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IN THE TRIAL COURT

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IN THE TRIAL COURT  
CHEYENNE AND ARAPAH0 TRIBES  
P.O. BOX 102  
CONCHO, OKLAHOMA 73022

IN RE:

OFFICIAL COURT RULES FOR THE CIVIL  
DOCKETS AND PROCEEDINGS OF THE  
TRIAL COURT OF THE CHEYENNE AND  
ARAPAH0 TRIBES

No. TC-AD-2025-0002

**CIVIL DOCKET – COURT RULES**

**NOW**, on this 30<sup>th</sup> day of July, 2025, the Court adopts the following Official Court Rules for the Civil Dockets and Proceedings of the Trial Court of the Cheyenne and Arapaho Tribes (Attached) to govern all civil matters set before the Cheyenne and Arapaho Trial Court. All parties shall comply with the obligations of these Court Rules and failure to do may result in sanctions, including but not limited to, default judgment, dismissal, or any other relief as justice so requires.

**SO ORDERED** this 30<sup>th</sup> day of July, 2025.



Associate Judge Austin R. Vance  
Cheyenne and Arapaho Trial Court

IN THE TRIAL COURT  
CHEYENNE AND ARAPAHO TRIBES  
P.O. BOX 102  
CONCHO, OKLAHOMA 73022

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OFFICIAL COURT RULES FOR THE CIVIL )  
DOCKETS AND PROCEEDINGS OF THE ) No. TC-AD-2025-0002  
TRIAL COURT OF THE CHEYENNE AND )  
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CIVIL DOCKET – COURT RULES

**Rule 1. Scope and Purpose**

- A. **Scope.** These rules govern all civil actions, proceedings, and dockets before the Cheyenne and Arapaho Trial Court, including:<sup>1</sup>
- i. The Motion Docket (the first three Wednesdays of the month);
  - ii. The Foreign Judgment Docket (the 2nd Friday of the month);
  - iii. The Annual Review Docket (the 4th Wednesday of the month);
  - iv. Other specially set civil hearings; and,
  - v. Any other civil matters.
- B. **Purpose.** The purpose of these rules is to ensure the efficient, just, and prompt resolution of civil disputes, utilizing the procedures outlined in the Cheyenne and Arapaho law and to fulfill the command of the Cheyenne and Arapaho Constitution and Legislature.<sup>2</sup> They shall be interpreted to ensure justice, fairness, and the protection of individual rights, consistent with the Cheyenne and Arapaho customs and laws.

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<sup>1</sup> Docket Schedule subject to change or alternative setting dates due to holidays recognized by the Tribes, emergency situations, or for any other cause as approved by the Court. Law and Order Code, Courts - Section 115. Motion Day (“Unless conditions make it impractical, the District Court shall establish regular times and places, at intervals sufficiently frequent for the prompt dispatch of business, at which motions requiring notice and hearing may be heard and disposed of; but the Judge at any time or place, and on such notice, if any, as he considers reasonable, may make orders for the advancement, conduct, and hearing of actions, or, the Court may make provision by rule or order for the submission and determination of motions without oral hearing upon brief written statements of reasons in support and opposition.”).

<sup>2</sup> “The Associate Judge of the Court who presides over civil matters, shall establish by court rule a system for monitoring the filing of annual reports and inventories required by this Act for the purpose of assuring that the court will be notified of annual and bi-annual reports as they fall due and whether said reports are filed.” Guardianship Code § 8.704 (G).

