



## **TRIBAL ORDINANCE 12-01**

### **AN ORDINANCE OF THE BUSINESS COUNCIL OF THE BLUE LAKE RANCHERIA GRANTING THE BLUE LAKE RANCHERIA TRIBAL COURT THE JURISDICTION AND AUTHORITY TO ISSUE ORDERS RESTRAINING DOMESTIC VIOLENCE.**

The Business Council ("Council") of the Blue Lake Rancheria does hereby ordain as follows:

**Section 1. Findings and Declarations.** The Business Council of the Blue Lake Rancheria ("Tribe") finds and declares that:

1. Public Law 280, 28 U.S.C. § 1360 did not divest the Tribe of its inherent sovereign authority to establish and operate its own judicial system.
2. The courts of the State of California lack jurisdiction over many civil disputes and criminal acts that occur on the Tribe's Blue Lake Rancheria ("Reservation").
3. Pursuant to the Tribe's inherent authority, the Business Council has adopted an Ordinance establishing a Tribal Court and vesting in that Tribal Court the authority to hear a variety of cases including, but not limited to, the issuing of injunctions.
4. There have been times in the past and there will undoubtedly be times in the future when violence occurs between spouses, parents and children, and other individuals who cohabit and live on, work at, or visit the Reservation.
5. The purpose of this Ordinance is to prevent the reoccurrence of acts of violence and sexual abuse between family members and domestic partners by granting to the Blue Lake Rancheria Tribal Court the authority to issue emergency protective orders to provide for the separation of the persons involved in the domestic violence for a period sufficient to enable those persons to seek a resolution to the causes of the violence and permanent protective orders to prevent domestic violence among those individuals who are unable to resolve their differences.
6. The adoption of this Ordinance would promote the public health and safety by preventing violence, particularly violence against children on the Reservation. The adoption of this Ordinance is, therefore, in the best interests of the Tribe and its members.

**Section 2. Prior Inconsistent Codes, Laws, and Ordinances Repealed.** Any and all codes, laws, and ordinances of the Blue Lake Rancheria adopted prior to or which conflicts in any way with the provisions of this Ordinance are hereby repealed.

Section 3. Adoption of New Chapters 5, 6, 7, and 8 to Title 11 of the Blue Lake Rancheria Tribal Code, entitled "Domestic Violence Prevention Act." Four new Chapters 5, 6, 7 and 8 shall be added to Title 11 of the Blue Lake Rancheria Tribal Code, entitled "Domestic Violence Prevention; General Provisions and Emergency Orders; Duties of Law Enforcement Officers; Protective Orders and Other Domestic Violence Prevention Orders, and Registration and Enforcement of Orders" respectively which are hereby adopted and shall provide as follows:

## DOMESTIC VIOLENCE PREVENTION

### Chapter 5

#### Sections:

- 11.05.010 Definitions.
- 11.05.020 Tribal Court Jurisdiction.
- 11.05.030 Petition or Response; Filing Fee; Waiver of Service Fee; Forms.
- 11.05.040 Statement on Face of Order; Expiration Date and Notice.
- 11.05.050 Explicit Statement of Address Not Required.
- 11.05.060 Forms and Instructions; Promulgation by Chief Judge.
- 11.05.070 Grounds for Issuance.
- 11.05.080 Findings of Court.
- 11.05.090 Inclusion of Other Orders.
- 11.05.100 Contents of Orders.
- 11.05.110 Availability of Orders; Effect of Vacation of Household.
- 11.05.120 Issuance of Orders Without Prejudice; Expiration of Orders.

Section 11.05.010 Definitions. As used in Chapters 5, 6, 7 and 8 of this Title 11, the following definitions shall have the following meanings:

- (a) "Abuse" means intentionally or recklessly to cause or to attempt to cause bodily injury or sexual assault or to place a person in reasonable apprehension of eminent bodily injury to that person or to another;
- (b) "Cohabitant" means a person who regularly resides in the household; "Former Cohabitant" means a person who formerly regularly resided in the household.
- (c) "Domestic Violence" means any abuse mental or physical perpetrated against any of the following persons: (1) a spouse or former spouse; (2) a cohabitant or former cohabitant; (3) the person with whom the respondent is having or has had a dating or engagement relationship; (4) a person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent; (5) a child of a party or a child who is the subject of a child custody action pending before any court of competent jurisdiction, where the presumption applies that the male parent is the father of the child to be protected; and (6) any other person related by consanguinity or affinity to the second degree.

