

GLOSSARY OF QUECHAN TRIBAL COURT TERMS

ADJUDICATORY HEARING: “Adjudicatory hearing” means a hearing to determine whether the allegations of an offender complaint are supported by the evidence.

AFFIDAVIT: A voluntary declaration of facts written down and sworn to by the declarant before an officer authorized to administer oaths, such as a notary public.

ALIMONY: See Spousal Maintenance.

ANNULMENT: A declaration that a valid marriage never existed.

APPEAL: Legal process used to ask a higher court to review a decision made in a legal matter from the trial court.

APPELLANT: The party appealing to an appellate court from a decision of a trial court.

ARREARAGES (ARREARS): Unpaid child support/spousal maintenance payments owed by a person who is obligated to pay.

CASE: Refers to a legal dispute brought into court.

CERTIFIED COPY: A copy of a document or record signed and certified as a true copy by an authorized person.

CHANGE OF VENUE: The transfer of a case from one locale to another court in the same judicial system to cure a defect in venue, either to minimize the prejudicial impact of local sentiment or to secure a more sensible location for trial.

CHILD SUPPORT: The legal obligation of a parent to pay money toward the care and maintenance of his/her child (ren).

CHILD SUPPORT GUIDELINES: A formula to determine the child support amount based upon gross income of both parents. The child support worksheet must be submitted to the court.

CIVIL: “Civil” refers to all noncriminal issues, matters, subjects, cases and controversies.

CLERK: “Clerk” shall mean the Tribal Court Clerk, who may be functioning as a clerk for the Quechan Trial Division, Quechan Supreme Court, or Juvenile Court, as indicated by the context.

CODE: “Code” shall mean the Law and Order Code of the Quechan Indian Tribe (QLOC), comprising Titles 1 through 13, together with all amendments, additions, or modifications that may be enacted from time to time by the Tribal Council.

CONSTITUTION: “Constitution” or “Quechan Constitution” shall mean the Amended Version, Constitution of the Quechan Indian Tribe as approved by the Secretary of the Interior on November 18, 1974.

CRIMINAL: “Criminal” refers to those offenses under the Law and Order Code of the Quechan Indian Tribe (QLOC) and any other ordinance of the Tribe for which, upon conviction, a person may be subject to a fine or imprisonment, or other, and to the cases involving such alleged offenses and to the procedures for their trial or other disposition. Refer to the Law and Order Code of the Quechan Indian Tribe (QLOC) Title 13 Section 13-105 for definitions of terms.

CROSS-EXAMINATION: The questions which are put to the opposing party and his witnesses.

CUSTODY ORDER: An order entered by the court which states which parent the child (ren) will live with.

- a) Joint Custody – Both parents share important decisions about their child (ren).
- b) Sole Custody – One parent is responsible for important decisions regarding the child (ren) living with them.
- c) Custodial Parent – Parent with legal custody and with whom the child lives.
- d) Non-custodial Parent – Parent who does not have primary custody of a child but who is responsible for financial support.
- e) Primary Residential Parent – In joint custody agreements a term which indicates the parent with whom the child (ren) live most of the time.

DECREE: Final order ending a marriage signed by the judge and filed with the Clerk of the Court.

DEFENDANT: A person sued in a civil proceeding or accused in a criminal proceeding.

DEFERRED FEES: Court fees which must be paid at a later date.

DELINQUENT ACT: “Delinquent act” means an act committed by a minor that, if it were committed by an adult, would be designated a crime under the Law and Order Code of the Quechan Indian Tribe (QLOC).

DETENTION: “Detention” means placement in a physically restrictive facility.

DISPOSITION: An orderly and final arrangement of pending matters.

DOCKET: A formal record entered in brief of the proceedings in a court of justice.

EXHIBIT: A document, record, photograph, letter, or other tangible object introduced as evidence in a trial.

FEES: Monies the court is required to collect. In accordance with Quechan Law and Order Code §5.1.4., fees are set by the Chief Judge. The Chief Judge may waive all or part of the filing fee upon the plaintiff/petitioner’s showing of undue hardship. A Waiver of Fee Application must be completed.

FILED: The act of delivering a document to the Clerk for processing and placement in the hard copy file.

INDIAN: “Indian” shall mean any person who is a member of any federally recognized Indian tribe at the time of the event.

INJUNCTION: An “injunction” is a Trial Division order in a civil case requiring the party to whom it is directed to do or refrain from doing a particular thing, either for a limited period or permanently.

JUDGE: “Judge” means any Tribal Court judge, including the Chief Judge, judges pro tem and special judges.

JUDGMENT: A decision by a court which established the rights of the parties in an action or proceeding.

JUVENILE COURT. “Juvenile Court means the court of that name established under the provisions of the Law and Order Code of the Quechan Indian Tribe (QLOC), the judges of that court, collectively and individually, serving and acting in that office and capacity. The Juvenile Court is the court in which all juvenile offender matters are heard, unless referred to the Trial Division pursuant to the provisions of Title 5, and all other matters involving minors that may be assigned to that court pursuant to tribal law.

LEGAL SEPARATION: A court order establishing the terms of custody, support, etc. under which a married couple will live.

