. commit the child and transfer legal custody to an agency responsible for the care and rehabilitation of delinquent children, the judge may include recommendations for placement of the child. The types of commitments include:

a. a short-term commitment of one (1) year in a facility for the care and rehabilitation of adjudicated delinquent children. No more than nine (9) months shall be served at the facility and no less than ninety (90) days shall be served on supervised release, unless:

i. a petition to extend the commitment has been filed prior to the commencement of supervised release;

ii. the commitment has been extended pursuant to [this Chapter]; or

iii. supervised release is revoked pursuant to [this Chapter];

b. a long-term commitment for no more than two [(2)] years in a facility for the care and rehabilitation of adjudicated delinquent children. No more than twenty-one [(21)] months shall be served at the facility and no less than ninety [(90)] days shall be served on supervised release, unless: 1) supervised release is revoked; or 2) the commitment is extended [pursuant to this Title];

c. if the child is a delinquent offender who committed one of the criminal offenses set forth in §4A-1-2 (E) or (G) [of this Title], a commitment to age twenty-one (21), unless sooner discharged; or

d. if the child is a youthful offender, a commitment to age twenty-one (21), unless sooner discharged;

2. place the child on probation under those conditions and limitations as the Court may prescribe;

3. place the child in a local detention facility that has been certified in accordance with [this Title] for a period not to exceed fifteen (15) days unless good cause shown; or if a child is found to be delinquent solely on the basis of §4A-1-2(A), the Court shall only enter a judgment placing the child on probation or ordering restitution or imposing a fine not to exceed the fine that could be imposed if the child were an adult or any combination of these dispositions; or

4. if a child is found to be delinquent solely on the basis of §4A-1-2(A)(2),(3), and (4), the Court may make any disposition provided by this section and may enter its judgment placing the child on probation and, as a condition of probation, transfer custody of the child for a period not to exceed six (6) months without further order of the Court to a treatment facility; provided that this transfer shall not be made unless

the Court first determines that the treatment facility is able to provide adequate and appropriate treatment for the child and that the treatment is likely to be beneficial.

C. A child's cultural needs shall be considered in the dispositional judgment and reasonable access to cultural practices and traditional treatment shall be provided.

D. A child found to be delinquent shall not be committed or transferred to a penal institution or other facility used for the execution of sentences of adults convicted of crimes.

E. Whenever the Court vests legal custody in an agency, institution or department, it shall transmit with the dispositional judgment copies of the clinical reports, predisposition study and report and other information it has pertinent to the care and treatment of the child.

F. In addition to any other disposition pursuant to Subsection B of this Section, the Court may report [child maltreatment] for investigation and proceedings as provided for in Title 4. The report may be made to a PASS or Acoma [peace officers] for an child residing within the exterior boundaries of the Pueblo of Acoma.

G. In addition to any other disposition pursuant to this section or any other penalty provided by law, if a child fifteen (15) years of age or older is adjudicated delinquent on the basis of [§ 4A-1-2(A)(1), the child's driving privileges may be denied or the child's driver's license may be revoked for a period of ninety (90) days. For a second or a subsequent adjudication, the child's driving privileges may be denied or the child's driver's license revoked for a period of one (1) year. Nothing in this section may prohibit the delinquent from applying for a limited driving privilege or an ignition interlock license, and nothing in this Section precludes the delinquent's participation in an appropriate educational, counseling or rehabilitation program.

H. In addition to any other disposition pursuant to this section or any other penalty provided by law, when a child is adjudicated delinquent on the basis of §§6-6-2, 6-6-3, 6-20-19 or 6-20-22 the child shall perform the mandatory community service preferably for service the Tribal Sheriffs deem necessary. When a child fails to completely perform the mandatory community service, the parent[(s)] or legal guardian may be held accountable for the required community service and if deemed necessary by the Court, sanctioned for contempt and/or turned over to the Tribal Sheriffs [pursuant to §1-1-5 of Acoma Laws, 2003 as amended].

4A-1-19 Disposition of a youthful offender and serious youthful offender

A. The Court has the discretion to invoke either an adult sentence or juvenile sanctions on a youthful offender or serious youthful offender. The prosecutor shall file a notice of intent to invoke an adult sentence within twenty-five (25) working days of the filing of the petition, provided that the Court may extend the time for filing of the notice of intent to invoke an adult sentence, for good cause shown, prior to the adjudicatory hearing. A preliminary hearing by the Court shall be held, within fourteen (14) days after the filing of the intent to invoke an adult sentence, to determine whether probable cause exists to support the allegations contained in the petition.