## **Rule 2. Self-Representation.**

- A. **Compliance with Law.** Parties representing themselves are common before the Court. Like an attorney, parties representing themselves are expected to know the laws of the Cheyenne and Arapaho Tribes as well as the Rules of this Court.
- B. **Presenting Your Case.** Here are a few tips when representing yourself:
- i. **Relevance:** Only present evidence that is directly related to the legal issue before the Court. The judge may cut you off early if you begin discussing irrelevant topics.
  - ii. **Admissibility:** Ensure that your evidence complies with the Cheyenne and Arapaho rules of evidence. Hearsay or irrelevant information may be excluded. It is the party's responsibility to ensure the evidence and witnesses they need to prove their case are present.
  - iii. **Written Communication and Non-Testimonial Evidence:** The Court is often asked to determine disputes based on verbal statements an opposing party or hostile witness previously made. Often, however, written communications or other non-testimonial evidence bring more clarity to any given dispute than the proverbial "he said, she said." The Court, consequently, encourages parties to reflect on how to best present their case to the Court considering the undersigned judge was not present at the time the dispute occurred.
  - iv. **Organization:** Have copies of all documents organized and ready to present. If you are presenting a document that can be copied in Court, you are expected to have enough copies for the parties, the Court, and an original to be filed in the Court record.
  - v. **Clarity:** Clearly articulate your legal arguments and the relief you are seeking. Reference relevant laws, statutes, or case law to support your position.
  - vi. **Deadlines:** The biggest mistakes self-represented parties make usually concern missing deadlines. Make sure that you are complying with any statutes of limitation, answer or response deadlines, and appear at Court when ordered. Additionally, be sure any requests for additional time are filed with the Court before the deadline occurs!
- C. **Motions and Hearings.** Self-represented parties are encouraged to file motions to ensure their concerns, including any legal disputes, are heard by the Court. While the Court may intermittently schedule hearings itself, **the primary method for bringing any matter before the Judge for consideration is by filing a motion**, even if it is simply styled as a "Motion to Set Hearing." Once the Motion is filed, it is the moving party's responsibility to (1) verify with the Court Clerks that the Motion has been set for a hearing, and (2) ensure notice was properly sent to all interested parties. Additionally, parties should note:

- i. Motion Requirements. Parties must ensure that their pleadings, motions, and other papers filed with the Court are consistent with the requirements of Cheyenne and Arapaho laws as required for the relief required; however, a written motion will generally: (a) State facts and law supporting the request; (b) State the request, relief, or order sought; and, (c) Be signed.
  - ii. Civil Motion Docket Set. Motions filed with the Court shall be set to be heard on the Motion Docket, which shall usually be held every Wednesday of the Month; provided that, the last Wednesday of the Month shall also serve as the Court's Annual Review Docket.
- D. **Courtroom Etiquette.** All Parties, witnesses, and other individuals appearing before the Cheyenne and Arapaho Trial Court are subject the following rules of courtroom etiquette:
- i. Anyone appearing before the Court shall conduct themselves in a respectful manner. During any formal proceeding, witnesses and parties are "sir", "ma'am", or another formal title or name, if requested by the person. The Court shall be referenced as your "Honor" or the "Court" during formal proceedings.
  - ii. There is no formal dress code for Court for parties or witnesses.
  - iii. As this is a Court of record, speaking over each other is not permitted; however, interruption is permitted for emergent objections, such as preventing disclosure of privileged material or to asserting a right against self-incrimination.
  - iv. Any person instructed to leave the Courtroom shall comply immediately and without further comment. Note, the Court must largely rely on the facts provided by the parties to know who is permitted at confidential hearings. Please let the Court know immediately if you notice anyone you believe should not be present during a confidential proceeding so the Court can make that determination.
  - v. If appearing at Court in person, arrive fifteen (15) minutes before the time provided. If appearing at Court virtually, make sure you are fully logged in ten (10) minutes before the time provided. Fully logged in means your camera is turned on, your face is within frame, and your microphone is unmuted.
- E. **Seeking Legal Assistance.** The Court and the Court Clerks are prohibited from giving substantive legal advice. Harassing the Court or Clerks for such advice is a sanctionable offense. The Court Clerks may provide general information about procedures, forms, court dates, and other non-substantive legal issues. All parties are encouraged to consult with and/or retain licensed legal counsel to ensure their legal rights are competently protected.

