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Cherokee Council House
Cherokee, North Carolina

OCT 13 2025

Date

ORDINANCE NO. 2 (2025)

WHEREAS, to maintain consistency and continuity as a service provider, the Heart to Heart Child Advocacy Center would benefit from established definitions and a clearly defined program structure; and

WHEREAS, the Heart to Heart Child Advocacy Center requires the establishment of an advisory board consisting of members with thorough background checks.

NOW, THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present that the Eastern Band of Cherokee Indians does hereby amend the Cherokee Code Chapter 130A – Public Health and Human Services as follows:

Secs. 130A-113.28 –130A-113.29. – Reserved.

Article IV. - Heart to Heart Child Advocacy Center

Sec. 130A-113.30 Definitions

The following definitions apply to this Section:

- (1) **Child.** A person who has not reached the person's eighteenth birthday and is not married, emancipated, or a member of the Armed Forces of the United States as defined in Section 7B-101(a)(5).
- (2) **Child maltreatment ("maltreatment").** Any act or omission which demonstrates one of the following:
 - (A) An abused child as defined in Section 7B-101(a)(2);
 - (B) A dependent child as defined in Section 7B-101(a)(16);
 - (C) A drug endangered child as defined in Section 7B-101(a)(18);
 - (D) A neglected child as defined in Section 7B-101(a)(23); or
 - (E) Any form of mental injury including harm to the child's psychological capacity or emotional stability evidenced by an observable and substantial impairment of the child's functioning.
- (3) **Child Medical Evaluation.** A medical evaluation of a child is a service provided by a physician, nurse practitioner or physician assistant who meets standards set forth by

1 the National Children's Alliance and Children's Advocacy Centers of North Carolina and
2 is rostered with the North Carolina Child Medical Evaluation Program. The service is
3 provided at the request of the Department of Human Services or Cherokee Indian
4 Police Department during the active assessment of a report of child maltreatment.
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6 (4) **Children's Advocacy Center.** The Heart to Heart Child Advocacy Center is a child-
7 focused, trauma-informed, facility-based program that assists in the coordination of the
8 investigation of child maltreatment by promoting a coordinated, multidisciplinary
9 response to cases of child maltreatment. The Heart to Heart Children's Advocacy
10 Center provides services including forensic interviews, child medical examinations,
11 mental health services, advocacy, consultation, training and outreach. The Heart to
12 Heart Children's Advocacy Center accepts referrals from the service area of the
13 Eastern Band of Cherokee Indians, as defined in Section 130A-2.1 and is in good
14 standing with the Children Advocacy Centers of North Carolina and the National
15 Children's Alliance.
16

17 (5) **Children's Advocacy Centers of North Carolina Inc.** The oversight and accrediting
18 organization for Children's Advocacy Centers operating within the State of North
19 Carolina.
20

21 (6) **Department.** The Tribe's Department of Human Services as defined in Section 7B-
22 101(a)(15).
23

24 (7) **Forensic Interview.** An interview between a trained forensic interviewer and a child in
25 which the interviewer obtains information from the child in a developmentally and
26 culturally sensitive, unbiased, fact-finding, and legally sound manner to support the
27 collaboration by the multidisciplinary team in the criminal justice, child protection and
28 medical systems. All interviews shall meet state and national standards for forensic
29 interviews.
30

31 (8) **Multidisciplinary Team.** A group of professionals who represent various disciplines
32 and who work collaboratively, sharing information pursuant to a written protocol
33 concerning service provision and the investigation and prosecution of child
34 maltreatment cases. The multidisciplinary team works solely on behalf of children
35 served by the Heart to Heart Child Advocacy Center. The Heart to Heart Child
36 Advocacy Center's multidisciplinary team shall include at a minimum the following
37 professionals:

- 38 (A) A member of participating law enforcement agencies.
- 39 (B) The tribal prosecutor or federal prosecutor.
- 40 (C) A member of the Family Safety Program.
- 41 (D) A behavioral health provider.
- 42 (E) A member of the Cherokee Indian Hospital.
- 43 (F) A victim advocate.
- 44 (G) Heart to Heart Child Advocacy Center staff.

