

THE THIRTIETH LEGISLATURE OF AMERICAN SAMOA

FIRST REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
On Monday, the eighth day of January
Two thousand and seven

AN ACT REAUTHORIZING THE TEMPORARY ESTABLISHMENT OF THE "FAMILY, DRUG, AND ALCOHOL COURT" PILOT PROJECT FOR AN ADDITIONAL THREE (3) YEAR PERIOD, AND, WITH APPROVAL OF THE U.S. SECRETARY OF THE INTERIOR, MAKING THE FAMILY, DRUG, AND ALCOHOL COURT A PERMANENT DIVISION OF THE HIGH COURT BY LATER REPEALING SECTION 3.0505 A.S.C.A.; RECREATING CHAPTER 5 UNDER TITLE 3 A.S.C.A.

Preamble:

In 2000 the Legislature enacted the temporary Family, Drug, and Alcohol Court Act which was signed by the Governor and approved by the U.S. Secretary of the Interior. The act was extended and in 2004 the Legislature recommended this necessary and beneficial judicial program be made permanent by extending the act until 1 October 2006 and, with the approval of the U.S. Secretary of the Interior pursuant to Secretary's Order 2657 as amended, Sec 4. Judicial Authority, repealing the sunset provision under Sec 3.0505 A.S.C.A. Inadvertently, the U.S. Secretary of the Interior was not formally presented with the act after its enactment and the sunset provision suspended the act as of 1 October 2006. To promptly reauthorize this temporary pilot project and to formally present this legislation to the U.S. Secretary of the Interior for approval of the Family, Drug, and Alcohol Court as a permanent division of the High Court of American Samoa, Section 1 of this act shall become effective immediately upon the Governor signing this act and Sec 2. of this act shall become effective upon the Governor signing this act and, prior to its promulgation, the U.S. Secretary of the Interior approving the permanent establishment of this division of the High Court of American Samoa pursuant to Sec 4. Judicial Authority, Delimitation of Government Authority, United States Department of the Interiors Secretary's Order No. 2657, as amended.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is recreated a Chapter 5 under Title 3 A.S.C.A. which reads:

**“Chapter 5
FAMILY, DRUG, AND ALCOHOL COURT**

Sections:

- 3.0501 Family, Drug, and Alcohol Court Division—Establishment.
- 3.0502 Jurisdiction and quorum.
- 3.0503 Registries, protective orders and administration and funding.
- 3.0504 Executive branch agencies—Cooperation.
- 3.0505 Sunset provision.

3.0501 Family, Drug, and Alcohol Court Division—Establishment.

Notwithstanding the current statutes providing for the jurisdiction of certain cases before the trial division of the High Court or before the District Court, the Chief Justice may establish by rule or order or both, a Family, Drug, and Alcohol Court Division within the High Court for an indefinite period and transfer any or all such cases as authorized by this statute to that division to be heard and decided. The purpose of this court division is to provide a single venue to comprehensively address all matters affecting families, from juvenile offenses to domestic violence and adoptions to divorce and child support. The Court shall also address in its sentences relating to cases involving violence or alcohol or drug use, appropriate rehabilitation programs, close monitoring, and graduated sanctions to minimize levels of repeat offenders.

3.0502 Jurisdiction and quorum.

(a) The Chief Justice may, by rule or order or both, transfer jurisdiction from the trial division of the High Court and District Court to the Family, Drug, and Alcohol Court Division to hear and decide the following matters:

- (1) any or all juvenile cases including traffic offenders;
- (2) any or all domestic relations cases, including but not limited to, divorce, legal separation, child support, spousal support, paternity, U.R.E.S.A., and domestic violence protective orders, relinquishment/termination of parental rights, and adoptions;
- (3) any or all domestic violence crimes except homicides or other class A felonies; and
- (4) any or all criminal cases in which alcohol or other substance abuse is involved, including serious traffic offenses, except those cases charging possession of controlled substances with intent to distribute and those cases otherwise excluded by the above subsections.

(b) Unless otherwise ordered by the Court, hearings before the Family, Drug, and Alcohol Court Division shall be closed to the general public, when so required by existing statutes or by order of the Court in conformance with the rules of criminal or civil procedure.

(c) The Chief Justice, Associate Justice or Acting Associate Justice and two associate judges shall conduct sessions before the Family, Drug, and Alcohol Court Division of the High Court, the presence of one justice and one associate judge constitute a quorum for the trial and determination of a case or controversy, including trials by jury.

(d) Neither this section nor any other part of this act may be construed to amend or alter the exclusive jurisdiction of the Land and Titles Division of the High Court in all matters relating to matai titles and controversies relating to land as set forth in section 3.0208(b).

(e) Neither this section nor any part of this act may be construed to amend or alter legislatively established penalties for use, possession, or sale of controlled substances.

3.0503 Registries, protective orders and administration and funding.

(a) The Chief Justice may, by order or rule or both, establish such central registries as are necessary to comply with applicable federal laws for domestic violence protective orders, both foreign and those issued locally, and foreign and locally issued child support orders.

(b) The Chief Justice may, by rule or order or both, provide for the issuance of protective orders for victims of domestic abuse through an expedited hearings process on such forms in English and Samoan as the Court may provide. Emergency, ex parte protective orders shall be accompanied by a notice of a Court hearing on the order to be held within 72 hours of the issuance of such order.

(c) The Chief Justice may authorize the application, acceptance, administration and accounting of any federal or other funding available for the operation, facilities, equipment, staffing and support services for the Family, Drug, and Alcohol Court Division.

3.0504 Executive branch agencies—Cooperation.

All agencies of the government shall cooperate with the High Court in implementing the pilot project for the Family, Drug, and Alcohol Court. The Department of Public Safety shall establish necessary practices and

procedures for registering and enforcing domestic violence protective orders duly filed with or issued by the Court and, in conjunction with the Attorney

General, adopt a pro-arrest, pro-prosecution policy in domestic violence cases and those public and private peace disturbances which involve alcohol or illegal drug use.

3.0505 Sunset provision.


This act unless otherwise amended, revised, or codified by the Legislature and signed into law by the Governor, shall expire and have no further force or effect as of October 1, 2010.


Sec 2. Repealer.

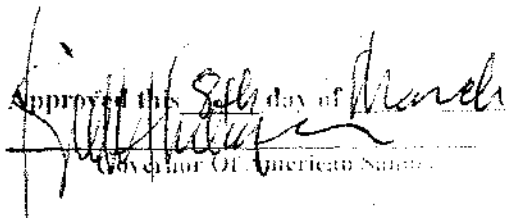
“Section 3.0505 A.S.C.A. is hereby repealed.”

Sec 3. Effective date.

To timely, reauthorize the Family, Drug, and Alcohol Court Division Pilot Project pending final approval of the U.S. Secretary of the Interior of the Legislature’s decision to make the “Family, Drug, and Alcohol Court” a permanent division of the High Court of American Samoa, Section 1. of this act shall become effective immediately upon the Governor signing this act, and Sec 2. of this act shall become effective upon the Governor signing this act and, prior to its promulgation, the U.S. Secretary of the Interior approving the permanent establishment of this division of the High Court of American Samoa pursuant to Sec 4. Judicial authority, Delimitation of Government Authority, United States Department of the Interior Secretary’s Order No. 2657, as amended.

for

LOLO M. MOLIGA
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 9th day of March 2007

Governor Of American Samoa