

COQUILLE INDIAN TRIBAL CODE
Chapter 644
INTERGOVERNMENTAL RELATIONSHIPS FOR CHILD WELFARE

644.010 Policy. It is the policy of the Coquille Tribe to encourage cooperation and the formation of agreements between the Tribe and any tribal, state, federal or non-governmental organization that can assist in providing care and support to children found to be dependent or freed for adoption. It is also the policy of the Coquille Tribe to ensure that other governments and agents of those governments respect its sovereign status and the jurisdiction of its tribal court.

644.015 Definitions. (1) All definitions in the Juvenile Code are hereby incorporated into this chapter when not in conflict with a definition under this section.

(2) **Foreign jurisdiction** means any judicial authority other than the Coquille Tribe including other tribes, states, the federal government and foreign nations.

(3) **Tribal Court** means the Coquille Indian Tribal Court.

644.050 Full faith and credit. (1) The tribal court shall give full faith and credit to the public acts, records and judicial proceedings applicable to the custody of an Indian child of an Indian tribe, the United States, every state, every territory or possession of the United States and foreign nations to the same extent that such entity gives full faith and credit to the public acts, records and judicial proceedings of the Coquille Tribe.

644.100 Notice to Tribe by State; publication in Federal Register. (1) The agent for service for notice required under the Indian Child Welfare Act, 25 USC § 1912(a), is the

Director
Human Services Division
Coquille Community Health Center
Coquille Indian Tribe
PO Box 1435
Coos Bay OR 97420
(541) 267-4587

(2) The General Manager shall immediately provide this information to the BIA for publication in the federal register.

644.200 Transfer of cases to Coquille Indian Tribal Court; hearing. (1) The tribal court may accept transfer of child dependency and delinquency proceedings from any foreign jurisdiction as the tribal court sees fit. Acceptance shall be evidenced by an order of the tribal court.

(2) The parent, custodian or child's tribe may petition for transfer of a dependent or delinquent child's case to the tribal court if the tribal court has jurisdiction over the child pursuant to CITC 640.020 of Children Generally.

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(3) In the tribal court's discretion, it may grant a hearing after notice to the parties to help it reach a decision on acceptance of a case. At such a hearing the tribal court will make findings and enter an order that addresses an objection by a parent or custodian to the transfer or good cause why the case should not be transferred. The tribal court shall consider if the objection by the parent or custodian, or assertion of good cause is based on inappropriate concerns such as, but not limited to, the ability of the tribal court to make proper decisions in the case or racial prejudice.

(4) A case accepted for transfer shall be subject to the applicable tribal code as if the case originated in the tribal court. The tribal court shall accept the case at the stage of the proceeding in the foreign jurisdiction from which it is transferred, unless good cause is found to review a prior determination or hear anew a prior adjudication.

(5) The tribal court, upon receiving the case, shall initiate a preliminary proceeding to review the status of the case and grant full faith and credit to any prior orders of the foreign jurisdiction.

(6) A decision by the tribal court to accept or deny transfer is only reviewable by the Tribal Court of Appeals, if and when such a court is established, for abuse of discretion.

644.250 Transfer of cases from Coquille Indian Tribal Court. (1) The tribal court may transfer a child dependency or delinquency proceedings to any foreign jurisdiction that will accept transfer as the tribal court sees fit.

(2) The parent, custodian or child's tribe may petition for transfer of a dependent or delinquent child's case to a foreign jurisdiction.

(3) The tribal court may decline the transfer if a parent or custodian objects, good cause is found not to transfer or the foreign jurisdiction has decline to accept the case. The tribal court shall dismiss a petition to transfer if not timely filed. A petition is not timely filed if filed at such a late stage of the proceeding that transfer would prejudice or present an undue hardship on any party.

(4) The tribal court shall grant a hearing after notice to the parties upon the filing of a petition to transfer a case. At such a hearing, the tribal court will make findings and enter an order that addresses an objection by a parent or custodian to the transfer, or good cause why the case should not be transferred. The tribal court shall consider if the objection by the parent or custodian, or assertion of good cause is based on inappropriate concerns such as, but not limited to, the ability of the tribal court to make proper decisions in the case or racial prejudice.

(5) Upon transferring a case, the tribal court shall dismiss the petition and close the file.

