

Juvenile Justice Services Intergovernmental  
Agreement By and Between the New Mexico  
Children, Youth and Families Department and the  
Pueblo of Jemez

**JUVENILE JUSTICE SERVICES INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE NEW MEXICO CHILDREN, YOUTH AND FAMILIES  
DEPARTMENT AND THE PUEBLO OF JEMEZ**

This Intergovernmental Agreement (IGA) is between the State of New Mexico acting through its Children, Youth and Families Department and the Pueblo of Jemez, a Federally recognized Indian Tribe.

**I. PURPOSE AND POLICY**

A. The Pueblo of Jemez and the Children Youth and Families Department (CYFD) agree that:

1. The primary purpose of this Agreement is to protect and further the best interests of any child coming within the jurisdiction of the Pueblo of Jemez Children's Court as having committed an offense within the jurisdiction of the Pueblo of Jemez in violation of the Pueblo of Jemez Children's Code.
2. The supervision and rehabilitation of children and youth within the jurisdiction of the Pueblo of Jemez are the primary concerns when providing services under this agreement; and
3. Training and technical assistance between the State of New Mexico and the Pueblo of Jemez is important for implementation of this agreement.

B. The Pueblo and CYFD recognize that:

1. There is no resource that is more vital to the continued existence and integrity of the Pueblo of Jemez than its children;
2. CYFD has a direct interest in protecting Native American culture and encouraging the cultural diversity of the citizens of the State of New Mexico;
3. The citizens of the Pueblo of Jemez living on the Pueblo of Jemez Reservation are citizens of the State of New Mexico;
4. This Agreement is entered into under Pueblo of Jemez Children's Code (JCC §11-1-3 (D) et seq.) and the New Mexico Children's Code (NMSA 32A-1 et seq.), and in accordance with the State government-to-government policy and Executive Order 2005-004.
5. This Agreement is predicated on a government to government relationship between the State of New Mexico and the Pueblo of Jemez in a spirit of cooperation, coordination, communication, collaboration and good will;
6. Being able to access State juvenile justice services for youth coming within the jurisdiction of the Pueblo of Jemez Children's Court is of critical interest to the Pueblo;
7. This agreement shall be construed in the spirit of cooperation and in a manner that protects and promotes the best interest of Indian children and the security of Indian families on the Pueblo of Jemez reservation.

## II. DEFINITIONS

- A. **“Care, control and supervision”** means that the CYFD or any of its programs has the authority subject to the terms and conditions of a valid and enforceable Tribal Court Order to determine place and duration of commitment, methods of treatment, access to ancillary services during CYFD placement, visiting hours, time and conditions for temporary releases, and final release recommendations except as provided for under Section V of this agreement, and includes the power to authorize medical, dental, behavioral health, and educational services and to transport the child to receive those services.
- B. **“Child placed in a state facility”** means a child, 14 to 18 years of age, over which care control and supervision has been granted to CYFD by an order of the Pueblo of Jemez Children’s Court.
- C. **“Coming within jurisdiction”** means that the Pueblo of Jemez has the legal authority to exercise jurisdiction over the individual or the matter in question.
- D. **“Delinquency finding”** means a finding by a Pueblo of Jemez Children’s Court Judge that an Indian child committed an act that is designated as a crime under the law when committed by an adult.
- E. **“FACTS”** means the CYFD Family Automated Client Tracking System.
- F. **“Good faith effort”** means a timely and diligent effort to promote collaboration, communication and cooperation and to promote the purposes of this Intergovernmental Agreement between the CYFD and the Pueblo of Jemez.
- G. **“HIPAA”** refers to the Health Insurance Portability and Accountability Act Pub. L. 104-191, 110 Stat. 1936 and rules promulgated under the Act.
- H. **“Indian child”** means a person less than 18 years of age who is subject to the jurisdiction of the Pueblo of Jemez Children’s Court.
- I. **“The Pueblo”** refers to the Pueblo of Jemez.
- J. **“State Facility”** refers to a facility operated by, or on behalf of CYFD’s juvenile justice services, or any other facility or location designated by the juvenile justice services’ director to house or provide care to clients committed to the custody of CYFD
- K. **“Temporary Release”** means leave from the facility pursuant to a valid and enforceable Jemez Children’s Court order that designates time for departure and return.
- J. **“Tribal Court Order”** means an order or document issued and signed by the Pueblo of Jemez Children’s Court Judge.

