TITLE 2 – RULES OF PROCEDURE

CHAPTER 2-14 PEACEGIVING COURT

2-14-1 Purpose

(a) The purpose of this Ordinance is to establish procedures for Tribal Peacegiving. This Ordinance is adopted to protect the health, and welfare of the members by utilizing tribal customs and values, tradition to resolve conflicts and assist youth in need of services.

(b) The Peacegiving Court will provide a voluntary dispute resolution alternative, grounded in the tribal traditions of peace, restoration and healing.

2-14-2 Definitions:

(a) "Child" - an unemancipated and unmarried person under eighteen (18) years of age.

(b) "Child Abuse" and "Child Neglect" - have the same meaning as defined under CCLUSITC Chapter 4-4, as it is amended from time to time.

(c) "Peacegiver" - a person appointed by the Tribal Court who meets the qualifications of Peacegivers described below.

(d) "Immediate Family" - parents, grandparents, siblings, spouses, parents-in-law, siblings-in-law, children-in-law, children, grandchildren.

2-14-3 Establishment of Peacegiving Court

There is hereby established the Peacegiving Court as a division of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians' (Tribes) Tribal Court, subject to the supervision and control of the Chief Judge of the Tribal Court.

2-14-4 Powers of the Peacegiving Court

(a) Peacegivers shall have the authority to conduct Peacegiving sessions in any matter referred to the Peacegiving Court by the Tribal Court.

(b) Peacegivers may resolve disputes and supervise children in selected juvenile dependency matters, using restorative justice principles and Tribal dispute resolution values and practices and through mentoring.

(c) Peacegivers do not have the authority to violate any Tribal or Federal law or to jeopardize the health and welfare of any party to a case or of the Tribes or its

members. Peacegivers also do not have the authority expressly, impliedly or otherwise through their status or activities to contractually bind the Tribes.

(d) After transfer of a case by the Tribal Court, as provided below, Peacegivers may convene Peacegiving sessions at reasonable times and places under the procedures outlined in this Ordinance. The Peacegiver, in his or her judgment, may involve all or some participants in each session. However, Peacegivers shall not meet alone with children without a parent, grandparent, guardian, suitable designee authorized in writing by the child's parent or guardian, Tribal Court judge, or Tribal Court clerk present.

(e) Peacegivers may decline to serve or discontinue their service in any case at any time. If an assigned Peacegiver discontinues service, the Tribal Court will review whether to assign a new Peacegiver or remove the case from Peacegiving Court.

2-14-5 Duties of Peacegivers

Peacegivers shall schedule Peacegiving sessions at times and places that are reasonably convenient to all participants. At the outset of any participant's initial session, Peacegivers shall clearly state that they are not judges and have no authority to make a decision for parties or to force them to do anything, except as authorized by Tribal law. Peacegivers shall not take an advocacy position for any party or participant in the case, and shall at all times maintain an atmosphere of neutrality as to the underlying case. During Peacegiving, Peacegivers must at all times maintain an atmosphere that honors Tribal values and promotes peace and healing among the parties and the community. Unless the Tribal Court and the parties consent otherwise, Peacegivers must not accept any case in which they or their immediate family have any personal or financial interest in the outcome of the Peacegiving proceeding. Peacegivers must also disclose to the assigning Tribal Court judge and to the parties any such interest and any family relationship between themselves and any party to a Peacegiving case.

2-14-6 Qualifications of Peacegivers

Peacegivers shall be persons who:

(a) Have the respect of the Tribal community and a reputation for honesty, integrity, and humanity and a demonstrated practice of resolving local problems by means that honor the tribal values of peace, restoration and healing;

(b) Satisfactorily complete a background investigation, including a determination by the Tribal Court that they have minimum standards of character at least as stringent as that described in the Tribes' Background Investigation Code for individuals working with children.

(c) Are able and willing to sign an oath of office and abide by Tribal laws and any applicable ethical rules;

(d) Can, with or without reasonable accommodation, perform the duties and powers of Peacegivers;

(e) Are appointed by the Tribal Court;

(f) Must at all times conduct himself or herself as a positive role model for the community; and

(g) Must be Tribal members or spouses of Tribal members.

2-14-7 Referral to and Transfer of Case to Peacegiving Court

(a) With the consent of the all parties and the child in a Juvenile Dependency or Juvenile Delinquency case, the Tribal Court may transfer any case pending or currently being handled in Tribal Court, or any portion thereof, to the Peacegiving Court.