B. If the prosecutor has filed a notice of intent to invoke an adult sentence and the child is adjudicated as a youthful offender or serious youthful offender, the Court shall make the following findings in order to invoke an adult sentence:

1. the child is not amenable to treatment or rehabilitation as a child in available facilities; and

2. the child is not eligible for commitment to an institution for children with developmental disabilities or mental disorders.

C. In making the findings set forth in Subsection B of this Section, the Court shall consider the following factors:

1. the seriousness of the alleged offense;

2. whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner;

3. whether a firearm was used to commit the alleged offense;

4. whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted;

5. the maturity of the child as determined by consideration of the child's home, environmental situation, social and emotional health, pattern of living, brain development, trauma history and disability;

6. the record and previous history of the child;

7. the prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child by the use of procedures, services and facilities currently available; and

8. any other relevant factor, provided that factor is stated on the record.

D. If a child has previously been sentenced as an adult pursuant to the provisions of this Section, there shall be a rebuttable presumption that the child is not amenable to treatment or rehabilitation as a child in available facilities.

E. If the Court invokes an adult sentence, the Court may sentence the child to less than, but shall not exceed, the mandatory adult sentence. A youthful offender or serious youthful offender given an adult sentence shall be treated as an adult offender and shall be transferred to the legal custody of an agency responsible for incarceration of persons sentenced to adult sentences. This transfer terminates the jurisdiction of the Court over the child with respect to the delinquent acts alleged in the petition.

F. If a juvenile disposition is appropriate, the Court shall follow the provisions set forth in §4A-1-18. A youthful offender or serious youthful offender may be subject to extended until the age of twenty-one (21).

4A-1-20 Disposition of a child with a mental disorder or developmental disability in a delinquency proceeding

A. If in a hearing at any stage of a proceeding on a delinquency petition the evidence indicates that the child has or may have a mental disorder or developmental disability, the Court may:

1. order the child detained if appropriate under the criteria established pursuant to the provisions of [this Title]; and

2. initiate proceedings for the involuntary placement of the child as a minor with a mental disorder or developmental disability pursuant to the provisions of Title 4.

B. If the child is placed for residential treatment or habilitation, any person or agency provided in [Title 4 or 4A] shall retain legal custody during the period of involuntary placement or until further order of the Court.

C. The child may remain in the residential treatment or habilitation facility pending the disposition of the delinquency petition.

D. When a child in [PASS] custody needs involuntary placement for residential mental health or developmental disability services as a result of a mental disorder or developmental disability, [PASS] shall request the Court attorney to petition for that child's placement.

E. A child subject to [this Title] who receives treatment in a residential treatment or habilitation program shall enjoy all the substantive and procedural rights set forth in the Pueblo of Acoma Laws (2003), as amended.

F. A child's competency to stand trial or participate in his own defense may be raised by a party at any time during a proceeding. If the child has been accused of an act that would be considered a misdemeanor if the child were an adult and the child is found to be incompetent to stand trial, the Court shall dismiss the petition. In all other cases, the Court shall stay the proceedings until the child is competent to stand trial; provided that a petition shall not be stayed for more than one [(1)] year. The Court may order treatment to enable the child to attain competency to stand trial and may amend the conditions of release pursuant to [this Title]. The child's competency to stand trial shall be reviewed every ninety [(90)] days for up to one [(1)] year. The Court shall dismiss the petition without prejudice if, at any time during the year, the Court finds that a child cannot be treated to competency or if, after one [(1)] year, the Court determines that a child is incompetent to stand trial or participate in his own defense. Upon dismissal, the Court may recommend that the Court attorney initiate proceedings for commitment.

4A-1-21 Continuance under supervision without judgment; consent decree; disposition

A. At any time after the filing of a delinquency petition and before the entry of a judgment, the Court may, on motion of the prosecutor or that of counsel for the child, suspend the proceedings and continue the child under supervision in the child's own home under terms and conditions negotiated with [JPO] and agreed to by all the parties affected. The Court's order continuing the child under supervision under this Section shall be known as a "consent decree". An admission of some or all of the allegations stated in the delinquency petition shall not be required for a consent decree order.

B. If the child objects to a consent decree, the Court shall proceed to findings, adjudication and disposition of the case. If the child does

not object but an objection is made by the prosecutor after consultation with JPO, the Court shall, after considering the objections and the reasons given, proceed to determine whether it is appropriate to enter a consent decree and may, in its discretion, enter the consent decree.