- (d) “Emergency Protective Order” means an Order issued under this Chapter 2.
- (e) “Judge” means the Chief Judge or any associate Judge of the Blue Lake Rancheria Tribal Court or any Judge, Commissioner, Referee, or Tribal Court Clerk designated by the Chief Judge to act as a Judge to issue Emergency Protective Orders under this Chapter 5.
- (f) “Law Enforcement Officer” means one of the following officers who requests or enforces an Emergency Protective Order or Protective Order under Chapters 5, 6, 7, or 8 of this Title 11: (1) a police officer or law enforcement official of the Blue Lake Rancheria Indian Tribe authorized by the Blue Lake Rancheria Tribal Court to carry out and enforce the provisions of this Chapter; (2) a Bureau of Indian Affairs Police Officer or Specially Commissioned Officer; and (3) any Peace Officer of the State of California including, but not limited to, any police officer, sheriff, deputy sheriff, California Highway Patrol Officer or California State Police.
- (g) “Protective Order” or “Order” means an order that includes any of the following restraining orders, whether issued ex parte, after notice and hearing or in a judgment: (1) an order enjoining specific acts of abuse; (2) an order excluding a person from a dwelling; and (3) an order enjoining other specified behavior.
- (h) “Reservation” means all lands within the exterior boundaries of the Blue Lake Rancheria (“Reservation”) and any land owned by the United States of America in trust for the Blue Lake Rancheria Indian Tribe or any member of the Tribe.
- (i) “Tribe” means the Blue Lake Rancheria of California, its officers, agents and employees.

Section 11.05.020 Tribal Court Jurisdiction. The Blue Lake Rancheria Tribal Court is hereby granted the jurisdiction and authority to carry out the provisions of Chapters 5, 6, 7, and 8 of this Title 11 of the Tribal Code and to do all things necessary to issue Emergency Protective Orders, Protective Orders and to restrain and enjoin domestic violence. The Chief Judge of the Tribal Court shall designate at least one Judge, Commissioner, Referee or the Tribal Court Clerk to be reasonably available to issue orally, by telephone or otherwise, Emergency Protective Orders at all times when the Chief Judge is not available whether or not the Court is in session.

Section 11.05.030 Petition or Response; Filing Fee; Waiver of Service Fee; Forms. There is no filing fee for a petition, response, or modification of an Emergency Protective Order or Protective Order filed in a proceeding brought pursuant to Chapters 5, 6, 7 or 8 of this Title 11. Fees otherwise payable by a petitioner to any Tribal law enforcement officer for serving an order issued under this Title may be waived in any case in which the petitioner has requested a fee waiver on the initiating petition and has filed a declaration that demonstrates, to the satisfaction of the Judge, the financial need of the petitioner for the fee waiver. The declaration



required by this Section shall be on a form developed and approved by the Chief Judge for that purpose. In conjunction with a hearing pursuant to this Chapter, the Court may make an order for the waiver of fees otherwise payable by the petitioner to a Law Enforcement Officer for serving an Order issued under this Title.

Section 11.05.040 Statement on Face of Order; Expiration Date and Notice. An order issued under this Chapter shall state on its face the date of expiration of the order and the following statements in substantially the following form: "This order is effective when made. (Name of officer(s)) Law Enforcement Officers shall enforce it immediately on receipt. It is enforceable anywhere on the Reservation by any Law Enforcement Officer that has received the order or is shown a copy of the order. If proof of service on the restrained person has not been received, the Law Enforcement Officer shall advised the restrained person of the terms of the order and then shall enforce it."

Section 11.05.050 Explicit Statement of Address Not Required. A petition for an order described in this Chapter is valid and the order is enforceable without explicitly stating the address of the petitioner or the petitioner's place of residence, school, employment, the place where the petitioner's child is provided child care services, or the child's school.

