

# Official Home of the Pit River Tribe

[HOME](#)

[TRIBAL HISTORY](#)

[DEPARTMENTS](#)

[TRIBAL LAW](#)

[TRIBAL EMPLOYMENT](#)

## Title 8 – Chapter 15: Youth Reclamation Program – The Peacemaker Program

*Posted on August 17, 2011 by admin*

Title 8. Family/Children's Code

Chapter 15. Youth Reclamation Program – The Peacemaker Program

### Title 8. Family/Children's Code, Chapter 15. Youth Reclamation Program – The Peacemaker Program

[Article I – General Provisions](#)

[Article II – Peacemakers](#)

[Article III – The Peacemaker Program Process and Procedure](#)

[Article IV – Motions Directed at Peacemaking](#)

[Article V – Appeals](#)

#### CONTACT US

---

Phone

(530)335-5421

Fax

(530)335-3140

Address

36970 Park Avenue  
Burney, CA 96013

Hours

Monday–Friday:  
8:00AM–5:00PM

#### ARTICLE I. GENERAL PROVISIONS

##### SECTION 101. THE PEACEMAKER PROGRAM ESTABLISHED

The Peacemaker Program is hereby established pursuant to authority under Article VI, sec. (1) of the Pit River Constitution.

## **SECTION 102. PURPOSE AND POLICY**

(A) The Peacemaker Program is established as a means to incorporate tribal culture and tradition in the Tribe's response to youth delinquency. Tribal culture is vibrant and living and it is a positive influence on young people.

(B) It shall be the policy of the Pit River Tribe of Indians that the Pit River Tribe address youth conduct in a culturally appropriate manner and in ways that help restore harmony and peace to the community.

(C) The Peacemaker Program shall concentrate on correcting and fixing problems, providing restitution, and on healing. It is the policy of the Pit River tribe to employ traditional peace-making methods and restorative justice to help reconnect 'lost' individuals with the Pit River community and to help re-instill tribal identity and rebuild self-esteem.

(D) The Peacemaker Program shall not emphasize punishment or physical detention, though sanctions for non-compliance may be given where appropriate. The Peacemaker Program is created to help foster personal responsibility and accountability among tribal and community youth, and all community members. The tribe values family participation and it is the policy of the tribe to encourage families to assume responsibility over tribal youth.

## **SECTION 103. AUTHORITY**

In enacting this Chapter, the Tribe asserts its inherent sovereign authority and fulfills its responsibility to the Pit River tribal youth and community. Nothing in this amendment shall be construed to contradict or replace any other Chapters of this Code.

## **ARTICLE II. PEACEMAKERS**

### **SECTION 201. WHO CAN BE A PEACEMAKER**

Any person who has the respect of the community, of his or her residents, and ability to work with tribal members, and a reputation for integrity, honesty, humanity, and an ability to resolve local problems shall be eligible to be elected, appointed, or approved, as appropriate, as a peacemaker. A peacemaker may be chosen or approved for a peacemaking position by the tribal council, any court of the tribe, or any judge thereof, or otherwise elected by the members of the tribe in conformity

with applicable tribal laws and the tribal constitution. The clerk of court shall maintain a list of chosen or approved peacemakers, and make this list available to any party.

## **SECTION 202. AUTHORITY OF PEACEMAKER**

(A) The peacemaker shall have the authority to convene peacemaking sessions when peacemaking has been ordered by the court or requested by one of the parties and not excused by the court. Peacemaking sessions shall be scheduled at reasonable times and places, at the convenience of all parties, where possible, and in combinations of participants which the peacemaker feels will best serve the goals of peacemaking and needs of the parties.

(B) The peacemaker shall promote restorative justice through the use of methods and practices which are tribally based and which reflect the values, traditions, or culture of the tribe.

(C) The peacemaker shall have the authority to maintain an atmosphere in peacemaking which is conducive to healing the relationships of the parties and the community, resolving the disputes, and assisting the parties to avoid future disputes.

(D) The peacemaker shall make it clear to the parties that the peacemaker is not a judge and has no authority to make a decision for the parties or force a plan of action upon them, other than as provided by these rules or applicable tribal law or traditions. Except where otherwise provided by these rules or applicable tribal laws or traditions, any and all resolutions through peacemaking must be agreed to by all participants to the peacemaking. The peacemaker shall not initiate or permit any conduct in peacemaking which is in violation of the rights of parties protected under the laws and customs of the Tribe or in violation of the Indian Civil Rights Act of 1968.

(E) The peacemaker shall disclose to all parties and the court any personal or financial interest in the juvenile proceeding or close family or band relationship with any party.

## **SECTION 203. COMPENSATION FOR THE PEACEMAKER**

The peacemaker shall be compensated by the parties in any manner consistent with the culture and traditions of the Tribe. All parties shall discuss the terms of the compensation in the first peacemaking session. In the event of a disagreement regarding compensation, the peacemaker shall notify the court. The court thereafter shall conduct a hearing to determine the manner of compensation of the peacemaker. After a hearing on the matter the court shall order compensation

in any manner consistent with the culture and traditions of the Tribe for any past or future peacemaking sessions.

#### **SECTION 204. SUPERVISION BY COURT**

Peacemakers are not employees of the Children's Court and are not under its direct supervision. The Children's Court may protect the interests of the parties through the use of protective orders. Peacemakers have reporting obligations to the Children's Court specified in this Chapter.

#### **SECTION 205. IMMUNITY OF PEACEMAKERS**

Peacemakers shall have immunity from suit for actions taken within the scope of peacemaking under this Chapter to the same extent as a judge of the Children's Court.

#### **SECTION 206. REMOVAL FROM COURT APPROVED PEACEMAKER LIST**

Any peacemaker may be removed from the list of court approved peacemakers by the official or governmental body that placed them on the approved list for repeated inappropriate conduct during or connected with peacemaking.

#### **SECTION 207. ASSIGNMENT OF PEACEMAKER**

A peacemaker for any particular juvenile proceeding shall be assigned by the court after request by child and approval by the court. If the child does not make a request, the court shall appoint a peacemaker from the approved list. If the child requests a peacemaker who is not on the approved list, the court may permit the peacemaker requested to serve as a peacemaker under these Rules for the juvenile proceeding in which the request is made.

### **ARTICLE III. THE PEACEMAKER PROGRAM PROCESS AND PROCEDURE**

#### **SECTION 301. OVERVIEW**

The process and procedure of the Peacemaker Program at its most general form consists of:

(A) Referral and acceptance;

(B) Development of a Healing Strategy by a Healing Circle;

(C) Healing Strategy Supervision;

(D) Completion of the Peacemaker Program through successful realization of the Healing Strategy.

## **SECTION 302. ENTERING THE PEACEMAKER PROGRAM**

(A) A child may enter the Peacemaker Program by Petition, Application, or Transfer. Petitions, Applications, and Transfer requests shall be reviewed by the Peacemaker Program Peacemaker, who within ten (10) days of receipt of the application, shall issue a written decision which provides the basis and reasons for acceptance or denial. The Peacemaker may also remand any Petition or Application to the appropriate entity for more information.

(B) The Peacemaker Program Peacemaker must put his or her decision in writing explaining the basis and reasons for acceptance or denial. The Court Clerk shall mail or otherwise deliver the Peacemaker Program Peacemaker's decision to all affected parties the business day following the Peacemaker Program Peacemaker's decision. The Court Clerk shall keep a record of the Peacemaker's decision and the mailing or delivery of such decision.

## **SECTION 303. PETITION**

(A) The tribal prosecutor, child welfare coordinator, or their representatives or a law enforcement officer may file a Petition with the Peacemaker Program for admittance of a child. The Petition shall state clearly the alleged violations of any prohibited act(s) listed under this Law and Order Code and the reasons why the child would benefit from the Peacemaker Program.

(B) In this context, the Peacemaker Program is an alternative to a potential formal adjudication in tribal and/or state court. When accepted into the Peacemaker Program, any pending adjudication against the child shall be stayed while the child is a participant in the Peacemaker Program.

(C) Admittance into the Peacemaker Program by Petition requires the written consent of the child and the child's parent, guardian, or custodian.

(D) For persons referred to the Peacemaker Program by the prosecutor or the courts of any jurisdiction on account of the child allegedly committing any prohibited act, failure to successfully complete the Peacemaker Program may result in full prosecution for the prohibited act(s) by the referring jurisdiction.

