
Laws of the Confederated Salish and Kootenai Tribes, Codified

Revised: April 15, 2003

Ordinance No. 103-A
Amendment #5

AMENDMENT TO ORDINANCE OF THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, having found it in the best interests of the Tribes to have fair, understandable, and enforceable laws in a form readily accessible to the public, enacted the CSKT Laws Codified by passing Tribal Ordinance 103-A on December 9, 1999; and

WHEREAS, it has been brought to the attention of the Tribal Council that in order to be as accurate, clear, and consistent as possible, the newly codified laws enacted December 9, 1999, require certain technical amendments; and

WHEREAS, the Tribal Council recognizes the dynamic nature of the law and the importance of continuing to update and codify Tribal law;

THEREFORE, the Tribal Council hereby amends Tribal Ordinance 103-A to reflect needed typographical and technical corrections, by revising the following sections of the CSKT Laws Codified:

1-2-202. Appointment, staggered terms, and advertisement. . . .

REINSERTION OF SUBSECTIONS (5), (6), & (7) INTO THE CODE.
THESE SUBSECTIONS WERE INADVERTENTLY DELETED IN
ORDINANCE NO. 103-A, AMENDMENT #2. NEW SUBSECTION (8)
TO PROVIDE FOR PRO TEMPORE APPOINTMENTS.

1-2-302. Appointment and duties of Clerk of Court.

PROVISION FOR RECORDING PROCEEDINGS IN TRAFFIC AND
SMALL CLAIMS

1-2-501. Attorneys.

REVISION TO MAKE READMISSION DEADLINE JANUARY 1, TO
REVISE REQUIREMENTS FOR ADMISSION OF ATTORNEYS, & TO
PROVIDE FOR ATTORNEY DISCIPLINE

1-2-506. Pro Se and Tribal Member Representation.

REVISION TO PROVIDE FOR PRO SE REPRESENTATION OF
BUSINESS ENTITIES

1-2-605. Jurors' compensation and reimbursement.

REVISION TO LIMIT PAID COMPENSATION TO JURORS AND
ALTERNATES

1-2-611. Privileged confidentiality in certain relations.

CORRECTION OF THE TENSE OF THE WORD "ACQUIRE" IN (11)
ABOVE

Title I, Chapter 2, Part 7, Rule 3. Trial Scheduling.

REVISION TO PROVIDE PROCEDURE AND FORMS FOR TRIAL
SCHEDULING

Rule 5. Computation of Time.

INSERTION OF LANGUAGE TO EXCLUDE DURATION OF CRIMINAL
SENTENCES FROM THE GENERAL RULE

Rule 9. Service of Process in Civil Actions.

REVISION OF NUMBER OF DAYS ALLOWED FOR VARIOUS
FILINGS AND INSERTION OF LANGUAGE RESTRICTING THE USE
OF SERVICE BY PUBLICATION.

Rule 10. Pleading in Civil Actions.

REVISION OF NUMBER OF DAYS ALLOWED FOR VARIOUS
FILINGS.

Rule 14. Motions.

REVISION OF NUMBER OF DAYS ALLOWED FOR VARIOUS
FILINGS AND PROVISION FOR SPECIFIC MOTIONS.

Rule 19. Findings of Fact and Conclusions of Law

NEW RULE PROVIDING FOR FILING OF PROPOSED FINDINGS
AND CONCLUSIONS BEFORE BENCH TRIAL.

Rule ~~19~~: 20. Orders, Judgments or Decrees.

RENUMBERING OF SECTION AND PROVISION FOR FILING WITH
FINDINGS AND CONCLUSIONS.

Rule 21. Exceptions Unnecessary.

RULE ADDED TO PROVIDE FOR PRESERVATION OF ISSUES FOR
APPEAL

2-1-113. Temporary orders of protection.

EXPANSION OF THE SCOPE OF TPOs TO INCLUDE ANY ALLEGED
VICTIM OF ONE OF THE ENUMERATED TRIBAL OFFENSES

~~2-1-113~~:114. Definitions.

SECTION RENUMBERED TO MAKE ROOM FOR INSERTION OF NEW
SECTION ON TPOs

2-1-511. ~~Elderly Abuse~~ Abuse of an elderly or vulnerable person.

REVISION TO INCLUDE ANY VULNERABLE PERSON AS A VICTIM
OF OFFENSE

2-1-701. Domestic abuse.

SUBSECTIONS 2 - 6 MOVED TO NEW SECTION 2-1-113 AND
REVISED TO EXPAND SCOPE OF TPOs

2-2-911. Determination of fitness to proceed -- effect of finding of unfitness --
expenses.

REFERENCE TO ORDINANCE CORRECTED TO APPROPRIATE CODE
SECTION

2-2-913. Commitment upon finding of not guilty by reason of mental disorder
-- hearing to determine release or discharge.

REFERENCE TO ORDINANCE CORRECTED TO APPROPRIATE CODE
SECTION

2-2-1205. Restitution.

REVISION TO CORRECT NUMBER

2-2-1209. Failure to pay a fine ~~or restitution~~

REVISION TO REMOVE RESTITUTION FROM CONSIDERATION IN
THIS SECTION

Title II, Chapter 2, Part 13 Traffic Court Procedure

NEW PART TO PROVIDE TRAFFIC COURT PROCEDURE

3-1-103. Divorce or separation..

CORRECTION TO REFERENCE

3-1-104. Procedure.

CORRECTION TO REFERENCE

3-1-108. Dependent and neglected children.

CORRECTION TO REFERENCE

3-1-109. Termination of parental rights.

CORRECTION TO REFERENCE

3-1-111. Probate, descent and distribution.

CORRECTION TO REFERENCE

3-2-106. Confidentiality.