Section 11.05.060 Forms and Instructions; Promulgation by Chief Judge. The Chief Judge shall prescribe the form of the orders and any other documents required by this Chapter and shall promulgate forms and instructions for applying for orders described in this Chapter.

Section 11.05.070 Grounds for Issuance. A Judge may issue an ex parte Emergency Protective Order where a Law Enforcement Officer asserts reasonable grounds to believe either or both of the following: (1) that a person is in immediate and present danger of domestic violence, based on the person's allegation of a recent incident of abuse or threat of abuse by the person against whom the order is sought; and (2) that a child is in immediate and present danger of abuse by a family or household member, based on an allegation of a recent incident of abuse or threat of abuse by the family or household member.

Section 11.05.080 Findings of Judge. An Emergency Protective Order may be issued only if the Judge finds both of the following: (1) that reasonable grounds have been asserted to believe that an immediate and present danger of domestic violence exists or that a child is in immediate and present danger of abuse; and (2) that an Emergency Protective Order is necessary to prevent the occurrence or recurrence of domestic violence or child abuse.

Section 11.05.090 Inclusion of Other Orders. An Emergency Protective Order may include any of the following specific orders, as appropriate: (1) A Protective Order, as defined in Section 11.05.010 this Chapter; (2) An order determining the temporary care and control of any minor child of the endangered person and the person against whom the order is sought; and (3) an order placing the care and control of the endangered child and any other minor children in the family or household with the parent or guardian of the endangered child who is not a restrained party.

Section 11.05.100 Contents of Orders. An Emergency Protective Order shall include all of the following:

- (1) a statement of the grounds asserted for the order;
- (2) the date and time the order expires;
- (3) an allegation that the endangered person resides on the Reservation, and
- (4) the following statements:

(a) "To the Protected Person: This order will last only until the date and time noted above. If you wish to seek continuing protection, you will have to apply for a Protective Order from the Court. You may seek the advice of an attorney as to any matter connected with your application for any future court orders. The attorney should be consulted promptly so that the attorney may assist you in making your application."

(b) "To the Restrained Person: This order will last until the date and time noted above. The protected party may, however, obtain a more permanent restraining or Protective Order from the Court. You may seek the advice of an attorney as to any matter connected with the application. The attorney should be consulted promptly so that the attorney may assist you in responding to the application."

(5) In the case of an endangered child, the following statement: "This order will last only until the date and time noted above. You may apply for a more permanent restraining or Protective Order from the Court. You may seek the advice of an attorney in connection with the application for a more permanent restraining or Protective Order."

Section 11.05.110 Availability of Orders; Effect of Vacation of Household. The fact that the endangered person has left the household to avoid abuse does not affect the availability of an Emergency Protective Order.

Section 11.05.120 Issuance of Orders Without Prejudice; Expiration of Orders. An Emergency Protective Order shall be issued without prejudice to any person. An Emergency Protective Order expires at the earlier of the following times: (1) midnight on the seventh day following the day of its issuance or (2) if the seventh calendar day following the day of its issuance falls on a Saturday or Sunday, then at midnight on the following Monday.

## Chapter 6

### DUTIES OF LAW ENFORCEMENT OFFICER

#### Sections:

- 11.06.010 Reduction of Orders to Writing.
- 11.06.020 Duties of Officer Who Requested Order.
- 11.06.030 Enforcement of Orders; Liability of Officers Enforcing Orders.

11.06.040 Officer Required to Carry Copies of Order.

Section 11.06.010 Reduction of Orders to Writing. A Law Enforcement Officer who requests an Emergency Protective Order shall reduce the request to writing and sign it.

Section 11.06.020 Duties of Officers who Request Order. A Law Enforcement Officer who requests an Emergency Protective Order shall do all of the following: (1) serve the order on the restrained person, if the restrained person can reasonably be located; (2) give a copy of the order to the protected person or, if the protected person is a minor child, to the parent or guardian of the endangered child, who is not a restrained person, if the parent or guardian can reasonably be located, or to a person having temporary custody of the endangered child; and (3) file a copy of a proof of service of the order on the restrained person with the Court as soon as practical after issuance and service if the restrained person can reasonably be located.