**Rule 3. Sanctions and Contempt.**<sup>3</sup>

**A. Definitions.**

1. Contempt of Court: An act of disobedience or disrespect toward the court that obstructs the administration of justice or challenges the court's authority. Contempt can be categorized as:
  - a. Civil Contempt: Aimed at compelling a party to comply with a court order for the benefit of another party. It is coercive and remedial, allowing the contemnor to avoid penalties by complying with the court's order.
  - b. Criminal Contempt: Intended to punish past disobedience or disrespect to uphold the court's authority. It is punitive, resulting in fixed penalties that cannot be avoided by future compliance.
  - c. Direct Contempt: Occurs in the immediate view and presence of the court, or so near as to obstruct the administration of justice, and can be addressed summarily.
  - d. Indirect Contempt: Occurs outside the presence of the court and requires formal proceedings to establish proof of the contemptuous act.
2. Sanction: A penalty or disciplinary action imposed by the court to enforce legal obligations, punish misconduct, or deter improper behavior during legal proceedings. Sanctions are not limited to contemptuous conduct and can include fines, payment of costs, dismissal of claims, or other penalties deemed appropriate by the court.

**B. Duties Owed to the Court.** Parties, witnesses, and other individuals appearing before the Cheyenne and Arapaho Trial Court are subject to the following duties, rights, and obligations:

1. Duty of Candor. All individuals appearing before the Court must act truthfully and with candor, even when not under oath. Knowingly making false statements, misrepresentations, or omissions to the Court is strictly prohibited.
2. Protection of Judicial Process. All individuals are obligated to protect the Court from waste of judicial resources. Parties should consequently avoid (a) filing

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<sup>3</sup> The Civil Sanction procedure is premised the judiciary's inherent authority. See *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *E. Band of Cherokee Indians v. Long*, No. CR 00-242, 2002 WL 34536629, at \*2 (Eastern Cherokee Ct. July 12, 2002) ("Even absent an express grant of authority, trial courts have inherent authority to impose sanctions for willful failure to comply with the courts' rules."); *In re Seanez*, No. SC-CV-58-10, 2011 WL 221712 (Navajo Jan. 25, 2011) (Same).

repetitive or frivolous complaints or motions that have been previously resolved; (b) raising adjudicated issues without presenting new evidence or legal arguments; or, (3) harassing or vexatious litigation designed to oppress or delay proceedings.

3. Respect Court Clerks/Staff. The Court clerks and other staff are to be treated with courtesy. They are prohibited from giving substantive legal advice.
4. Compliance with Court Orders: Anyone subject to a valid Order of the Court is expected to comply with deliberate speed, unless otherwise properly challenging the ruling. Failure to appear for court pursuant to valid Court Order may result in issuance of a bench warrant.<sup>4</sup>
5. Compliance with Subpoenas:<sup>5</sup> Disobedience of a subpoena, or refusal to be sworn or to answer as a witness, when lawfully ordered, may be punished as a contempt of the Court or officer by whom his attendance or testimony is required.
6. Courtroom Etiquette. All individuals are obligated to conduct themselves in a manner consistent with the Courtroom Etiquette provided herein.

C. **Civil Sanctions Available.** The Court may exercise its inherent and express powers to impose one or more of the following sanctions for contempt or other misconduct:

1. Monetary Penalties & Seizure:<sup>6</sup> Fines payable and property deliverable to the Court may be seized.
2. Bench Warrant/Jail Time: For any person that fails to appear pursuant to a valid order, the Court may issue a bench warrant, order commitment to the tribal court holding cell, or issue other injunctive relief to compel attendance.
3. Payment of Costs and Fees: An offending party may be ordered to pay the Court or opposing party to cover reasonable expenses, including attorney's fees, incurred due to the misconduct.
4. Striking Pleadings: Striking all or part of the offending party's pleadings or motions to maintain the integrity of proceedings.
5. Dismissal or Default Judgment: Dismissing claims or defenses, or issuing a default judgment against the offending party for severe misconduct.

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<sup>4</sup> Law and Order Code, Section 324.

<sup>5</sup> Law and Order Code, Section 506.

