

COQUILLE INDIAN TRIBAL COURT

IN THE MATTER OF SUPPLEMENTAL COURT RULES)) SUPPLEMENTAL COURT RULE) NO. 99-1) PROTECTIVE CUSTODY PROCEEDINGS)))))
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IT IS HEREBY ORDERED that the following procedure shall apply in all cases where a child is taken into protective custody by the Tribal Police or Human Services. These provisions are intended to supplement and not to replace the provisions of CITC Chapters 640 and 641.

1. The Tribal Police and Human Services shall maintain a record of children taken into protective custody that includes:
 - (a) The child’s name, age and address; and
 - (b) The name and address of the parent or custodian; and
 - (c) The name and address of the person whom the child was removed from and the circumstances giving rise for the need for protective custody; and
 - (d) The efforts to notify the parent or custodian; and
 - (e) Where the child was placed and why.

CITC 641.150(3).

2. Such record shall be made in writing and shall be filed with the court within 24 hours after a child is taken into protective custody. CITC 641.150 (3).
3. As soon as practicable after a child is taken into protective custody, Human Services or Tribal Prosecutor shall prepare and the Tribal Police shall serve upon any person entitled to notice pursuant to CITC 640-040 of Children Generally a Notice of Juvenile Shelter Hearing, in form approved by the court, notifying the person of:
 - (a) The action taken;
 - (b) The time and place of the shelter hearing;
 - (c) A statement that the child may be held until the shelter hearing; and
 - (d) The contact information for Human Services.

CITC 641.150(4).

4. Service and proof of service of the Notice shall conform with the provisions for Service of Summons in CITC 620.120.2 (c) and (d).
5. No child may be held in protective custody for more than five days, excluding Saturdays, Sundays and judicial holidays, without an order of the court, that the child remain in shelter pending further investigation of the child's condition or circumstances. A child may be maintained in shelter care pursuant to an order of the court that finds there is probable cause to believe that a child is dependent and the child's condition or surroundings reasonably appear to endanger the child's welfare. CITC 641.200.
6. Only a tribal prosecutor or Human Services may file a petition alleging a child named therein is a dependent child within the jurisdiction of the court. Such petition may be filed based upon information and belief. The petition shall be filed prior to the shelter hearing required by CITC 641.200 unless good cause exists for not filing the petition. In any case, a petition shall be filed within two days, excluding Saturdays, Sundays and judicial holidays, after the emergency removal or ex party application for removal order. CITC 641.300.
7. As used in parts 5 and 6, above, a "judicial holiday" means a paid legal holiday for tribal employees, as set forth in the personnel ordinance of the tribe. CITC 620.120.3(a).
8. As used herein, the phrase "filed with the court" means filed in accordance with Supplemental Court Rule 1998-3 – September 9, 1998, PROCEDURES FOR FILING DOCUMENTS IN THE COQUILLE INDIAN TRIBAL COURT.
9. As used in Supplemental Court Rule 1998-3 – September 9, 1998, "regular judicial days" means the regular judicial days as promulgated by the court by SUPPLEMENTAL ORDER ESTABLISHING REGULAR JUDICIAL DAYS – 1999, DATED April 16, 1999 and as subsequently amended or supplemented.

DATED this _____ day of June, 1999.

Coquille Indian Tribal Court
Don Owen Costello