Section 11.06.030 Enforcement of Orders; Liability of Officers Enforcing Orders. A Law Enforcement Officer shall use every reasonable means to enforce an Emergency Protective Order. A Law Enforcement Officer who acts in good faith to enforce an Emergency Protective Order is not civilly or criminally liable and is an officer of the Tribe who enjoys the Tribe's immunity from suit.

Section 11.06.040 Officer Required to Carry Copies of Orders. A Law Enforcement Officer who requests an Emergency Protective Order shall carry copies of the order while on duty.

## Chapter 7

### PROTECTIVE ORDERS AND OTHER DOMESTIC VIOLENCE PREVENTION ORDERS

Sections:

- 11.07.010 Issuance of Order Upon Affidavit.
- 11.07.020 Persons Who May Be Granted Order.
- 11.07.030 Form of Notice on Order.
- 11.07.040 Support Persons for Victims of Domestic Violence; Powers and Duties; Discretion of Court.
- 11.07.050 Protective Orders; Court to Inform Parties of Terms of Orders.
- 11.07.060 Mutual Orders; Personal Appearance of Parties; Evidence.
- 11.07.070 Ex Parte Order Enjoining Contact.
- 11.07.080 Ex Parte Order Excluding Party from Dwelling. Ex
- 11.07.090 Parte Order Enjoining Specific Behavior. Issuance
- 11.07.100 or Denial on Date Application Submitted.
- 11.07.110 Issuance of Orders; Child Support; Restitution; Counseling; Attorneys Fees.
- 11.07.120 Duration and Other Limitations of Orders.
- 11.07.130 Judgments Which May Include Protective Orders.

11.07.140 Statement on Face of Order Included in Judgment.

Section 11.07.010 Issuance of Order Upon Affidavit. A Protective Order may be issued under this Chapter, with or without notice, to restrain any person for the purpose of preventing a reoccurrence of domestic violence and ensuring a period of separation of the persons involved, if an affidavit shows, to the satisfaction of the Judge, reasonable proof of a past act or acts of abuse.

Section 11.07.020 Persons Who May Be Granted Order. An Order under this Chapter may be granted to any person set forth in Section 11.05.010 of Chapter 5 in the definition of "Domestic Violence." The right to petition for relief shall not be denied because the petitioner has vacated the household to avoid abuse, and in the case of a marital relationship, notwithstanding that a petition for dissolution of marriage, for nullity of marriage, or for legal separation of the parties has not been filed.

Section 11.07.030 Form of Notice on Order. An Order issued under this Chapter shall set forth on its face a notice in substantially the following form: "NOTICE TO RESTRAINED PERSON: If you do not appear at the court hearing specified herein, the court may grant the requested orders for a period of up to 3 years without further notice to you."

Section 11.07.040 Support Persons for Victims of Domestic Violence; Powers and Duties; Discretion of Court.

- (1) It is the function the Director of the Department of Social Services for the Tribe or any person designated by the Director to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The Director shall assist the person in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings where the person or the other party must be present in close proximity. The Director is not present as a legal adviser and shall not give legal advice.
- (2) The Director may accompany either party to any proceeding to obtain a Protective Order, as set forth in this Chapter. Where the party is not represented by an attorney, the Director may sit with the party at the table that is generally reserved for the party and the party's attorney.
- (3) Notwithstanding any other provision of law to the contrary, if the Court has issued a Protective Order, the Director may accompany a party protected by the order during any other court proceedings pending before the Tribal Court to which the protected party is a party to the proceedings and any court ordered settlement conferences, mediation or counseling pursuant to said proceedings. The presence of the Director does not waive the confidentiality of any court proceedings, mediation, settlement conference or counseling that the protected party participates in and the Director is bound by the confidentiality of the those proceedings.



- (4) Nothing in this Section 11.07.040 precludes a Judge from exercising his or her discretion to remove a person from the courtroom who the Judge believes is disrupting the proceedings or otherwise unduly influencing the party protected by the Protective Order.

Section 11.07.050 Protective Orders; Court to Inform Parties of Terms of Orders. When making a Protective Order, issued under this Chapter, where both parties are present in Court, the Judge shall inform both the petitioner and the respondent of the terms of the Order, including notice that the respondent is prohibited from purchasing, or receiving or attempting to purchase or receive a firearm, and including notice of the penalty for violation.