(b) If there is no case currently pending in Tribal Court concerning a dispute or conflict, upon receipt of a written request or referral for Peacegiving, the Tribal Court may, at its discretion, assign the matter to Peacegiving Court. A referral form will be made available to the public on the Tribal Courts's website page, and will be provided by the Tribal Cort in paper form upon request. Tribal Court will provide assistance in filling out the form if requested.

(c) At the time of transfer or assignment of a case or dispute to Peacegiving, the Tribal Court shall appoint one or more Peacegivers to participate in the case or dispute. An appointment order may include a timeline for Peacegivers to provide reports, to meet certain deadlines or to complete Peacegiving.

(d) If the matter assigned or transferred to Peacegiving Court involves a child in a Juvenile Dependency or Juvenile Delinquency case the Tribal Court shall provide to the Peacegiver, any non-privileged or non-confidential reports, evaluations or other documents that the court believes would be useful to the Peacegiver in understanding the needs of the child.

2-14-8 <u>Peacegiving Court Coordinator</u>

The Tribal Court may employ a coordinator to facilitate the review of Peacegiving Court cases and to assist the court with Peacegiving Court administration.

2-14-9 <u>Confidentiality and Privilege</u>

Communications made during Peacegiving shall be treated as confidential by all parties and participants. Such communications shall be privileged as settlement negotiations and may not be admitted to Tribal Court as evidence unless otherwise agreed to in writing by the parties, or as otherwise provided by Tribal law, including this Ordinance. This privilege will not apply to communications originally made for purposes other than Peacegiving, or made before Peacegiving begins. Notwithstanding any other provision of this paragraph, a Peacegiver must make a formal report to the appropriate government agency if he/she learns of any alleged abuse or neglect of a child during Peacegiving or otherwise. Subject to the other provisions of Tribal law, including this Ordinance, the Tribal Court may hold a party or a Peacegiver to be in contempt of court upon a finding that a person violated the confidentiality of Peacegiving. With the permission of all Peacegiving parties and the consent of the Tribal Court, a Peacegiver may testify at a hearing regarding Peacegiving proceedings.

2-14-10 Records and Files

The Peacegiving Court shall maintain a file for each matter referred to it. The files of the Peacegiving Court shall be maintained separate and apart from the files of the Tribal Court on the same matter. Only such reports and documents as are specifically requested by the Tribal Court Judge or as are deemed necessary by the Peacegiver shall be transmitted from the Peacegiving Court file to the Tribal Court file.

2-14-11 Removal of Peacegiver

The Chief Judge of the Tribal Court may remove a Peacegiver if the Court, in its sole discretion, finds that the Peacegiver is no longer qualified under Section 2-14-6.

2-14-12 Compensation of Peacegiver

Peacegivers are volunteers and shall receive no direct remuneration for their services. At the conclusion of Peacegiving Court proceedings, Peacegivers may accept gifts of nominal value in the tradition of potlatch, from parties in recognition of their services. Peacegivers shall not solicit gifts and shall not accept gifts until after jurisdiction of the Peacegiving Court is terminated.

2-14-13 Immunity of Peacegivers

Peacegivers shall be officers of the Tribal Court. Subject to the provisions of this Ordinance, Peacegivers shall be immune from suit for good faith actions and omissions made in the scope of their authority, in the same manner as judges of the Tribal Court.

2-14-14 Peacegiving-Related Motions

(a) Any party may file a Motion in Tribal Court to Terminate Peacegiving. A Motion to Terminate Peacegiving must be based on one or more of the following grounds:

(1) Lack of personal or subject matter jurisdiction; or

(2) High Probability that Peacegiving will be unsuccessful

(b) Any party may file a Motion in Tribal Court to Change Peacegiver based on a conflict of interest or other good cause shown;

(c) Any non-party participant may file a Motion to be Excused from Peacegiving. Such motion must state the grounds why such person should not be involved in Peacegiving. Prior to filing a motion in Tribal Court to be excused from Peacegiving, the participant shall make a written request to the Peacegiver stating good cause to be excused.

(d) Except in cases of harassment, or if the safety of the Peacegiver or participant is at issue, a party having a complaint against a Peacegiver or the Peacegiving process should first seek to resolve the matter with the Peacegiver. If this effort does not resolve the matter, the party may make a motion to the Tribal Court for a protective order ending or limiting Peacegiving. The grounds for any such motion and order will include, without limitation:

(1) Harassment by a Peacegiver or harassment during Peacegiving by another party to the Peacegiving that has not been effectively controlled by the Peacegiver.

