

**TITLE 3 – COURTS AND RULES OF COURT
PART I – COURTS
CHAPTER 1-1 – JURISDICTION**

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Amended on December 18, 2013 by Resolution No. C12-289-13 and Ord. No. 20-13.

Section 10 Judicial Power (3 PYTC § 1-1-10)

- (A) The judicial power of the Pascua Yaqui Tribal Court shall be vested in one Court of Appeals and such other inferior Courts as the Pascua Yaqui Tribal Council may from time to time establish.
- (B) The Pascua Yaqui Tribal Court shall have jurisdiction over all offenses enumerated in the Tribal Code when committed by any person within the exterior boundaries of the Pascua Yaqui Reservation.
- (C) The Tribal Court of the Pascua Yaqui Tribe may exercise subject matter and personal jurisdiction over civil actions on any basis consistent with the inherent sovereignty and the Constitution and laws of the Pascua Yaqui Tribe.

Section 20 Jurisdiction (3 PYTC § 1-1-20)

- (A) Except where limited by Federal Law or Pascua Yaqui Law, the jurisdiction of the Pascua Yaqui Tribal Courts shall extend to:
 - (1) All persons natural and legal of any kind; and to
 - (2) All subject matters which, now and in the future, are permitted to be within the jurisdiction of any Tribal Court of any Indian tribe recognized by the United States of America.
- (B) Any person entering within the boundaries of this Reservation becomes subject to the Laws and Regulations of the Reservation.
- (C) Any person or entity whether a member or non-member of the Pascua Yaqui Tribe submits to the jurisdiction of the Pascua Yaqui Tribe by any of the following acts:
 - (1) Presence, domicile or residence on the Reservation.
 - (2) Membership in Tribe.
 - (3) Consent, whether by contract, implication or otherwise, including marriage to a tribal member.
 - (4) Appearance in Tribal Court, other than a special appearance for the sole purpose of contesting jurisdiction.

- (5) Contracting or attempting to contract to insure any person, property or risk located within the Reservation.
 - (6) Doing business or attempting to business on the Reservation, including entering or attempting to enter into a contract for the sale, lease, or purchase of any property or services, when such contract is entered into or is to be performed within the exterior boundaries of the Reservation.
 - (7) Using or attempting to use or purchasing or attempting to purchase any resource or service of the Tribe or the Reservation.
 - (8) Engaging in an act on the Reservation.
 - (9) Causing a foreseeable effect on the Reservation by an act or omission elsewhere.
 - (10) Ownership, use, or possession of real or personal property on the Reservation.
 - (11) Committing any tortuous act on the Reservation.
- (D) Tribal Court jurisdiction shall extend to corporations, partnerships, associations, and governmental entities as well as to natural persons and the word person as used in this chapter includes all of the above.

Section 30 Juvenile Court Jurisdiction (3 PYTC § 1-1-30)

- (A) The Juvenile Court shall have exclusive original jurisdiction of all proceedings arising under Title 5, Chapter 7.
- (1) In all children's matters arising off the Pascua Yaqui Reservation which are referred to under the Indian Child Welfare Act (25 U.S.C. §1901 et seq.).
 - (2) In all matters where a minor has been alleged to be a juvenile offender unless the Juvenile Court transfers jurisdiction to the Tribal Court pursuant to Rules of Juvenile Court, Rule 60.
 - (3) Over adults in any case properly before the Juvenile Court, whether that adult is Indian or non-Indian within the Reservation to facilitate the handling of children's cases. Such jurisdiction includes, but is not limited, to the power to compel attendance at Court or other proceedings related to the dispositions of a child's case, to impose restrictions, conditions and requirements relating to care, guardianship and/or control of a child.
 - (4) For the termination of parental rights.
 - (5) For the adoption of a juvenile.
 - (6) To determine custody of or to appoint a custodian or guardian for a juvenile.
 - (7) For the commitment of a mentally retarded or mentally ill juvenile.
 - (8) To authorize the marriage of a minor who does not have a parent or guardian or when a parent or guardian refuses to consent, when the law requires consent to the marriage by parent or guardian.
- (B) Jurisdiction obtained by a Juvenile Court over a child is retained until terminated by any of the following situations:

- (1) The juvenile becomes an adult, except where a juvenile becomes an adult during the pendency of proceedings in the Juvenile Court.
 - (2) When the Juvenile Court enters an order terminating jurisdiction.
- (C) Territorial Jurisdiction.

The Juvenile Court may hear child custody matters involving Pascua Yaqui children wherever they may arise. The Court may decline jurisdiction in appropriate circumstances where a forum with concurrent jurisdiction is exercising its authority. The Juvenile Court shall have jurisdiction over non-Pascua Yaqui child custody matters arising within the boundaries of Pascua Yaqui Indian country when the best interests of the juvenile require. The Juvenile Court shall have exclusive jurisdiction over any Pascua Yaqui juvenile who resides or is domiciled within the borders of Pascua Yaqui Indian country or who is a ward of the Juvenile Court.

Section 40 Concurrent Jurisdiction (3 PYTC § 1-1-40)

With respect to any of the offenses enumerated in this Code over which federal or state Courts may have lawful jurisdiction, the jurisdiction of the Tribal Court shall be concurrent. The Tribal Court may order delivery to the proper authorities of the state or federal Government or of any other tribe or reservation, for prosecution, any offender, there to be dealt with according to law or ordinances authorized by law, where such authorities consent to exercise jurisdiction lawfully vested in them over the said offender.

Section 50 Territorial Jurisdiction (3 PYTC § 1-1-50)

- (A) The Pascua Yaqui Reservation includes all territory within the Reservation boundaries, including fee patented land, rights of ways, roads, water, bridges, land used for school, churches, agency purposes, and any other lands that may be added.
- (B) Any person entering within the boundaries of this Reservation becomes subject to the Laws and Regulations of the Reservation.

Section 60 Notice Required (3 PYTC § 1-1-60)

- (A) The Tribal Court shall not exercise jurisdiction over any person unless the person has been given notice of the proceedings as required by Pascua Yaqui law.
- (B) The Tribal Court shall provide timely notice to any person detained by order of the Tribe pursuant to 25 U.S.C. 1304 of his or her right to file in a court of the United States a petition for writ of habeas corpus and a petition to stay his or her further detention.
- (B) There shall be erected at all entrances to the Pascua Yaqui Reservation, a sign informing the general public of their consent to the Tribal jurisdiction upon entering the Reservation.

Section 70 Sovereign Immunity (3 PYTC § 1-1-70)

Nothing in this Title shall be construed to affect a waiver of sovereign immunity of the Pascua Yaqui Tribe, its enterprises, divisions or other entities, or of its employees or officials.

DISPOSITION TABLE

Former Section	New Section
Title 1, Ch. 1, Sec. 1.4	Section 10
NEW	Section 20
Title 1, Ch. 1, Sec. 1.1	Section 30
Title 1, Ch. 1, Sec. 1.2	Section 40
Title 1, Ch. 1, Sec. 1.3	Section 50
NEW	Section 60
NEW	Section 70