## **SECTION 304. APPLICATION**

(A) Parents, grandparents, the individual child, or any other community member with substantial knowledge about the health, safety, welfare, and behavior of the child may submit an application to the Peacemaker Program through the Court Clerk. An application consists of any signed writing that makes clear a desire that a specific child be admitted into the Peacemaker Program and the reasons for such desire.

(B) Participation by Application requires the signed and written consent in the form of a Contract of Compliance of the child and the child's parent, guardian, or custodian.

(C) For children admitted to the Peacemaker Program by application, the failure to comply with the Peacemaker Program requirements may result in expulsion from the Peacemaker Program.

## **SECTION 305. TRANSFER**

(A) Any Tribal, State, or Federal agency may request a transfer of a matter from their program to the Peacemaker Program. The transfer may be of a permanent or temporary nature. A child shall not be denied admittance if that child's participation in the Peacemaker Program is sought in order to fulfill his/her obligation to another jurisdiction.

(B) Participation in the Peacemaker Program by Transfer requires the consent of the child, the child's parent, guardian, or custodian, and the transferring entity.

(C) For children admitted into the Peacemaker Program by transfer, the failure to complete the Peacemaker Program may result in the return of the child to the transferring entity.

## **SECTION 306. ACCEPTANCE BY THE PEACEMAKER PROGRAM**

(A) Acceptance into the Peacemaker Program is conditioned on the child's knowing and voluntary agreement to undertake a Physical Examination and Substance Abuse Assessment.

(B) The Examination and Assessment shall be conducted within 20 days of acceptance. Concerns from any negative findings shall be discussed with the child and the child's parent or guardian.

(C) With information from the assessment, a mental health counselor or equivalent tribal staff member shall prepare a substance abuse treatment plan. This treatment plan shall be a component of the child's Healing Strategy.

(D) Examination and Assessment information shall be held confidential and information may be shared with others only upon the child and parent's written consent.

#### **SECTION 307. HEALING STRATEGY DEVELOPMENT**

The Healing Circle shall develop a comprehensive written Healing Strategy for the child participant. This Strategy shall consist of the child's Treatment Plan and a reasonable quantity of tasks and activities derived from the resources and needs of the community. Strategies shall identify incentives for program compliance and sanctions for noncompliance. The youth participant must consent in writing to the prescribed Healing Strategy.

#### **SECTION 308. HEALING CIRCLE**

The Healing Circle shall meet, at a minimum, every other week for one hour to review the participant's Healing Strategies. The Healing Circle may meet at any other time the Circle determines necessary (a majority of the Circle shall be required to hold a special meeting, unless, the request is made by all youth members of the Circle).

#### **SECTION 309. PROGRAM COMPLIANCE**

(A) Mentors – Mentors shall help to execute individual Healing Strategies. Each individual participant shall be assigned to a mentor. Mentors will serve as the primary liaison between the Healing Circle and the participant. Mentors are responsible for the individual monitoring of the participant to ensure compliance with and completion of the individual treatment plan determined by the Healing Circle pursuant to this Chapter.

(B) In addition to such duties as determined by the Peacemaker Program Peacemaker and Compliance Officer, mentors, as part of ensuring compliance, shall meet with individual participants on a regular basis, at least once a week. In addition, mentors will confirm the participant's attendance and participation in the programs and activities assigned by the Healing Circle. Mentors will monitor the participant's progress and make such progress reports available to the tribal compliance officer and at all meetings with the Healing Circle as well as at completion ceremonies or feasts.

(C) Mentors shall be recruited and provided training for subsequent work with program participants on an individual basis. Mentors will participate in program orientation and other training as coordinated by the Peacemaker Program.

(D) Mentors must be fingerprinted and pass a thorough background check.

#### **SECTION 310. NONCOMPLIANCE, EXPULSION OR RELEASE**

(A) If the child fails to comply with program requirements, the Healing Circle shall determine what further action is necessary, including any modification of Healing Strategy or other program requirements, expulsion, or a recommendation for a formal adjudication before the Tribal Court.

(B) The Peacemaker Program Peacemaker, Court Clerk and Compliance Officer shall develop appropriate policies and procedures to implement this section, including assisting the Healing Circle develop operational policies and procedures to be affirmed by both the Chief Judge and the Tribal Council.