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2 (9) National Children's Alliance. The national accrediting body for Children's Advocacy
3 Centers operating across the United States or its successor.
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6 **Sec. 130A-113.31. Sharing of Information.**
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- 8 (a) Members of the multidisciplinary team may share information that is relevant to the
9 protection of a child in any case of child maltreatment being discussed by the
10 multidisciplinary team, subject to the Cherokee Code and federal laws, for so long as
11 the child's case is being investigated, prosecuted, or the child is receiving services at
12 the Heart to Heart Child Advocacy Center. Any information shared among designated
13 agencies pursuant to this section shall remain confidential, except where disclosure is
14 required by law, shall be withheld from public inspection, and shall be used only to the
15 extent necessary for the members of the multidisciplinary team to perform their duties.
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17 **Sec. 130A-113.32 Access to Heart to Heart Records.**
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- 19 (a) In the case of a child referred to the Heart to Heart Child Advocacy Center, records or
20 information which are created, compiled, maintained or received by the Center when
21 performing or coordinating services described in this section shall be part of the
22 referring agency's record.
23 (b) Disclosure of information and records shall be released as permitted by the Cherokee
24 Code Sections 7B-100; 7B-2901;15-6, and Section 130A-6.
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26 **Sec. 130A-113.33 Heart to Heart Child Advocacy Center Advisory Board**
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- 28 (a) Powers and duties. The Heart to Heart Child Advocacy Center Advisory Board shall be
29 charged with the following duties and shall be authorized to undertake any and all
30 actions necessary and appropriate for the execution of such duties consistent with the
31 purposes for which they are established. These duties shall include:
32 (1) Review and approve the annual Heart to Heart Child Advocacy Center Strategic
33 Plan and the Center's Annual Report.
34 (2) Receive reports of Child Advocacy Center activities.
35 (3) Contribute ideas and express community input concerning Heart to Heart Child
36 Advocacy Center activities.
37 (4) Perform additional responsibilities as requested by the Principal Chief or the
38 Director of Human Services.
39
40 (b) Membership. The Heart to Heart Child Advocacy Center Advisory Board shall be
41 composed of persons who have clearly demonstrated their commitment to the goal of
42 safe, stable, and nurturing families through personal and career choices.
43 (1) At least one member shall have documented experience in the field of human
44 services/social services; at least one member shall have documented experience in

- 1 the field of children's behavioral health; at least one member shall have
2 documented experience in the field of children's education, and at least four
3 members shall be community representatives.
- 4 (2) The Deputy Human Services Director and the Heart to Heart Child Advocacy
5 Center Program Manager shall serve as non-voting members of the Advisory
6 Board.
- 7 (3) Members of the Board may hold other positions of employment with the Eastern
8 Band and may engage in business; provided such outside activities do not interfere
9 with the Board member's duties.
- 10 (4) Each member of the Board shall serve a term of four years, except as provided
11 below. Board members may serve consecutive terms. Board members may be
12 subject to removal for good cause, including but not limited to criminal charges,
13 misconduct or neglect of duties.
- 14
- 15 (c) Eligibility.
- 16 (1) All persons applying to serve as a member of the Board shall consent to a Tribal,
17 State, and national criminal history record check.
- 18 (2) No person shall be eligible or qualified to serve as a member of the Board who has
19 been convicted of any criminal offense greater than a motor vehicle traffic violation.
- 20 (3) No person who is an employee of the Division of Public Health and Human
21 Services, except as identified in the Board membership section of this document,
22 shall be eligible to serve.
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- 24 (d) Selection.
- 25 (1) The Principal Chief shall appoint the members of the Board, subject to the approval
26 by the Tribal Council. If selecting a nominee to fill a vacancy or renewing the
27 expiring term of a Board member, the Principal Chief shall select from a panel of
28 two or more potential nominees recommended by the current Board.
- 29 (2) The Principal Chief shall nominate a person to fill a vacancy in the Board within 30
30 days after the date on which the vacancy becomes effective.
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- 32 (e) Duration.
- 33 (1) The members of the Board who serve based on their employment positions shall
34 continue in office until they resign or are removed from those employment positions.
- 35 (2) A member of the Board may resign by providing the Principal Chief and the Board
36 Chair with written notice of the intention to resign on a date certain. The resignation
37 shall become effective on the date stated.
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- 39 (f) Officers and Procedures.
- 40 (1) From among the Board members, the Board shall elect a Chairperson, a Vice-
41 Chairperson and a Secretary.
- 42 (2) The Board shall elect its Officers at each annual meeting of the Board in the first
43 week of October. They shall be elected by majority vote.
- 44 (3) The Chairperson shall preside over all Board meetings.

- 1 (4) The Vice-Chairperson shall exercise the powers and perform the duties of the
2 Chairperson when the Chairperson is absent or disabled.
3 (5) The Secretary shall keep minutes of all meetings.
4 (6) The Board shall meet and decide all matters by majority vote. The Chairperson
5 shall vote on all issues. Each member shall have one vote. There shall be no proxy
6 votes.
7 (7) A majority of board members shall constitute a quorum.
8 (8) The Board shall establish regular meetings, not less than three times annually.
9 (9) The Chairperson may call an emergency meeting upon 24 hours' notice to Board
10 members, specifying the time, place, and business to be transacted.
11 (10) Notice of Board meetings shall be sent to each member not less than five or
12 more than 15 days prior to the day on which the meeting is to be held.
13 (11) Members shall endeavor to attend all meetings. The Board shall decide whether
14 absences are excused or unexcused. Three consecutive unexcused absences by a
15 Board member shall be considered cause for removal and replacement.
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19 BE IT ORDAINED that this ordinance shall be effective upon ratification by the Principal
20 Chief and any prior or part thereof that conflicts with this ordinance is rescinded.
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22 *Submitted by: Anita Lossiah, Director of Human Services*
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