

KOROR MUNICIPALITY
Municipal Ordinance 1 - 55

Regulation Governing the conduct of minors under 18 years of age within the limits of Koror Municipality.

By agreement of the Municipal Council of Koror, the following regulations shall apply to all persons under 18 years of age while in the Municipality of Koror.

Article I - Rules for Minors

- Section 1. No unaccompanied child under 18 years of age may be out of doors or on the roads of the municipality after nine o'clock in the evening until six o'clock in the morning without a valid, demonstrable reason.
- Section 2. No child below 18 years of age may attend the motion pictures unless accompanied by an adult who shall be directly responsible for him.
- Section 3. No person under 18 years of age who is unaccompanied by an adult directly responsible for him may enter or loiter within or immediately adjacent to any building, dwelling, installation, or the area immediately surrounding same which is owned or maintained by the District Administration or the Municipality of Koror, or any semi-public association or any private dwelling or building, or any other area hereafter designated by the Koror magistrate, except that such entry may be made on legitimate business or with the knowledge and consent of the owner or tenant therein. Such prohibited areas shall include but not be limited to the following:
- (a) All offices and buildings maintained and used by the District Administration, including the Administration Building, Court Building, Police Station, Intermediate School, Hospital, Hotel, Commissary, and Agricultural Station.
 - (b) All offices, sheds, warehouses, or work and storage areas maintained and used by the Public Works or Supply departments and their auxiliary activities including (a) M dock, (b) the Pipe Shop, (c) the Supply warehouses (Nanyo Cho), (d) the Power and Reefer Plants, (e) the Public Works Center and supply dump (Parao Shicho); (f) the Heavy Equipment warehouse and (g) the Malakal fuel dump, fuel barge, warehouse and dock area.
 - (c) All government owned living quarters and surrounding yards.
 - (d) All buildings owned or maintained by Koror municipality or to or organizations of a semi-public nature; including the Municipal Office, Elementary School, Bai era Meketii, Bai era Ek, Seinen dan Club.
 - (e) All private dwellings, business properties, yards, and gardens.
- Section 4. No child under 18 years of age may drink alcoholic beverages or smoke tobacco in any form except with the consent and in the presence of his parent or guardian.

Article II - Actions and Penalties

- Section 1. A child under 18 years of age apprehended in violation of any of the provisions of Article I of this ordinance or any other municipal ordinance, District Order or provision of the Code shall be considered to be a juvenile offender under the terms of sections 432 and 495 of the Code of the Trust Territory, and chargeable

in court as a delinquent child.

- Section 2. Any person arrested or reported as a juvenile offender shall be brought to a preliminary hearing to be held by a Community Court Judge specially appointed and assigned to hear juvenile cases, at which time a person appointed by the magistrate to serve as probation officer will report his or her findings of the case, and at which time the need and desirability of disciplinary action shall be discussed and the necessity for formal trial determined.
- Section 3. It shall be a guiding principle in considering such cases that formal trial and conviction be avoided if disciplinary action acceptable to both the parents or guardians of the accused as well as the probation officer can be determined and recommended by the Judge for the Juvenile Court at preliminary hearing.
- Section 4. It shall further be a guiding principle that if, due to the serious or repeated nature of the offense, a need for confinement is indicated either at the time of the preliminary hearing or the formal trial, the Judge of the Juvenile Court should, whenever he deems conditions suitable, and no objection is raised, designate a place of confinement in the home of a relative or guardian living outside of Koror municipality in preference to any place of detention within Koror.
- Section 5. If the parents or guardians of the accused child are convinced of his innocence of the offense charged, despite the opinion of the Judge of the Juvenile Court at the time of preliminary hearing, or if either the complainant or the parent or guardian of the accused are unable to accept the judge's disciplinary recommendation made at the preliminary hearing, or if, in cases where detention is recommended, no suitable place of detention of the accused exists outside of Koror, formal trial can be requested by the parent or guardian of the accused or by the complainant, at which time the services of legal counsel may be made available to the accused.
- Section 6. Failure of the accused or the designated guardians of the accused to abide by the terms of the recommendation made by the Judge of the Juvenile Court and agreed upon by them at the time of preliminary hearing shall automatically result in the placing of formal charges against the accused as a "delinquent child" and shall render the parent or guardian liable to prosecution for criminal contempt as so defined in Section 415 of the Code.
- Section 7. No sentence passed against the accused, adjudged in formal trial of the Juvenile Court to be a delinquent child, shall exceed \$100.00, if payable by the child, or six months confinement if the offense committed is a violation of this ordinance alone and not a violation of the Code or any existing District Order or municipal ordinance.
- Section 8. Inasmuch as the municipal council recognizes that under Palauan custom the parent or guardian of a child is personally and financially responsible for the care, supervision and control of that child, nothing in the foregoing sections shall prevent one or both of the parents or the guardian responsible for the accused from being charged with violation of native custom subject to the limitations of section 434 of the Code; further, that as a matter of principle the placing of such charges should be considered particularly appropriate in the case of illegal acts committed by children who may be considered for reasons of their extreme youth to have an incomplete understanding of the consequences of these acts.

ARTICLE III

Procedures for dealing with juvenile violators.