C. A consent decree shall remain in force for six [(6)] months unless the child is discharged sooner by JPO. Prior to the expiration of the six [(6)]-month period and upon the application of [JPO] or any other agency supervising the child under a consent decree, the Court may extend the decree for an additional six [(6)] months in the absence of objection to extension by the child. If the child objects to the extension, the Court shall hold a hearing and make a determination on the issue of extension.

D. If either prior to discharge by [JPO] or expiration of the consent decree the child allegedly fails to fulfill the terms of the decree, the Court attorney may file a petition to revoke the consent decree. Proceedings on the petition shall be conducted in the same manner as proceedings on petitions to revoke probation. If the child is found to have violated the terms of the consent decree, the Court may:

1. extend the period of the consent decree; or

2. make any other disposition that would have been appropriate in the original proceeding.

E. A child who is discharged by [JPO] or who completes a period under supervision without reinstatement of the original delinquency petition shall not again be proceeded against in any court for the same offense alleged in the petition or an offense based upon the same conduct and the original petition shall be dismissed with prejudice. Nothing in this Subsection precludes a civil suit against the child for damages arising from the child's conduct.

F. A judge who pursuant to this Section elicits or examines information or material about a child that would be inadmissible in a hearing on the allegations of the petition shall not, over the objection of the child, participate in any subsequent proceedings on the delinquency if:

1. a consent decree is denied and the allegations in the petition remain to be decided in a hearing where the child denies the allegations; or

2. a consent decree is granted but the delinquency petition is subsequently reinstated.

4A-1-22 Probation revocation; disposition

A. A child on probation incident to an adjudication as a delinquent child who violates a term of the probation may be proceeded against in a probation revocation proceeding. A proceeding to revoke probation shall be begun by filing in the original proceeding a petition styled as a "petition to revoke probation". Petitions to revoke probation shall be screened, reviewed and prepared in the same manner and shall contain the same information as petitions alleging delinquency. Procedures [set out in this Title] regarding taking into custody and detention shall apply. The petition shall state the terms of probation alleged to have been violated and the factual basis for these allegations.

B. The standard of proof in probation revocation proceedings shall be evidence beyond a reasonable doubt and the hearings shall be before the Court without a jury. In all other respects, proceedings to revoke probation shall be governed by the procedures, rights and duties applicable to proceedings on a delinquency petition. If a child is found to have violated a term of the child's probation, the Court may extend the period of probation or make any other judgment or disposition that would have been appropriate in the original disposition of the case.

4A-1-23 Sealing of records

A. On motion by or on behalf of a person who has been the subject of a delinquency petition (not a youthful or serious youthful offender) or on the Court's own motion, the Court shall vacate its findings, orders and judgments on the petition and order the legal and social files and records of the Court, JPO, and any other agency in the case sealed. If requested in the motion, the Court shall also order law enforcement files and records sealed. An order sealing records and files shall be entered if the Court finds that:

1. two [(2)] years have elapsed since the final release of the person from legal custody and supervision or two [(2)] years have elapsed since the entry of any other judgment not involving legal custody or supervision;

2. the person has not, within the two [(2)] years immediately prior to filing the motion, been convicted of a felony or of a misdemeanor involving moral turpitude or been found delinquent by a court and no proceeding is pending seeking such a conviction or finding; and

3. the person is eighteen [](18)] years of age or older or the Court finds that good cause exists to seal the records prior to the child's eighteenth [(18th)] birthday.

B. Reasonable notice of the motion shall be given to:

1. the prosecutor;

2. the authority granting the release;

3. the [peace] officer, department and central depository having custody of the law enforcement files and records; and

4. JPO and any other agency having custody of records or files subject to the sealing order.

C. Upon the entry of the sealing order, the proceedings in the case shall be treated as if they never occurred and all index references shall be deleted. The Court, [peace] officers and departments and agencies shall reply, and the person may reply, to an inquiry that no record exists with respect to the person. Copies of the sealing order shall be sent to each agency or official named in the order.

D. Inspection of the files and records or the release of information in the records included in the sealing order may thereafter be permitted by the Court only:

1. upon motion by the person who is the subject of the records and only to those persons named in the motion; and

2. in its discretion, in an individual case, to any clinic, hospital or agency that has the person under care or treatment or to other persons engaged in fact finding or research.

E. Any finding of delinquency or need of services or conviction of a crime subsequent to the sealing order may at the Court's discretion be used by the Court as a basis to set aside the sealing order.