<sup>6</sup> Law and Order Code Subpart B, Section 892.7. Punishment for Disobedience of Court: "Whenever, in the exercise of its authority, the Court shall have ordered the deposit or delivery of money or other thing, and the order is disobeyed, the Court, besides punishing the disobedience as for contempt, may make an order requiring the Chief of the Tribal Police to take the money, or thing, and deposit or deliver it, in conformity with the direction of the Court."



6. Other Appropriate Sanctions: Any other sanction deemed necessary by the Court to ensure compliance with the Court's Order, deter future violations, and maintain judicial integrity.

**D. Procedure for Civil Contempt or other Sanctions Hearing.**

1. Notice: Before imposing sanctions, the Court shall provide notice to the offending party regarding the alleged misconduct and potential sanctions.
2. Opportunity to Respond: The offending party will have an opportunity to respond and show cause why sanctions should not be imposed.
3. Hearing: At its discretion, the Court may hold a hearing to determine if sanctions are warranted.

- E. Referral for Criminal Contempt:**<sup>7</sup> If the sitting judge determines there is a colorable allegation for criminal contempt against any individual, the matter shall be referred to the Associate Judge of the Cheyenne and Arapaho Trial Court responsible for the Criminal Docket of the Tribes.

**Rule 4. Virtual Hearings and Home Study**

**A. Virtual Hearings.**

- i. Concurrent Streaming: Every hearing on the civil docket will be concurrently streamed via the video conference platform Zoom.
- ii. Virtual Appearance: Any of the parties, witnesses, and court personnel may appear virtually unless specifically ordered to appear in person.
- iii. Requirements for Virtual Appearance:
  - a. Participants appearing virtually are bound by the same rules as those appearing in person.
  - b. Participants must ensure their video and audio functions properly on the device used to access the hearing.

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<sup>7</sup> See generally *Chambers v. NASCO, Inc.*, 501 U.S. 32 (1991); *Chamberlain v. Hall*, No. CV 05-109, 2010 WL 11565098 (Ho-Chunk Trial Ct. July 30, 2010) ("The Ho-Chunk Nation, mindful that the Judiciary represents a fundamental aspect of Tribal sovereignty, recognizes that the Nation's Courts retain the inherent authority to exercise the power of contempt. The contempt power established herein will preserve the dignity and decorum of the Judicial Branch, secure compliance with orders and procedures, and protect the due process rights of those appearing before the Courts.");

- c. Participants should be fully logged in ten (10) minutes before the scheduled time, with the camera on, face within frame, and microphone unmuted.

**B. Virtual Home Study.**

- i. Clarification: A virtual home study is not a videoconference similar to a virtual hearing; instead, it involves submitting documents to the Court.
- ii. Submission Requirements: Guardians needing to submit documents to the Court for purposes of a virtual home study must include a photographic compilation of the prospective guardian's home, which shall include but not be limited to:
  - a. All rooms in the residence;
  - b. Fire extinguishers, smoke detectors, electrical outlet covers, or other safety devices;
  - c. The entire exterior of the home, including the yard; and,
  - d. All additional structures or water features located at the residence.

**Rule 5. Emergency Orders**

- A. **Timing:** In cases where emergency *ex parte* orders (including Protective Orders) are necessary, the Court shall set a hearing date within seventy-two (72) hours, notice shall be provided to the parties, and the hearing shall be held with all deliberate speed.
- B. **Notice:** All parties must be notified as quickly as possible, and failure to respond will not delay the hearing.
- C. **Reporting Requirements:** The emergency guardian shall file a report showing all actions taken during the emergency guardianship and shall make any other report the Court requires.
- D. **Emergency Placement:** If the Court finds it is in the best interests of ward to be removed from their current placement based on a verified emergency filing, the Court may appoint a temporary emergency guardian and/or placement for the limited purpose of ensuring the ward's immediate safety. Temporary emergency guardians may include appointing Cheyenne and Arapaho Social Services or an adult while their background checks are pending. See Guardianship Code. § 8.710.
- E. **Termination:** The Court will act with all deliberate speed to appoint a formal guardian and may terminate a temporary emergency guardianship at any time.