- Section 1. Any members of the Pacific Island Constabulary or the Koror municipal police force or any adult may detain for questioning any person whom he believes to be under 18 years of age and whom he has reason to suspect of violating any of the provisions of this ordinance or any law of the municipality, the District or the Trust Territory of the Pacific Islands.
- Section 2. Any person under 18 years of age apprehended in the violation of this or any other established law shall be arrested by any member of the municipal police force or Constabulary or by any adult, provided that in the latter case the child so arrested shall be immediately delivered into the custody of the municipal police or constabulary; or in the event that arrest cannot be effected at the time, the alleged violator or violators shall be reported to the magistrate, municipal policeman or constabulary man on duty who in turn may issue the order for arrest.
- Section 3. By this ordinance, the municipality of Koror requests the District Administrator, in accordance with the powers granted him by Section 146 of the Code, to appoint an additional associate judge or judge of the Community Court, and further requests the Presiding Judge of the Community Court as empowered by Section 147 of the Code to assign the judge or judges thus appointed to hold separate sessions for all cases in which the accused is a juvenile offender, which sessions of the Koror Community Court may be referred to as the Koror Juvenile Court.
- Section 4. Any person under 18 years of age arrested in the manner described in sections 1 and 2 of this article will be summoned to an informal preliminary hearing to be held at a date and time to be set by the Judge of the Juvenile Court, which date shall be as soon as practicable after the cause for action. Pending the hearing, this judge may release the accused to the custody of a responsible adult.
- Section 5. The informal preliminary hearing for all accused juvenile offenders shall be held by the Judge of the Juvenile Court at a place deemed by him to be most convenient and comfortable, yet suitable to the purposes of justice.
- Section 6. One or both parents of the accused, or in their absence the adult considered responsible for his welfare shall be required to be present with the accused at the time of his informal hearing.
- Section 7. Assisted by the person making the arrest and the juvenile probationary officer, together with such other advisors or witnesses as he or the parents of the accused may desire, the Judge of the Juvenile Court shall attempt to determine the true facts of the case, and, in the event of the apparent guilt of the child violator, decide as to the desirability of informally imposing some punishment acceptable to the parents or guardian of the accused which would not involve the formal placing of charges or the necessity of formal trial and sentencing.
- Section 8. If it is the opinion of the Judge of the Juvenile Court, on the basis of evidence presented during the informal hearing that either the seriousness of the violation or repeated violations or the unsatisfactory situation of the child's living conditions warrant disciplinary action in the form of removal from Koror Municipality, he may informally direct that the violator, if he considers him to be guilty, be removed to the home of a relative or guardian elsewhere in the Palau district for a period not in any event to exceed the statutory period of limitation of prosecution for such a case (of Code, Sec. 433); provided that this recommendation is acceptable to the probation officer, the

parent or guardian of the child informally adjudged to be guilty,
the prospective guardian designatee and the magistrate of the
municipality in which the designatee resides.

- Section 9. If the parties concerned are unable to agree upon any sort of informal disciplinary action, and if the original complainant is unwilling to drop charges against the accused, the latter shall be formally charged as a delinquent child and shall be brought to trial before the Juvenile Court of Koror Municipality.
- Section 10. In the event that the objection is raised, either by the parent or guardian of the accused or by the probationary officer, to the conduct of the formal trial of the accused by the same Judge of the Juvenile Court who presided over the preliminary hearing and consequently for reason of previous knowledge of the case may be considered disqualified to render impartial judgement, the magistrate of Koror may request another Judge of the Community Court or the District Court to serve as Juvenile Court Judge in this instance; which provision shall not prevent the Community Court Judge or any other person at the preliminary hearing from being called upon to provide information or render an advisory opinion at the time of trial.
- Section 11. Any person so formally charged, tried and adjudged by the Juvenile Court to be a delinquent child may be confined in accordance with the provisions of Section 432 of the Code of the Trust Territory.
- Section 12. In the event that a suitable alternate place of confinement cannot be designated by the Judge of the Koror Juvenile Court, a person adjudged to be a delinquent child shall be confined in a special detention home to be constructed by the Municipality of Koror at a point preferably some distance removed from the Koror Jail, which home shall be operated under the supervision of the probation officer and magistrate of Koror municipality and subject to the directions of the District Administrator.
- Section 13. All cost for the food, lodging and supervision of a delinquent child confined in such a detention home shall be paid by the municipality of Koror, which may in turn require repayment by the parents or guardian of the child at a rate to be determined by the magistrate and approved by the District Administrator.
- Section 14. Delinquent children ordered confined in the detention home or in any other designated place shall be treated with humane kindness, kept apart from adult prisoners and from other children, and assigned work tasks within their physical ability which when performed under supervision may prove instructive and rehabilitating.

Article IV - Records

- Section 1. Official records should be kept for the cases of all persons under the age of eighteen (18) who may be arrested, brought to preliminary hearing or formally charged as delinquent children, which records shall include not only the statements of the complainant and accused but also the reports of the probation officer and the recommendations, both official and unofficial, of the presiding Juvenile Court Judges; provided that the records of the preliminary hearing are not made generally available to the public except as ordered and provided also that adjudication as a delinquent child shall not constitute a criminal conviction.
- Section 2. All official records of the Juvenile Court shall be the property of the Municipality of Koror except that copies of all adjudications by the Juvenile Court shall be filed with the Clerk of Court for later judicial review and with the District Administration for information.

By order of the Koror Municipal Council this 20th day of April, 1955.

Approved:

/s/

Indalecio Rudimch
Magistrate, Koror Municipality
Palau District

/s/
Donald Heron
District Administrator