



ENTERED

MAY 31 2024

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

A handwritten signature in blue ink, appearing to be "AJ", is written below the court name.

HUALAPAI TRIBAL COURT
P.O. BOX 275
PEACH SPRINGS AZ 86434

GENERAL ADMINISTRATIVE ORDER
NO. 2024-002

Procedures for Service of Process

Adopted this 31st day of May 2024

AUTHORITY: This General Administrative Order is established pursuant to the authority vested in the Hualapai Judiciary at Article VI, Section 3(d) in the Constitution of the Hualapai Indian Tribe; to “establish court procedures for the Hualapai Judiciary” and Sec. 3.22 of the Hualapai Law and Order Code which provides that “details of judicial procedure not prescribed by this Code shall be set forth in rules of court promulgated by the Tribal Court.”

PURPOSE: The judicial duties of the Hualapai Tribal Court is serving documents to individuals who are in litigation, or individuals who are called to serve as potential jurors or other legal business in the Tribal Court. The General Administrative Order 2002-2007 provides limited process for service of documents to individuals and is no longer viable for service of process. The law for service of process is directed in Chapter 4, Section 4.5 which does not specify how documents should be served to individuals who are called to court for their legal business. The tribal community on the Hualapai Reservation do not have the knowledge on the importance of service of court documents; and consequences for failing to respond to court documents, therefore this General Administrative Order shall give guidance on service of process to court litigants and to other interested parties.

IT IS HEREBY ORDERED that this General Administrative Order supersedes GAO 2002-2007 and establishes the legal process for serving documents to individuals who are summoned to the court for a hearing or other legal businesses. ” Procedures for Service of Process” as set forth in Appendix A attached hereto and incorporated herein by reference, is adopted and shall be effective commencing May 31, 2024, and shall remain in effect until further order of this Court or upon enactment of superseding legislation by the Hualapai Tribal Council or upon order of the Hualapai Court of Appeals vacating this Order.

SO ORDERED this 31st day of May 2024.

A handwritten signature in blue ink, "Alene Garcia", is written above the printed name.

Hon. Alene Garcia, Chief Judge
Hualapai Tribal Court

HUALAPAI TRIBAL COURT

**GAO NO. 2024-002
PROCEDURES FOR SERVICE OF PROCESS**

APPENDIX "A"

PROCEDURE FOR HUALAPAI TRIBAL SERVICE OF PROCESS

INTRODUCTION:

Serving someone (also known as process serving) is a person delivering legal and court documents to individuals involved in a legal dispute. A process server is an "Officer of the Court" acts as a messenger, officially notifying people about their involvement in a court case.

Process serving ensures that individuals involved in legal proceedings are notified about it, allowing them to respond and defend themselves accordingly. It's a critical component of the justice system and must be carried out accurately and according to the law to maintain the integrity of any legal case.

PROCESS:

The Hualapai Tribal Court must serve legal document to individuals involved in legal proceeding to protect their individual rights to due process of law (to be informed of the nature of a complaint) as prescribed in the Hualapai Tribe's Constitution, Article VI. Section 13 (c) therefore the Court mandates service of process pursuant to the law as prescribed in the Hualapai Law and Order Code.

Hualapai Tribal Code, Chapter 4, Section 4.5, Service of Process, directs the Trial Court to serve documents to individuals involved in court cases and provides three (3) types of services.

1. Personal Service: documents are served upon any individual by any Peace Officer or Court approved process server.
2. Registered or Certified Mail: If service cannot be completed upon an individual the Court may serve process on individual by registered or certified mail. Once the certified receipt is returned, it acts as proof of service.
3. Publication: if service of process is unsuccessful to an individual, publication of the service is published in the local newspaper.

SERVICE OF PROCESS:

The Hualapai Law Enforcement Officers and the Tribal Court Process Server have the authority to serve an individual by the following procedures:

1. Personal Service: Process Server personally hands over the legal papers to the person involved in a court case;
2. An individual being served is informed of the nature of the document/s and refuses to accept the documents, the Process Server shall inform the person that he/she has been served and may leave the documents on the individual's door or porch and shall note it as such on the Return of Service.

3. Personal service of document/s may be served on an individual at a public event, Process Server must be discreet in serving process in a public place.
4. If the named person on the document is not present for personal service, leave the papers with a responsible adult at the residence. Service must be handed to a person who is the age of 18 or older.
5. A person who is summoned and is not found at his/her residence, he/she may be served with the documents at place of employment and can be served to a person in charge. Return of service must be signed by the person being served with the documents.
6. A person who cannot be found at his/her residence, place of employment or a public event, the documents shall be sent to the individual by certified mail, return certified receipt shall be proof of service.
7. If personal service on an individual fails after several attempts, the Court may publish the notice to the party in the GAMYU Newsletter. Publication of a Notice to the individual serves as a legal service of process.
8. Summons to be served to a potential juror is not subject to publication.

Consequences for Failing to Answer to a Summons, Subpoena, or Legal Notices:

The court's Summons, Subpoena and legal notices are orders of the Court and mandates a person to answer to the orders by appearing in court that notes a date and time; if a person fails to appear as ordered by the Court, the person failing to answer or appear in court may be held in contempt of court. Contempt of Court includes a behavior of an individual who is in actual court hearing.

Contempt of Court is defined in Chapter 8, Section 81 of the Hualapai Law and Order Code are as follows:

- A. Disorder, contemptuous or insolent behavior committed during the sitting of a court of justice in immediate view and presence of the court, and directly tending to disrupt its proceedings or to impair respect due to the authority; or
- B. Behavior or like character committed in the presence of a referee while actually engaged in trial or hearing, pursuant to the order of the court, or in the presence of a jury while actually sitting during a trial of a case or upon inquest or other proceeding authorized by law; or
- C. Any breach of the peace, noise or other disturbance directly tending to interrupt the proceeding of a court; or
- D. Willful disobedience of process or an order lawfully issued by a court; or
- E. Resistance willfully offered to the lawful order or process of a court; or
- F. The unlawful refusal to be sworn as a witness or, when so sworn, refusal to answer a material question; or
- G. The publication of a false or grossly inaccurate report of a proceeding of a court

Any violations of the law for contempt of court is found guilty and is sentenced to a fine or detention time as provided in Section 8.2 of the code.

Sec, 8.2 Contempt in Presence of Court; Summary Punishment

“When a contempt is committed in the immediate view and presence of the Court, it may be punished summarily and immediately by a fine not to exceed \$500, or imprisonment in a detention facility for a term not more than 30 days, or both.”

The law mentioned for contempt of court is finding a person failing to answer to a Criminal/Civil Summons and Subpoena.

The establishment of procedures for process serving is necessary due to individuals who refuse acceptance or question the validity of the documents being served.

The Court in providing the procedure and consequences for failing to comply with the orders of court, the procedures educates the Hualapai Tribal Community on the importance of service of process.