

RESOLUTION

WHEREAS, the Nez Perce Tribal Executive Committee has been empowered to act for and on behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and Bylaws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

WHEREAS, Article VI, Section 1, of the Revised Constitution and Bylaws of the Nez Perce Tribe (Tribe) provides that the affairs of the Tribe shall be administered by the Nez Perce Tribal Executive Committee (NPTEC); and

WHEREAS, the NPTEC has a responsibility under the Tribal Constitution to promote and protect the health, education, and general welfare of the members of the Tribe; and

WHEREAS, the current tribal code does not allow for protection orders or restraining orders for any person who does not have an intimate partner relationship; and

WHEREAS, this limitation leaves some victims of violence without protection; and

WHEREAS, to address this limitation, NPTEC is advocating the proposed amendments to the Nez Perce Tribal Revised Code (NPTrC), Title 5 Juveniles and Dependents, specifically, Chapters:

2-20 Rules of Civil Procedure 63(e);
5-75 Protection Orders;

WHEREAS, chapter 2-20, Rules of Civil Procedure, Rule 63(e) will allow Full Faith and Credit to be moved and addressed in the the proposed chapter 5-75; and

WHEREAS, chapter 5-75 will be adding an entirely new section specifically to allow protection orders for victims who do not have an intimate partner relationship; and

WHEREAS, the safety of the community is paramount, and the NPTEC has the authority pursuant to Nez Perce Tribal Code § 1-4-3 to amend the NPTrC regarding Protection Orders under Title 5 Juveniles and Dependents, by emergency action, if "NPTEC determines that prompt action is necessary for the preservation of life, health, property, order or natural resources;" and

NOW, THEREFORE, BE IT RESOLVED, that this is an emergency code amendment, the NPTEC does hereby approve the amendment to the NPTrC adding Chapter 5-75 Protection Orders under Title 5 Juveniles and Dependents; and

BE IT FURTHER RESOLVED, that such amendment shall be adopted immediately, on an emergency basis as set forth in Chapter 1-4, Amendment of the Code; and

BE IT FINALLY RESOLVED, that the NPTEC Chairman and Secretary are hereby authorized to sign all necessary correspondence and the NPTEC Treasurer is hereby authorized to disburse funds accordingly.

CERTIFICATION

The foregoing resolution was duly adopted by the Nez Perce Tribal Executive Committee meeting in Regular Session, April 9, 2024, in the Richard A. Halfmoon Council Chambers, Lapwai, Idaho, a quorum of its Members being present and voting.

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman