

Coquille Indian Tribal Code
Part 3 - Human Services
Chapter 350 - Emancipation Ordinance

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350.010 Purpose

The purpose of this Ordinance is to provide for any Indian child who is a resident or is domiciled on the Coquille Reservation or any child who is a member of the Coquille Indian Tribe and is at least sixteen (16) years of age, (a "Qualifying Child") is capable of self-support and managing his/her own financial affairs, to petition the Court to have the status of an emancipated person for limited or general purposes.

350.020 Jurisdiction and Background

The Tribal Court has established jurisdiction over certain juvenile matters, by ordinances currently codified at CITC Chapters 640 through 643. The Tribal Court

350.200 Who May Petition

A Qualifying Child may file an emancipation petition in his/her own name.

350.300 Contents

The petition for emancipation shall state:

1. The name, age, address and birth date of the Qualifying Child;
2. The name and address of each living parent of the Qualifying Child;
3. The name and address of the Qualifying Child's guardian or custodian, if any;
4. The reasons why emancipation would be in the best interest of the Qualifying Child;
5. The purposes for which emancipation is sought;
6. The income and housing plan the Qualifying Child;
7. How the Qualifying Child would pay for medicine and health care costs through insurance or other programs, if emancipated; and
8. Whether the Qualifying Child is married.

350.350 Consent or Written Recommendation

The Qualifying Child must obtain either the consent of each living parent, guardian or custodian having control of the person or property of the Qualifying Child or an affidavit from the Coquille Tribal Social Services Department or other appropriate service provider recommending emancipation and setting out the factual basis for the recommendation.

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350.400 Standard to Be Applied

Subject to the provisions of this Ordinance, the court may remove the disabilities of minority as requested in the petition if found to be in the best interests of the Qualifying Child, after a hearing. Emancipation may be for general purposes or the limited purposes specified in the order.

350.500 Rights of Emancipated Child

Except for specific constitutional and statutory age requirements, including but not limited to, voting, General Council membership and use of alcoholic beverages or tobacco, a Qualifying Child whose disabilities are removed for general purposes has the power and capacity of an adult including, but not limited to the right to control himself / herself and his/her property, the right to be domiciled where he/she desires, the right to receive and control all earnings, the right to sue and to be sued, and the capacity to contract.

350.985 Sovereign Immunity

Nothing in this Ordinance waives the sovereign immunity of the Coquille Indian Tribe or any of its representatives, officers or employees.

350.990 Severability

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this ordinance shall remain in full force and effect.