F. A child who has been the subject of a petition filed pursuant to the provisions of [this Title] shall be notified in writing by the [JPO] when the child reaches the age of eighteen [(18)] or at the expiration of legal custody and supervision, whichever occurs later, that the [JPO] records have been sealed and that the Court, the Pueblo prosecutor, the child's attorney and the referring law enforcement agency have been notified that the child's records are subject sealing.

G. The JPO shall seal the child's files and records when the child reaches the age of eighteen [(18)] or at the expiration of the disposition, whichever occurs later. The JPO shall notify the Pueblo prosecutor, the child's attorney and the referring law enforcement agency that the child's records are subject to sealing.

H. A child who is determined by the Court not to be a delinquent offender shall have the child's files and records in the instant proceeding automatically sealed by the Court upon motion by the Court attorney at the conclusion of the proceedings.

I. After sealing, the JPO may store and use a person's records for research and reporting purposes, subject to the confidentiality provisions of [this Title] and other applicable federal laws.

4A-1-24 Injury to person or destruction of property; liability; costs and attorney fees; restitution

A. Any person may recover damages in a civil action in a court or tribunal of competent jurisdiction from the parent or guardian (but not foster parent) having custody and control of a child when the child has maliciously or willfully injured a person or damaged, destroyed or deprived use of property, real or personal, belonging to the person bringing the action.

B. Nothing contained in this section limits the discretion of the Court to issue an order requiring damages or restitution to be paid by the child when the child has been found to be within the provisions of [this Title].

4A-1-25 Parental responsibility

A. In any complaint alleging delinquency, a parent of the child alleged to be delinquent may be made a party in the petition. If a parent is made a party and if a child is adjudicated a delinquent, the Court may order the parent or parents to submit to counseling, participate in any probation or other treatment program ordered by the Court and, if the child is committed for institutionalization, participate in any institutional treatment or counseling program including attendance at the site of the institution. The Court shall order the parent to support the child committed for institutionalization by paying the reasonable costs of support, maintenance and treatment of the child that the parent is financially able to pay.

B. If a fine or community service is imposed against a child, the parent or legal guardian of the child is not liable to pay the fine or do community service if the parent is making active efforts get the child to take care of this responsibility.

C. The Court may enforce any of its orders issued pursuant to this Section by use of its contempt power.

4A-1-26 Confidentiality; records

A. All records pertaining to the child, including all related social records, behavioral health screenings, diagnostic evaluations, psychiatric reports, medical reports, social studies reports, records from local detention facilities, client-identifying records from facilities for the care and rehabilitation of delinquent children, pretrial history, supervised release reports and supervision histories obtained by the [JPO], and [any other] department, are confidential and shall not be disclosed directly or indirectly to the public.

B. The disclosure of all mental health and developmental disability records shall be made pursuant Court order and federal health privacy laws.

C. The records described in Subsection A of this Section, other than mental health and developmental disability records, shall be disclosed only to any of the following, provided that the agency, person or institution receiving information shall not re-release the information without proper consent or as otherwise provided by law:

1. court personnel;

2. the child's court appointed special advocates;

3. the child's attorney or guardian ad litem representing the child in any matter;

4. [JPO] personnel;

5. corrections department personnel;

6. [peace officers] when the request is related to the investigation of a crime;

7. Prosecutor or Court attorney;

8. PASS or the Acoma Behavioral Health Services;

9. a foster parent, if the records are those of a child currently placed with that foster parent or of a child being considered for placement with that foster parent, when the disclosure of the information is necessary for the child's treatment or care and shall include only that information necessary to provide for treatment and care of the child;

10. school personnel involved with the child if the records concern the child's educational needs, but shall only include that information necessary to provide for the child's educational planning and needs;

11. a health care or mental health professional involved in the evaluation or treatment of the child, the child's parents, guardians or custodian or other family members;

12. representatives of [any] protection and advocacy system;

13. the child's parent, guardian or legal custodian when the disclosure of the information is necessary for the child's treatment or care and shall include only that information necessary to provide for the treatment or care of the child;

14. any other person or entity, by order of the Court, having a legitimate interest in the case or the work of the Court who agrees not to otherwise release the records; and

15. the child, if fourteen [(14)] years of age or older.

D. If disclosure of otherwise confidential records is made to the child or any other person or entity pursuant to a valid release of information signed by the child, all victim or witness identifying information shall be redacted or otherwise deleted.

E. Whoever intentionally and unlawfully releases any information or records closed to the public pursuant to this section or releases or makes other unlawful use of records in violation of this section subject to contempt sanctions.