

TITLE 10. HEALTH, SAFETY AND WELFARE

Chapter 10.4

HEAD LICE CONTROL

Sections:

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10.4.1. Civil Action. The Tribal Court shall have jurisdiction over civil actions initiated by the Tribe against any person within the Tribe's jurisdiction who fails to take all measures necessary to prevent the spread of head lice from his or her household. (Res. 88-048 (part), passed Jul. 11, 1988)

10.4.2. Order to Show Cause. Whenever the Indian Child Welfare coordinator or caseworker of the Tribe files with the Court a written, sworn statement which establishes probable cause to believe that a person has failed to take all measures necessary to prevent the spread of head lice from his or her household, the Court shall issue an order directing that person to appear in court to show why he or she should not be required to eradicate the head lice immediately or pay a civil penalty. The date for the appearance in court shall be set in the order and shall not be sooner than two (2) days or later than seven (7) days after the date of the order. (Res. 88-048 (part), passed Jul. 11, 1988)

10.4.3. Eradication Order. After the hearing on the order to show cause if the Court finds that a person has failed to take all measures necessary to prevent the spread of head lice, the Court shall enter an order directing the person to eradicate the lice by taking the measures recommended by the Tribe's child welfare coordinator or caseworker. The Court order shall set a deadline no later than five (5) days after the date of the order by which the necessary measures shall be taken. The Court shall also set a schedule of inspections to be made by a person designated by the Court or by the director of tribal social services for the purpose of determining whether head lice have been eliminated from the household. (Res. 88-048 (part), passed Jul. 11, 1988)

10.4.4. Inspections. The inspections provided for in this chapter shall take place only on weekdays between the hours of 7:00 a.m. and 7:00 p.m., unless the person named in the civil action agrees otherwise. If the court order scheduling the inspections does not set a precise date and time, the inspector shall provide at least twenty-four (24) hours' notice of the inspection. Inspections shall be limited to those acts needed to

determine whether head lice may be found in the household. (Res. 88-048 (part), passed Jul. 11, 1988)

10.4.5. Penalties. A person who fails to take measures to eradicate head lice as ordered by the Court pursuant to this chapter may be assessed a civil penalty not to exceed one hundred dollars (\$100). For each day following the court-ordered deadline, the failure to take necessary lice eradication measures shall constitute a separate violation. (Res. 88-048 (part), passed Jul. 11, 1988)

10.4.6. Definitions. For purposes of this chapter, “household” means the residence of an adult and all persons and pets who live in that residence. (Res. 88-048 (part), passed Jul. 11, 1988)