Section 11.07.060 Mutual Orders; Personal Appearance of Parties; Evidence. The Judge may not issue a mutual order enjoining the parties from specific acts of abuse unless both parties personally appear and each party presents written evidence of abuse or domestic violence. In this case, written evidence is not required if both parties agree that this requirement does not apply.

Section 11.07.070 Ex Parte Order Enjoining Contact. The Judge may issue an ex parte order enjoining a party from contacting, molesting, attacking, striking, threatening, sexually assaulting, battering, telephoning, e-mailing, contacting repeatedly by mail with the intent to harass, or disturbing the peace of the other party and, in the discretion of the Court, on a showing of good cause, of other named family and household members.

Section 11.07.080 Ex Parte Order Excluding Party from Dwelling.

- (1) The Judge may issue an ex parte order excluding a party from the family dwelling, the dwelling of the other party, the common dwelling of both parties, or the dwelling of the person who has care, custody, and control of a child to be protected from domestic violence for the period of time and on the conditions the Court determines, regardless of which party is the owner or lessee of the dwelling.
- (2) The Judge may issue an order under subdivision (1) only on a showing of all of the following: (a) Facts sufficient for the Court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises; (b) that the party to be excluded has assaulted or threatened to assault the other party or any other person under the care, custody, and control of the other party, or any minor child of the parties or of the other party; and (c) that physical or emotional harm would otherwise result to the other party, to any person under the care, custody, and control of the other party, or to any minor child of the parties or of the other party.

Section 11.07.090 Ex Parte Order Enjoining Specific Behavior. The Judge may issue an ex parte order enjoining a party from specified behavior that the Court determines is necessary to effectuate orders issued under this Chapter including, but not limited to the following: (1) The Court may issue an ex parte order determining the temporary custody of a minor child on the conditions the Court determines; (2) an ex parte order determining the right of a party to visit a



minor child on the conditions the Court determines in a proceeding for dissolution of marriage, nullity of marriage, or legal separation of the parties; (3) an ex parte order determining the temporary use, possession, and control of real or personal property and the payment of any liens or encumbrances coming due during the period the order is in effect; and (4) an ex parte order restraining the married person from specified acts in relation to community, quasi-community, and separate property.

Section 11.07.100 Issuance or Denial on Date Application Submitted. An ex parte order under this Chapter shall be issued or denied on the same day that the application is submitted to the Court, unless the application is filed too late in the day to permit effective review, in which case the Order shall be issued or denied on the next day of judicial business in sufficient time for the Order to be filed that day with the Clerk of the Tribal Court.

Section 11.07.110 Issuance of Orders Child Support; Restitution; Counseling; Attorneys Fees. The Court may issue an order excluding a person from a dwelling if the Court finds that physical or emotional harm would otherwise result to the other party, to a person under the care, custody, and control of the other party, or to a minor child of the parties or of the other party. In addition, the Court may issue any of the following orders after notice and hearing:

- (a) if there is a presumption that the respondent is the natural father of a minor child and the child is in the custody of the petitioner, the Court may order a party to pay an amount necessary for the support and maintenance of the child;
  - (b) an order that restitution be paid to the petitioner for loss of earnings and out-of-pocket expenses, including, but not limited to, expenses for medical care and temporary housing, incurred as a direct result of the abuse inflicted by the respondent or any actual physical injuries sustained from the abuse;
  - (c) an order that restitution be paid by the petitioner for out-of-pocket expenses incurred by a party as a result of an ex parte order that is found by the Court to have been issued on facts shown at a noticed hearing to be insufficient to support the order;
  - (d) an order that restitution be paid by the respondent to any public or private agency for the reasonable cost of providing services to the petitioner required as a direct result of the abuse inflicted by the respondent or any actual injuries sustained thereof;
  - (e) an order requiring any party to participate in counseling with a licensed mental health professional or through other community programs and services that provide appropriate counseling, including, but not limited to, mental health or substance abuse services, where it is shown that the parties intend to continue to reside in the same household or have continued to reside in the same household after previous incidences of domestic violence;
  - (f) an order requiring a restrained party to participate in battered treatment counseling;
- and

(g) an order for the payment of attorneys fees and costs of the prevailing party.