**Rule 6. Guardianships**

**A. Best Interests of the Ward:** In all cases involving the guardianship of minors or adults, the Court shall consider the best interests of the ward, including their mental and physical well-being, educational needs, and cultural practices.

**B. Background Check Requirements**

i. Guardianship of a Minor: Applicants seeking guardianship of a minor shall complete and submit to the Court the following background checks:

- a. National Fingerprint-Based Background Check;
- b. Statewide background check, including the Sex Offender Registration Act database; and,
- c. Child Abuse and Neglect Information System ("CANIS").

ii. Guardianship of an Adult: Applicants seeking guardianship of an adult shall complete and submit to the Court:

- a. National Fingerprint-Based Background Check; and
- b. Statewide background check, including the Sex Offender Registration Act database.

**C. Guardianship Plans**

i. Timing: Within ten (10) days after appointment, if not filed with the petition or submitted at the hearing, the guardian or limited guardian shall file with the Court, for its approval, a proposed plan for the care and treatment of the ward.

ii. Extension: Upon application, the Court may extend the time for filing the plan for not more than thirty (30) days.

iii. Approval: The Court may approve a plan without notice or hearing or may order modifications at the initial review hearing.

iv. Contents of the Guardianship Plan. The plan shall state:

- a. The services necessary to meet the essential requirements for the physical health or safety of the ward, considering any evaluation reports;
- b. The means for obtaining those services;
- c. The manner in which decision-making authority will be exercised and shared among the guardian, the ward, and any other appointed individuals;

- d. Any other services necessary to fulfill the needs of the ward, comply with dispositional orders, and fulfill the duties of the guardian.
- v. Additional Requirements for Minors with Intact Parental Rights. For guardianships of minors whose parents retain parental rights, the guardianship plan shall include:
  - a. A list of recommended services for the parents to complete to remedy safety threats identified in the petition; and
  - b. A visitation plan for the parents and minor, including specific dates, times, locations, and approved supervisors for visitations.
- vi. Virtual Home Study. Prior to the appointment of a guardian for a minor's person, the applicant must submit a virtual home study with their petition, and the Court may determine if a non-virtual home study is necessary, balancing the need to protect the best interests of the minor.

**D. Plans for Management of Financial Resources**

- i. Timing: Within two (2) months after appointment, unless submitted earlier, a guardian, limited guardian, or conservator of the property shall file with the Court for approval a proposed plan for managing the ward's financial resources, along with an inventory. Subsequent or modified plans shall be submitted as required.
- ii. The contents of Financial Plan shall state
  - a. The services necessary to manage the property under the guardian's control;
  - b. The means for obtaining those services;
  - c. The manner in which decision-making authority will be exercised and shared among the guardian, the ward, and any other appointed individuals;
  - d. Other services necessary to assist in managing the ward's property, fulfilling the ward's needs, and complying with dispositional orders.
- iii. For Minors Approaching Majority Assessment: Sixty (60) days before a minor reaches the age of majority, the guardian shall review the minor's account and assess whether supervision as an adult is needed.
- iv. Notification:
  - a. If supervision is not required as an adult, the guardian shall inform the minor of reaching the age of majority, current assets or accounts, their values, and how to access them.

- b. If continued supervision is necessary, the guardian shall notify the account holder in writing, and the account shall remain restricted, changing the designation from supervised minor to supervised adult.