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(6) A decision by the tribal court to accept or deny transfer is only reviewable by the Tribal Court of Appeals, if and when such a court is established, for abuse of discretion.

644.300 Transfer procedures; return of jurisdiction. (1) Once the tribal court has denied a transfer motion or declined to accept a case, or a foreign jurisdiction has declined to accept a case, a party is barred from requesting the same transfer of jurisdiction a second time in the same proceeding. Once a case has been transferred to the tribal court, no party may request that the case be transferred to another jurisdiction unless good cause is shown why such transfer will be in the child's best interests and Human Services concurs with the request.

(2) A transfer to Tribal Court shall comply with CITC 644.500. The transferring court shall also ensure that all court records are transmitted to the receiving court.

(3) If the transfer of a case to the tribal court also involves a change in placement, the tribal court shall hold a hearing to review the placement before the change in placement occurs. The costs of a change in jurisdiction may be paid for by Human Services when no other funding source is available.

(4) If, for any reason, a foreign jurisdiction that accepted a transfer becomes unwilling or unable to provide for the best interests of the child, the case shall be returned to the jurisdiction of the tribal court for any appropriate disposition. Such return of jurisdiction shall not be subject to CITC 644.200 and 644.250.

644.350 Return of runaway child. If the tribal court determines that a child taken into protective custody is a runaway from another jurisdiction, the tribal court shall order the child detained in shelter care until the child can be given into the care of the jurisdiction from which the child ran. If the child is found to be dependent or delinquent for reasons unrelated to his or her status as a runaway, the tribal court may initiate a proceeding under this code.

644.400 Placement of children off reservation. (1) Unless otherwise addressed in an approved agreement under CITC 644.700, the tribal court shall require any party being granted legal or physical custody of the child that resides off the reservation to sign an agreement that:

(a) the child shall be immediately returned to the physical and legal custody of the tribal court upon request; and

(b) the party consents to the jurisdiction of the tribal court.

(2) Absent such agreement, the party shall be deemed to have consented to the jurisdiction of the tribal court by accepting legal or physical custody of the child.

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(3) The tribal court shall ensure that any child sent to a foreign jurisdiction is accompanied by the following information:

- (a) type of custody and previous placement; and
- (b) pertinent family information including the names of family members who may or may not visit the child pursuant to a tribal court order; and
- (c) demographic information, and the child's tribal affiliations and enrollment status; and
- (d) medical and dental history including the schedule of regular check ups, allergies, immunizations, childhood disease, physical or mental handicaps, psycho-social information, and the name and address of the child's last doctor and dentist; and
- (e) such other information regarding the tribal court's orders for the child that the legal or physical custodian needs to comply with the tribal court's orders and The Coquille Tribal Code.

644.500 Application of Interstate Compact for Placement of Children on the reservation; tribally licensed foster homes off reservation. (1) The Coquille Tribe does not recognize the application of the ICPC to placement of children on the reservation.

(2) No person shall bring, send or cause to be sent any dependent child on to the reservation for the purpose of placement or adoption without first obtaining the consent of the tribal court. The person or agency sending the child on to the reservation shall remain financially responsible for the needs of the child. This subsection shall not apply to private proceedings for the placement or adoption of a child.

644.600 Conduct of foreign officials within the exterior boundaries of the reservation property. (1) No official of a foreign jurisdiction may come onto the reservation to execute a warrant for arrest or protective custody, or take other official action related to a dependent or delinquent child unless that official first obtains an order of the tribal court approving the action. The official shall seek the assistance of the Tribal Police to ensure the peace and quiet of the reservation.

(2) This section shall not apply to the routine service of process.

644.700 Agreements. (1) The Coquille Tribe may enter into such intergovernmental agreements with the State of Oregon, other states and Indian Tribes, as it deems appropriate for the provision of care to dependent or delinquent children, the orderly

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transfer of cases between jurisdictions and division of jurisdictional authority over children subject to the Juvenile Code.

(2) An agreement between the Coquille Tribe and another state or tribe may be revoked with 180 days notice by the revoking party to all other parties. Such revocation will not affect the pendency of any proceeding, unless so stated in the agreement.

(3) Agreements approved by the Coquille Tribal Council shall be considered amendments to the Juvenile Code and are incorporated by reference into the Juvenile Code. In the absence of conforming amendments, the agreement shall control over any section of the Juvenile Code or any other chapter of the Tribal Code to which the agreement applies.