

Chapter 23. Service of Foreign Court Summons, Etc.

Legislative History

This Chapter of the Law & Order Code was enacted by the Tribal Council on February 25, 1989. It is to be effective JULY 1, 1989.

Sec. 1. Procedure for Recognition.

Before the service of any state or tribal court summons, subpoena, or other moving or responding document in a court other than the Fort McDermitt Tribal Court, except any Federal court, shall be deemed effective service of process, such summons, subpoena, etc., shall be approved for service by a judge of the Fort McDermitt Tribal Court. Failure to have such document or documents approved in the manner set forth shall render such service of process ineffective.

Sec. 2. Procedure for Service of Leal Documents within the Borders of the Fort McDermitt Paiute-Shoshone Reservation.

- (a) That all document proposed for service that have been issued by a court in any jurisdiction other than the Fort McDermitt Paiute-Shoshone Tribe must first be delivered to the Clerk of Court for review;
- (b) That the document must state that the person upon whom service is requested is located within the exterior boundaries of the Fort McDermitt Paiute-Shoshone Reservation and must state the name and address of that person;
- (c) That the Clerk shall present the document to the Chief Judge of the Fort McDermitt Paiute-Shoshone Tribal Council who shall either authorize or deny service of the document within the Fort McDermitt Paiute-Shoshone Reservation;
- (d) That any document that is not approved for service by the Chief Judge as evidenced by an official stamp of the Fort McDermitt Paiute-Shoshone Tribal Court on the face of the document, shall not be served within the exterior boundaries of the Fort McDermitt Paiute-Shoshone Reservation;
- (e) That if a document is approved for service, only law enforcement officers who are assigned to the Fort McDermitt Paiute-Shoshone Tribe shall be authorized to serve such documents;
- (f) That any service of process that does not meet the requirements of this ordinance shall be defective services.

Sec. 3. Severability.

Should any section of this chapter be disapproved by the Secretary of the Interior, in accordance with the Constitution, or be found unconstitutional or in violation of tribal or federal law by any court of competent jurisdiction, such declaration shall not affect the remaining terms or sentences of any section or the remaining sections of the chapter.