#### **SECTION 311. COORDINATION WITH OTHER AGENCIES, INDIVIDUALS, GROUPS**

All other individuals and groups, including tribal social welfare agencies, involved in a participant's Healing Strategy shall make all reasonable and necessary efforts to ensure the participant's successful completion of the program. Such efforts may include informing the assigned mentors or Healing Circle of potential services or of absences and other forms of compliance or noncompliance. Coordinating agency personnel may also make recommendations for modification of the participant's treatment plan to the Healing Circle or to the participant's mentor.

#### **SECTION 312. HEALING STRATEGY COMPLETION**

Once the participant successfully completes his or her individual Healing Strategy to the satisfaction of the Healing Circle, the participant will be honored at a community feast that shall be held in the community to recognize the accomplishments of that participant and those community members, family and friends who have helped in the Healing Circle process.

#### **SECTION 313. CULTURAL RESOURCE BOARD**

The Cultural Resource Board is hereby established and shall be composed of Pit River community members to be appointed by the Tribal Chairperson. The Board will identify Pit River cultural healing services that can be integrated into the Peacemaker Program. The Cultural Resource Board shall



consist of, but be not limited to spiritual leaders, skills trainers, artists, craftspeople, fishers, various tribal program staff, and tribal members.

#### **ARTICLE IV. MOTIONS DIRECTED AT PEACEMAKING**

##### **SECTION 401. MOTION TO RESIST PEACEMAKING**

For good cause any party may make a Motion to Resist Peacemaking. A Motion to Resist Peacemaking may be made at any time prior to, or during peacemaking, based on any of the following grounds:

- (A) Lack of jurisdiction over the subject matter of the juvenile proceeding,
- (B) Lack of jurisdiction over the person,
- (C) Improper venue,
- (D) Insufficiency of process
- (E) Insufficiency of service of process.
- (F) Any cause that would make the convening of peacemaking unjust or constitute a violation of any of the legal rights of the parties.

##### **SECTION 402. MOTION FOR DIFFERENT PEACEMAKER**

A party may make a Motion for a different Peacemaker based on conflicts of interest or for a showing of any other good cause that makes the assigned peacemaker inappropriate.

##### **SECTION 403. MOTION TO BE EXCUSED FROM PEACEMAKING**

Any person other than a party to the juvenile proceeding compelled to participate in peacemaking may file a Motion to be Excused from Peacemaking and shall be excused upon a showing of good cause.

##### **SECTION 404. PROTECTIVE ORDERS**

A party having a complaint against a peacemaker or about the peacemaking process shall first seek to resolve the matter with the peacemaker. If this effort does not resolve the matter, any party or other participant in peacemaking may make a motion to the court for a protective order ending the peacemaking process or putting limitations upon it. The grounds for a protective order shall include, but not be limited to:

(A) Harassment by a peacemaker, or by another which is not properly handled by or under the control of the peacemaker.

(B) Invasion of personal privacy to an unreasonable extent,

(C) Conduct by the peacemaker in the peacemaking process which is degrading, inhumane, dangerous, assaultive, contrary to the laws or traditions of the Tribe or the Indian Civil Rights Act of 1968, or otherwise violative of basic human rights.

(D) Any ground for which a protective order could be issued under the discovery rules followed by the Court the proceeding was initiated.

## **ARTICLE V. APPEALS**

### **SECTION 501. STANDARD OF REVIEW**

The findings of fact made by the Children's Court shall not be overturned unless clearly erroneous. All questions of law shall be reviewed de novo.

### **SECTION 502. RECORD COPIES AND COSTS**

For purposes of appeal, a copy of the record of the proceedings shall be made available to the child and his or her parents, guardian, guardian ad litem, or custodian, or counsel for any such party. Costs for obtaining this record shall be paid by the party seeking the appeal.

### **SECTION 503. TIME LIMITS**

Except where otherwise provided by Tribal law, any party seeking to appeal must file a notice of appeal within 30 court business days of disposition. The appeal shall be governed by applicable Tribal rules of appellate procedure and shall be heard at the earliest practicable time.

[Merchant Disclosure](#)