Section 11.07.120 Duration and Other Limitation on Orders. In the discretion of the Court, an order issued after notice and a hearing under this Chapter may have a duration of not more than three years, unless otherwise terminated or extended by further order of the Court either on written stipulation filed with the Court or on the motion of a party. The failure to state the expiration date on the face of the order creates an order with a duration of three years from the date of issuance. Nothing in this Section prohibits parties, by written stipulation, from requesting an order and the Court entering an order of permanent duration. Any order for restitution issued under this Chapter shall not include damages for pain and suffering.

Section 11.07.130 Judgments Which May Include Protective Orders. A judgment entered in a proceeding for dissolution of marriage, for nullity of marriage, or for legal separation of the parties, may include a Protective Order issued under this Chapter.

Section 11.07.140 Statement on Face of Order Included in Judgment. If an order is included in a judgment pursuant to this Chapter the judgment shall state on its face both the following: (1) which provisions of the judgment are the orders; and (2) the date of expiration of the orders, which shall not be more than three years from the date the judgment is issued, unless extended by the Court after notice and a hearing.

## Chapter 8

### REGISTRATION AND ENFORCEMENT OF ORDERS

#### Sections:

- 11.08.010 Transmittal to Enforcement Agencies.
- 11.08.020 Enforceability of Orders; Receipt of Copy by Law Enforcement Agency.
- 11.08.030 Availability of Information Concerning Orders; Law Enforcement Officers.
- 11.08.040 Service of Order Against Domestic Violence.
- 11.08.050 Personal Service of Order Not Required.
- 11.08.060 Notification to Humboldt County Sheriff's Department.
- 11.08.070 Appointment of Counsel; Payment of Attorney fees and costs.
- 11.08.080 Copies of Order to Be Provided to Petitioner.
- 11.08.090 Willful and Knowing Violation of Order; Penalty.

Section 11.08.010 Transmittal to Enforcement Agencies. The Judge shall order the petitioner or the attorney for the petition to deliver, or the Clerk of the Court to mail, a copy of an order issued under any Chapter of this Title 11 or an extension, modification, or termination of the order, and any subsequent proof of service by the close of the business day on which the order, extension, modification or termination was made, to each Law Enforcement Officer designated by the petitioner or the attorney for the petitioner having jurisdiction over the residence of the petitioner, the residence of the party with care, custody, and control of a child to be protected from domestic violence, and other locations where the Judge determines that acts of

domestic violence against the petitioner and any other person protected by the order are likely to occur.

Section 11.08.020 Enforceability of Orders; Receipt of Copy by Law Enforcement Agency. Notwithstanding Section 11.08.010 above, and subject to the provisions of this Section, an Order issued under any Chapter of this Title 11 is enforceable in any place on the Reservation. An Order issued under any Chapter of this Title 11 is not enforceable by any Law Enforcement Officer other than the Tribe's Law Enforcement Officer, unless that Law Enforcement Officer has received a copy of the Order.

Section 11.08.030 Availability of Information Concerning Orders; Law Enforcement Officers. Each appropriate law enforcement agency shall make available to any Law Enforcement Officer responding to the scene of reported domestic violence, through an existing system for verification, information as to the existence, terms, and current status of any Order issued under any Chapter of this Title 11.

Section 11.08.040 Service of Order Against Domestic Violence. An Order issued under any Chapter of this Title 11 shall, on request of the petitioner, be served on the respondent by any Law Enforcement Officer who is present at the scene of reported domestic violence involving the parties to the proceeding. The moving party shall provide the officer with an endorsed copy of the Order and a proof of service which the officer shall complete and transmit to the Clerk of the Tribal Court. It is a rebuttable presumption that the proof of service was signed on the date of service.

Section 11.08.050 Personal Service of Order Not Required.

- (1) If a person named in an order issued under any Chapter of this Title 11 has not been served personally with the Order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the Order from the Court, no additional proof of service is required for enforcement of the Order.
- (2) The judicial forms for orders issued under any Chapter of this Title 11 shall contain a statement in substantially the following form: "NO ADDITIONAL PROOF OF SERVICE IS REQUIRED IF THE FACE OF THIS FORM INDICATES THAT BOTH PARTIES WERE PERSONALLY PRESENT AT THE HEARING WHERE THE ORDER WAS ISSUED."