(2) Peacegiver conduct during the Peacegiving process that is degrading, inhumane, dangerous, assaultive, contrary to the laws or traditions of the Tribes, or otherwise violative of basic human rights.

(e) On its own motion, and after making all necessary findings of fact and conclusions of law, the court may take any action described in this section.

2-14-15 Conduct of Peacegiving

(a) Facilitation by Peacegiver.

Peacegiving shall be facilitated by Peacegivers in accordance with Tribal traditions and values. Peacegivers will establish and explain the basic Peacegiving rules and procedures to participants.

(b) Participants

Peacegiving may include non-parties suggested by the parties, or believed to be useful and appropriate to the issues presented by the case. If a child is involved, a Peacegiver will encourage participation by that child's parent or legal guardian and may require it at the Peacegiver's discretion. The Peacegiver shall prepare a list of proposed non-party participants and consult with each party regarding the list prior to or at the first Peacegiving session. The list of non-party participants may be changed during Peacegiving, as need arises. Peacegivers may caucus with individual or subgroups of participants.

(c) Authority to Settle

Except for the Tribes, every party participating in Peacegiving must have the authority to settle the matter as to that party's interests. In the event that the Tribes are a party, the Tribes' representative must have the authority and ability to make a settlement recommendation to Tribal Council.

(d) Good Faith

Any person who participates in Peacegiving without acting in good faith to resolve their differences may be excluded or have their participation restricted by the Peacegiver.

(e) Lawyers or Spokespersons

Lawyers and Spokespersons may participate in Peacegiving only with the advance unanimous consent of the Peacegiver and all parties.

(f) Peacegiving may include community and Tribal activities that do not reasonably threaten the welfare of participants. Any such activities involving a child must be pre-approved in writing by that child's parent or legal guardian.

2-14-16 Peacegiver Report to Tribal Court

Peacegiver will submit a status report to the Tribal Court in any of the following circumstances:

(a) When Peacegiving has been successfully completed;

(b) When the Peacegiver feels that no further Peacegiving will occur,

(c) When requested by the Tribal Court pursuant to tribal law.

The status report may either be in writing or a verbal statement made on the record in court, will detail what additional Peacegiving sessions are needed and

the degree to which the original dispute has been resolved. The report shall identify any unresolved issues and the parties involved in those issues. The report shall not include the substance of communications made in the course of Peacegiving that would be considered confidential communications for settlement purposes unless those communications are necessary to satisfy the requirements of this Chapter, including this section, or other Tribal laws.

2-14-17 Agreements Made During Peacegiving

All agreements involving at least one party made during Peacegiving must be in writing and fully executed before the Peacegiver makes a final status report to the Tribal Court. No agreement made during Peacegiving shall have legal force and effect until approved by the Tribal Court.

2-14-18 Enforcement

Violations of the provisions of this Chapter 2-14, with the exception of Chapter 2-14-7-(b), are subject to the contempt powers of the Tribal Court, and the Peacegiver or any party may file a motion for an order to show cause why a person who violates such obligation should not be held in contempt, or petition the court for appropriate common law writs.

Agreements entered by the parties in matters falling under Chapter 2-14-7 (b), are subject to enforcement as contracts if a Petition for enforcement is property filed with the Tribal Court.

2-14-19 Sovereign Immunity

Nothing in this Ordinance waives, expressly or impliedly, the sovereign immunity of the Tribes or any of its officers, employees or representatives.

2-14- 20 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.

APPENDIX A

LEGISLATIVE HISTORY AND EDITORIAL CHANGES

PEACEGIVING COURT

LEGISLATIVE HISOTRY AND EDITORIAL CHANGES

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved amended Chapter 2-14 Peacegiving Court for second reading and final approval by Resolution No. 26-057, at a regular Tribal Council meeting on April 12, 2026. Creating Ordinance No. 072A. Vote was 7 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved amended Chapter 2-14 Peacegiving Court for first reading and 28-day comment period by Resolution No. 26-008, at a regular Tribal Council meeting on January 11, 2026. Vote was 7 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians enacted the “Peacegiving Court” Ordinance, Resolution No. 05-111, Ordinance No. 072, at a regular Tribal Council meeting on November 13, 2005. Vote was 6 (for), 0 (against) and 0 (abstaining).

The Tribal Council of the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians approved the “Peacegiving Court” Ordinance, Resolution No. 05-097, Ordinance No. 072, at a regular Tribal Council meeting on October 9, 2005. Vote was 7 (for), 0 (against) and 0 (abstaining).