REVISION INCLUDES THE FIRST SENTENCE OF SECTION 3-2-107.

~~3-2-107. Disposition of Records.~~

UNNECESSARY SECTION

3-2-302. Reports and Action on Reporting.

CORRECTION TO REFERENCE

3-2-311. Initial Hearing.

CORRECTION TO REFERENCE

3-2-313. Final Disposition Hearing.

CORRECTION TO REFERENCE

3-2-402. Methods of Termination.

CORRECTION TO REFERENCE

3-2-405. Suspension of Parental Rights.

CORRECTION TO REFERENCE

3-2-406. Adoptions.

CORRECTION TO REFERENCE

3-2-407. Confidentiality of Records and Proceedings.

CORRECTION TO REFERENCE

3-2-408. Informal Adoptions.

CORRECTION TO REFERENCE

3-2-506. Proceedings upon transfer.

CORRECTION TO REFERENCE

3-4-102. Purpose.

CORRECTION TO REFERENCE

3-4-103. Definitions.

REVISED TO CAREFULLY DEFINE REQUIRED CREDENTIALS FOR A
"PROFESSIONAL PERSON"

3-4-201. Voluntary Admission.

CORRECTION TO REFERENCE

3-4-202. Standards for Detention for Emergency Situation.

EXPAND TIME TO ALLOW THOROUGH EXAMINATION & FILINGS

3-4-203. Detention to be in Least Restrictive Environment.

CORRECTION TO REFERENCE

3-4-204. Procedural Rights.

REVISED TO CONFORM WITH ELIMINATION OF JURY TRIAL AND
WAIVER OF COUNSEL

~~3-4-209. Request for Jury Trial.~~

ELIMINATE JURY TRIAL FOR MENTAL HEALTH HEARINGS TO
PROMOTE CONFIDENTIALITY

3-4-216. Confidentiality of Records.

REVISED TO SPECIFY CONFIDENTIALITY REQUIREMENTS

3-5-101. Purpose.

CORRECTION TO REFERENCE

3-5-103. Civil nature of Code Chapter.

CORRECTION TO REFERENCE

3-5-104. Procedural rights.

CORRECTION TO REFERENCE

3-5-107. Designated tribal authority's investigative action on reports.

CORRECTION TO REFERENCE

3-5-111. Procedures for determining incapacity.

CORRECTION TO REFERENCE

4-1-104. Laws applicable in civil actions.

REVISION TO CLARIFY INTERNAL REFERENCE.

4-1-401 Immunity from suit.

CODIFIED PURSUANT TO ORDINANCE NO. 103-A, AMENDMENT
#4

4-1-402 Limited waivers of immunity.

CODIFIED PURSUANT TO ORDINANCE NO. 103-A, AMENDMENT
#4

4-2-204. Limitation on tort recovery from Tribes and Tribally owned corporations.

CODIFIED PURSUANT TO ORDINANCE NO. 103-A, AMENDMENT
#4

4-2-603. Consent to repossession.

REVISION FOR CLARITY AND (c) ADDED.

4-2-605. Action for repossession commenced by filing complaint.

4-3-105. Default.

RESTORATION OF ACCIDENTALLY DELETED WORD FOUND IN
ORDINANCE NO. 97, AMENDMENT # 1.

4-3-110. Docketing of judgment--period of lien.

PROVISION ADDED REGARDING PERIOD OF LIEN AND RENEWAL
OF LIEN AFTER 10 YEARS AND EXEMPTING CERTAIN JUDGMENTS
AND RESTITUTION.

4-3-204. Filing and status of state court judgments and the judgments of
other tribal courts.

REVISION PROVIDING THE REFERENCED LANGUAGE FROM 4-3-
104(1).

4-3-301. Time limit for issuing execution.

REVISION OF TIME LIMIT & PROVISION FOR CHILD SUPPORT

4-3-302. Renewal after 6 10 years.

PROVISION ADDED REGARDING PERIOD OF LIEN AND RENEWAL
OF LIEN.

4-3-307. ~~Duty of secured party.~~

REVISION TO CLARIFY AND PROVIDE PROCEDURAL DETAILS

4-3-308. Contents of writ.

PROVISION ADDED FOR NOTICE OF RIGHT TO JUDGMENT
DEBTOR

4-3-311. To whom execution issued.

CLARIFICATION OF AUTHORITY.

4-3-312. How writ executed.

INSTRUCTIONS FOR TRIBAL RECORDS MANAGER WHERE THERE ARE COMPETING WRITS.

4-3-316. Property subject to execution -- limitations and exemptions.

REVISION TO ALLOW VOLUNTARY ASSIGNMENT OF PER CAPITA AND TO PRIORITIZE ORDERS FOR EXECUTION AND LEVY

4-3-317. Property exempt from execution.

PROVISION ADDED TO CLARIFY APPLICATION OF TRIBAL AND FEDERAL LAW ON GARNISHMENT

Title IV, Chapter 4, Small Claims Procedures

Minor changes in wording throughout to clarify procedure, to raise the damages limit and provide for appeal to the Tribal Appellate Court, and to provide forms to the pro se litigants.

Effective date of this enactment shall be July 15, 2003.

CERTIFICATION

The foregoing Amendment to Ordinance 103-A was duly enacted by the Tribal Council on the 15th day of April, 2003, with a vote of 7 for, 0 opposed, and 1 not voting, pursuant to the authority vested in the Tribal Council by Article VI, Section 1(a), (l), (n), (p), (q), (r), and (u) of the Tribes' Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended.

SIGNED:

D. Fred Matt , Chairman, Tribal Council

ATTEST:

Joseph Dupuis, Executive Secretary

APPROVED:

Superintendent of the Flathead Reservation

Secretary of the Interior

CSKT Laws Codified

January 1, 2000

(Rev. 4-15-03)