MINOR CHILDREN: Children who are under the age of 18. As defined in the Law and Order Code of the Quechan Indian Tribe (QLOC), Section 6.2.8., a “minor” is (a) an Indian person under eighteen (18) years of age; or (b) an Indian person eighteen (18) years of age or older who has been arrested or against whom a juvenile offender petition has been filed in the Juvenile Court prior to his eighteenth birthday; or (c) an Indian child eighteen (18) years of age or older who is under the continuing jurisdiction of the Juvenile Court.

MINUTE ENTRY: An official record of what takes place in court made available to the parties.

MOTION: A formal written request to the Court asking that a specific action be taken.

OBJECTION OVERRULED: This term means that, in the judge’s opinion, the objection is not well taken under the rules of law.

OBJECTION SUSTAINED: This means that the judge agrees that, under the rules of law, the objection was well taken.

OBLIGEE: Person to whom support is owed.

OBLIGOR: Person order to pay support.

ORDER OF ASSIGNMENT (Wage Assignment): An order from the court directing that deductions be taken from wages for current or past-due child support or spousal maintenance.

PARTY: “Party” shall mean any person who is a participant, or involved in, or the subject of or to, whether active or inactive, voluntary or involuntary, including one made a party by the action of another person, in or

to any case, trial, hearing, controversy, matter, relationship, or proceeding that is governed by the Law and Order Code of the Quechan Indian Tribe (QLOC).

PERSON: “Person” shall mean any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, association, society, political entity, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise; provided, however, that the term does not include the federal government and any agency thereof, the government of the Tribe and any governmental entities of the Tribe, or any of the above listed forms of business entities that are wholly owned or operated by the Tribe.

PETITION: A request to the court to take action.

PETITIONER: The party who files a petition with the court.

PLAINTIFF: The party who files a complaint with the court.

PRELIMINARY INJUNCTION: A “preliminary injunction” is an injunction issued after five (5) days’ written notice to the parties and an opportunity to be heard has been afforded to the parties but before a final determination of the legal rights of the parties. A preliminary injunction automatically expires when a final determination is made.

PROBATE: The act of proving a will is genuine, usually done before the judge or clerk of the probate court by witnesses.

PRO PER (Pro Se): A person who does not hire a lawyer and appears for himself/herself in court.

PROPERTY: “Property” shall mean realty and personalty, of whatever nature, including fixtures, money, claims, intangible rights and interests in property.

QUECHAN SUPREME COURT: “Quechan Supreme Court” or “Supreme Court” means the court of that name established under the provisions of Title 2 of this Code, and the judges of that Court, collectively and individually, serving and acting in that office and capacity. The Quechan Supreme Court is the court of last resort to which appeals may be taken from the Trial Division. The judicial decisions of the Quechan Supreme Court are final and are not subject to further appeal.

RESERVATION: “Reservation” shall mean the Fort Yuma Indian Reservation established by the Executive Order of January 9, 1884, as modified by the Executive Order of December 19, 1900, including all lands, islands, waters, roads, and bridges, or any interests therein, whether in trust or non-trust status and notwithstanding the issuance of any patent or right-of-way.

RESPONDENT: The party who received any document requesting action by the court.

SPOUSAL MAINTENANCE (Alimony): A court-ordered allowance that one spouse pays to the other spouse for maintenance and support while they are separated, while they are involved in a matrimonial lawsuit, or after they are divorced. Spousal Maintenance payments are taxable income to the receiving spouse and are deductible by the payor spouse.

STIPULATION: A written agreement signed by both parties or counsel.

SUBPOENA: The document which is issued by the court for service upon a witness to compel his appearance in court.

SUBSEQUENT EMPLOYER: Refers to any employer other than the first employer of an Obligor upon whom an Order of Assignment has been served. A subsequent employer must honor the order of assignment as the first employer did.

SUPPORT ORDER: A court decree requiring a party (especially one in a divorce or paternity proceeding) to make payments to maintain a child or spouse, including medical, dental, and educational expenses.

TEMPORARY RESTRAINING ORDER: A “Temporary Restraining Order (TRO)” is issued without formal notice to other parties and is effective for only five (5) days pursuant to Quechan Law and Order Code Section 5.6.4.D. It may be extended upon petition until a hearing is held to determine the propriety of granting a preliminary injunction

TRIAL DIVISION: “Trial Division” means the court of that name established under the provisions of Title 2 of this Code, and the judges of that Court, collectively and individually, serving and acting in that office and capacity. The Trial Division is the court of general jurisdiction.

TRIBAL COUNCIL OR COUNCIL: “Tribal Council” or “Council” shall mean the Tribal Council of the Tribe existing and functioning pursuant to the Constitution.

TRIBAL COURT OR TRIBAL COURT SYSTEM: “Tribal Court” or “Tribal Court System” shall mean all of the courts established under the Law and Order Code of the Quechan Indian Tribe (QLOC).

TRIBE AND TRIBAL: “Tribe” shall mean the Quechan Indian Tribe, recognized by the federal government and operating pursuant to the Constitution, and “tribal” shall mean belonging or pertaining to the Tribe.

VISITATION: The amount of time established by the court that the child(ren) spends with the non-custodial parent or grandparents.

WAGE ASSIGNMENT: See Order of Assignment

WAIVED FEES: Court fees which are not required to be paid because of the financial condition of the party.