Section 11.08.060 Notification to San Bernardino County Sheriff's Department.

- (1) Except as provided in subdivision (2) on receipt of a copy a Protective Order together with subsequent proof of service of the Protective Order, the Law Enforcement Officer, if it is other than a Humboldt County Sheriff's Department, having jurisdiction over the residence of the petitioner shall immediately notify the Humboldt County Sheriff's Department regarding the name, race, date of



birth, and other personal descriptive information as required by the Tribal Court, the date of issuance of the Order and the Order's duration or expiration.

- (2) Proof of service of the Protective Order is not required for the purposes of any Chapter of this Title 11 if the Order indicates on its face that both parties were personally present at the hearing where the Order was issued and that, for the purpose of Section 11.08.060, no proof of service is required.

Section 11.08.070 Appointment of Counsel; Payment of Attorney Fees and Costs. The Judge may, in its discretion, appoint counsel to represent the petitioner in a proceeding to enforce the terms of a Protective Order. In a proceeding in which private counsel was appointed by the Court, the Court may order the respondent to pay reasonable attorney's fees and costs incurred by the petitioner.

Section 11.08.080 Copies of Order to Be Provided to Petitioner. The Judge shall order the Clerk of the Court to provide to a petitioner, without cost, five certified, stamped, and endorsed copies of any Order issued under any Chapter of this Title 11, and of an extension, modification, or termination of the Order.

Section 11.08.090 Willful and Knowing Violation of Order; Penalty. A willful and knowing violation of an Emergency Protective Order or Protective Order is a crime punishable by temporary or permanent exclusion from the Reservation or a Five Thousand Dollars (\$5,000.00) fine or both. In the event that the Tribal Court does not have criminal jurisdiction over the person who has violated the Emergency Protective Order or Protective Order, a willful and knowing violation of the Emergency Protective Order or Protective Order is a civil violation punishable by a fine of up to Five Thousand Dollars (\$5,000.00).

Section 4. Modification of Chapter 4 to Title 11 of the Blue Lake Tribal Code, entitled "Injunctions to Prevent Civil Harassment." Chapter 4 of Title 11 of the Blue Lake Tribal Code, entitled "Injunctions to Prevent Civil Harassment" is hereby modified and shall provide as follows:

Section 11.04.150 Issuance of Search Warrants for Weapons in Possession or Control of Persons Subject to a Protective Order.

3. For the purposes of this Chapter and Chapters 5, 6, 7, and 8, a search warrant may be issued for firearms or other weapons. A search warrant will allow Tribal Police to enter homes located on trust lands on the Blue Lake Rancheria to search for and to seize any firearms or other weapons in possession of any person against whom an injunction or protective order has been issued if the person has refused to relinquish said firearms or weapons or the Tribal Court finds that a respondent has not surrendered weapons or firearms as ordered by the Tribal Court.

7. The Tribal Court judge may orally authorize a federal or tribal law enforcement officer to sign the judge's name on a duplicate original warrant. A duplicate original warrant shall be deemed to be a search warrant for the purposes of this Chapter and Chapters 5, 6, 7, and 8,



and it shall be returned to the Tribal Court judge as provided for in this Section. The judge shall enter on the face of the original warrant the exact time of the issuance of the warrant and shall sign and file the original warrant and the duplicate original warrant with the clerk of the Tribal Court as provided for in this Section.

Section 5. Severability. If any part or provisions of this Ordinance or the application thereof to any person or circumstance is held in valid, the remainder of this Ordinance including the application of any such part or provision to the other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

Section 6. Effective Date. This Ordinance shall become effective on the date that it is adopted by the Business Council.

CERTIFICATION

The foregoing Ordinance was adopted at a regular meeting of the Blue Lake Business Council, with a quorum present, held on November first, 2012, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

Claudia Brundin  
Claudia Brundin, Chairperson

11-1-12  
Date

ATTESTED:  
Bonnie S. Mobbs  
Bonnie Mobbs, Secretary

Nov 1-2012  
Date