**E. Reporting Requirements and Monitoring**

- i. Attendance: All guardians shall attend an annual review of the guardianship
- ii. Report Submission: Guardians shall submit annual and bi-annual reports detailing significant changes regarding the ward or their property, including:
  - a. Changes in the ward's residency;
  - b. Additional members residing in the home with the ward;
  - c. Summary of the ward's mental and physical health;
  - d. Substantial changes in the ward's estate assets;
  - e. Significant problems or actions taken relating to the guardianship; and,
  - f. For Minors: Reports should include information on the ward's education and any progress made by the parents concerning their court-ordered service plan.
- iii. Initial Inventory: Guardians shall file an inventory of the ward's estate within two (2) months after appointment. The Court may extend the time for good cause. If additional property is discovered, the guardian shall promptly amend the inventory and refile it.
- iv. Annual Accountings: Guardians shall present accounts whenever required by the Court. The report shall state compensation requested by the guardian and attorneys. Significant changes in the ward's condition or financial resources shall be detailed. Provided that, an annual accounting may not be required if the ward's assets are less than Forty Thousand Dollars (\$40,000.00) and the guardian is a spouse or relative within the fourth degree of consanguinity, unless directed otherwise by the Court.

**Rule 7. Guardianships Monitoring System**

- A. **Establishment:** The Court hereby establishes a system for monitoring the filing of annual reports and inventories.
- B. **Annual Audit:** Once per year, the Court Clerks shall complete an audit of all Guardianship and Conservatorships by pulling all pending cases to ensure all annual reports, biannual reports, accountings, or other required reports have been filed and that all necessary hearings, including annual review, were completed as required. The Court Clerks shall then provide their findings from the audit to the Judge charged with

administering the Civil Docket for the Court. The Civil Judge shall act with all deliberate speed to remedy any issues with the Guardianships and Conservatorships identified.

**Rule 8. Paternity.**

- A. **Evidence Required for Determination of Paternity.** Pursuant to Section 1104 of the Law and Order Act, a petitioner seeking to establish paternity must present evidence proving the identity of the purported father, such as notarized witness statements establishing paternity.

**Rule 9. Enforcement of Protective Orders.**

- A. **Full Authority.** The Civil Court of the Cheyenne and Arapaho Tribal Court exercises its inherent authority to the fullest extent permitted by federal law, such as 18 U.S.C. § 2265(a), which states:<sup>8</sup>

Full Faith and Credit.—Any protection order issued that is consistent with subsection (b) of this section by the court of one State, Indian tribe, or territory (the issuing State, Indian tribe, or territory) **shall be accorded full faith and credit by the court of another State, Indian tribe, or territory** (the enforcing State, Indian tribe, or territory) **and enforced by the court and law enforcement personnel of the other State, Indian tribal government or Territory as if it were the order of the enforcing State or tribe.**

- B. **Protective Order Defined.** A Protective Order means any tribal court order that includes one or more of the following:
- i. any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence, or contact or communication with or physical proximity to, another person, including any temporary or final order issued by a civil or criminal court whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil or criminal order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; or,
  - ii. any support, child custody or visitation provisions, orders, remedies or relief issued as part of a protection order, restraining order, or injunction pursuant to

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<sup>8</sup> “For purposes of this section, a court of an Indian tribe shall have full civil jurisdiction to issue and enforce protection orders involving any person, including the authority to enforce any orders through civil contempt proceedings, to exclude violators from Indian land, and to use other appropriate mechanisms, in matters arising anywhere in the Indian country of the Indian tribe (as defined in section 1151) or otherwise within the authority of the Indian tribe.” 18 U.S.C. § 2265(e).

State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, sexual assault, dating violence, or stalking.

- C. **Federal Protection Order Requirements.** A protection order issued by another court will be enforced consistent with this subsection if:
- i. such court has jurisdiction over the parties and matter under the law of such State, Indian tribe, or territory; and
  - ii. reasonable notice and opportunity to be heard is given to the person against whom the order is sought sufficient to protect that person's right to due process. In the case of ex parte orders, notice and opportunity to be heard must be provided within the time required by State, tribal, or territorial law, and in any event within a reasonable time after the order is issued, sufficient to protect the respondent's due process rights.
- D. **General Compliance Sufficient.** Pursuant to 18 U.S.C. § 2265 (d), Protective Orders issued from this Court shall be enforced regardless of any prior notice, registration, or other requirements imposed by the enforcing court.