

Chapter 9.7

GENERAL PROVISIONS APPLYING TO TITLE 9

Sections:

9.7.1	Scope.
9.7.2	Jurisdiction and Procedure.
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9.7.1. Scope. (a) The Suquamish Tribe values strong families and considers them to be the heart of the Tribal community. Ensuring the safety and vitality of families promotes the health, safety, and welfare of the Suquamish community, and is essential to Tribal sovereignty and self-governance.

(b) This code shall be construed, together with Title 8 of the Suquamish Tribal Code, and other applicable Tribal law, to promote the health, safety, and welfare of families, with special emphasis on protecting the best interests of children, elders, and vulnerable adults, within the jurisdiction of the Suquamish Tribe.

(c) When interpreting this code, the Court shall take into consideration Suquamish Tribal laws, customs, and traditional practices.

(d) The scope of this code is to promote the distinct and unique culture and heritage of the Suquamish Tribe, to ensure that Native children have a meaningful opportunity to experience their culture on a permanent basis, and that Native children are best served within the context of their families. All actions authorized by this code shall be taken with due consideration of this purpose and scope.

9.7.2. Jurisdiction and Procedure. (a) Unless provided otherwise in a Chapter under this Title, the Suquamish Tribal Courts shall have jurisdiction over the subject matter of this Title pursuant to Suquamish Tribal Code Chapter 3.2.

(b) The Suquamish Tribal Courts shall have jurisdiction to hear and determine all family matters including but not limited to divorce, separate maintenance, annulment, determination of paternity and support, custody of minor children, and division of all personal and nontrust real property.

(c) All disputed procedural matters are to be resolved by the Suquamish Tribal Court Judge in their discretion. Under this Title, the application of the Federal Rules of Civil Procedure or the State of Washington Rules of Civil Procedure are persuasive, but not binding, in proceedings under this act. The court is hereby permitted to enact its own rules of procedure provided copies are made available to the general public at the court.

(d) The Court may in its discretion or upon or the motion of a party to an action under

this Title, decline to exercise jurisdiction if any one of the following are shown:

- (1) Another jurisdiction is available and provides a more convenient forum for the parties, or children, subject to the action; or
- (2) Another jurisdiction is attempting to exercise authority over the issues involved in the action and comity should be extended to allow that court to act.

(e) If the Court declines to exercise jurisdiction as permitted by this subsection, the Court will make written findings of fact detailing the basis for the declination after a full hearing and opportunity for all parties to be heard on the motion.

9.7.3. Trial by Jury. (a) In any action under this Title, there shall be no trial by jury.

9.7.4. Sovereign Immunity. The Tribe does not waive sovereign immunity for itself, any of its entities, businesses, or agents including, but not limited to, any Tribal communication or information agency or department, Court and Court personnel, or any other Tribal personnel, in any form pursuant to this Title.

9.7.5. Severability. If any provision of this Title or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this code which can be given effect without the invalid provision or application, and to this end the provisions of this code are severable.