

PEACEGIVING COURT



Peacegiving Jurisdiction Under Coquille Indian Tribal Code

With the parties' consent the tribal court may transfer any case or dispute to the peacegiving court. CITC 655.110(1) Peacegivers may act after the tribal court orders that a case or dispute be transferred to peacegiving court. CITC 655.070(2) Peacegivers act under authority of Chapter 655 and are subject to tribal court oversight. Peacegivers do not have authority to violate any applicable tribal law. CITC 655,070(1)

For a case or dispute to qualify for transfer to peacegiving, it must first be one over which the tribal court has jurisdiction. Jurisdiction must be found in three realms, subject matter, territorial and personal:

Subject matter: CITC 610.200(1)(a) *What is the matter about?* The tribal code and constitution provide, and the tribal court has held, that the tribal court has jurisdiction over *cases* involving housing, adult and juvenile law violations, juvenile dependency, traffic, and other subject matters described in the tribal code. Person-to-person *disputes* may be presented for peacegiving through the use of forms provided by the court.

Territorial: CITC 610.200(1)(b) *Where did the matter arise?* The tribal court has jurisdiction over cases arising in the tribe's service area (five counties: Coos, Curry, Lane, Douglas, Jackson), on land held in trust for CIT or its members, in territory in which CIT has a beneficial interest, and on lands or other property in which CIT has a governmental interest. Examples: Kilkich, administration building, The Mill.

Personal: CITC 610.200(1)(c) *Who are the parties?* The tribe. Persons who are CIT members or eligible to be CIT members, members of a federally recognized Indian tribe, are domiciled or present on the reservation or trust land, are involved in a case or controversy which occurred on reservation or trust land of the CIT, or have consented to tribal court jurisdiction.

Peacegiving court has been an overwhelming success. The Chief Judge of the Coquille Indian Tribal Court encourages use of the court's peacegiving jurisdiction.