

Coquille Tribal Ordinance
Chapter 651
Supplement to Civil Violations Ordinance
Procedures for Civil Violations Involving Children

Index

Subchapter/ Section	<u>Page</u>
651.010	Page 2
General	
1. Purpose	
2. Background	
3. Definitions	
4. Interpretation	
651.030	Page 2
Public Status of Hearings	
651.050	Page 3
Informal Resolution	
651.090	Page 3
Contents of Complaint	
651.100	Page 3
Contents of Summons	
651.110	Page 3
Notice of Proceedings	
651.130	Page 3
Referral to Peacegiving; Withdrawal from Peacegiving	
651.140	Page 4
Peacegiving Commencement	
651.160	Page 4
Conclusion of Peacegiving	
651.800	Page 4
Sovereign Immunity	
651.900	Page 4
Severability	

Coquille Tribal Ordinance
Chapter 651
Supplement to Civil Violations Ordinance
Procedures for Civil Violations Involving Children

651.010 General

- (1) Purpose: The purpose of this Ordinance is to establish procedures for Tribal Court civil violations cases involving alleged offenders whom are children. This Ordinance is adopted to protect the health, welfare, and morals of the Tribal Reservation.
- (2) Background and Intent: This ordinance is needed to protect the health, welfare and morals of the Tribal Reservation. The Tribe adopts these procedures to provide for the orderly and just resolution of alleged violations of the Civil Violations Ordinance by children. These rules apply to such cases along with CITC Chapters 610, 620, 630 and 650.
- (3) Definitions:
 - a. “Child” means an unmarried and unemancipated person under eighteen years of age.
 - b. “Tribe” means the Coquille Indian Tribe.
 - c. “Peacegiving” means a non-adversarial tribal process facilitated by one or more Tribal Court-appointed Peacegivers to encourage parties to resolve disputes
 - d. “Covered Proceeding” means a civil violations proceeding in which a child is the alleged offender.
- (4) Interpretation: These rules shall be construed to serve the just, speedy, and inexpensive resolution of every covered proceeding in a manner that is consistent with the values of the Tribe. These rules shall be liberally construed to achieve their intended purpose. If any of these rules directly conflict with the Civil Violations Ordinance or the Coquille Rules of Civil Procedure, these rules shall govern.

651.030 Public Status of Hearings. Unless the Tribal Court orders otherwise, all Covered Proceedings shall be open to Tribal members. The Court may order that a Covered Proceeding be closed if it finds that doing so would be in the best interests of

Coquille Tribal Ordinance
Chapter 651
Supplement to Civil Violations Ordinance
Procedures for Civil Violations Involving Children

justice. If a Covered Proceeding is joined with a proceeding that must be closed, the Covered Proceeding must also be closed.

651.050 Informal Resolution. At any time, the court, on its own motion, or the motion of a party may order a conference to informally resolve any matter, including the disposition of any Covered Proceeding.

651.090 Contents of Complaint. In addition to the requirements for a compliant or petition under the Coquille Rules of Civil Procedure and the Civil Violations Ordinance, a complaint or citation in a Covered Proceeding must include:

- (1) The name, age and residence of the child
- (2) The names and addresses of the parents, guardian, or custodian of the child; and
- (3) The names of all known persons alleged to be harmed by the conduct of the child that form the basis of the Complaint.

651.100 Contents of Summons. In addition to the requirements for a summons under the Coquille Rules of Civil Procedure and the Civil Violations Ordinance, a summons must be served on the child involved in the Covered Proceeding and on his or her parent, guardian and custodian at a last known address.

651.110 Notice of Proceedings. In addition to the service of summons on the child and his or her parent, guardian and custodian, notice of a Covered Proceeding must be sent, via first class mail, to the last known address of:

- (1) Any person the Tribal Court believes necessary for the proper adjudication of the hearing; and
- (2) Any person alleged in the complaint or citation to have been harmed by the conduct of the child

651.130 Referral to Peacegiving; Withdrawal from Peacegiving. The Court may direct that any Covered Proceeding be referred to Peacegiving. Such a referral may provide that any associated civil penalty be suspended pending the outcome of the Peacegiving session. The Tribal Court may withdraw any referral to Peacegiving if it

Coquille Tribal Ordinance
Chapter 651
Supplement to Civil Violations Ordinance
Procedures for Civil Violations Involving Children

finds that Peacegiving is ineffective under the circumstances or if the best interests of justice otherwise demand such a withdrawal, in addition to any other grounds under Tribal law. An adversarial civil violations proceeding will re-commence if the court withdraws of a Peacegiving referral or if the court determines that Peacegiving is otherwise unsuccessful.

651.140 Peacegiving Commencement. Peacegiving must commence within thirty days after a court referral. If Peacegiving does not commence within this timeframe, any party may move the court for an order showing cause why the Peacegiving referral should not be withdrawn.

651.160 Conclusion of Peacegiving. At the conclusion of Peacegiving, the Peacegiver(s) will provide the Court with a summary of the outcome of Peacegiving, and any recommendations to the parties or to the Court.

651.800. Sovereign Immunity. Nothing in this Ordinance waives, expressly or impliedly, the sovereign immunity of the Coquille Indian Tribe or any of its officers, employees or representatives.

651.900. Severability. If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.