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## New and Improved

And, with your help, with better content to come!

## About Alaska Tribes

This resource is a project of Alaska Legal Services Corporation (ALSC) to provide Alaska's Native Tribes with resources and information regarding tribal courts and participation in state court ICWA proceedings.



## About ALSC

Alaska Legal Services Corporation is a non-profit law firm that assists clients who are facing critical civil legal issues ranging from consumer law, family law, housing problems, public benefits, healthcare, Alaska Native law, and other areas specific to veterans or the elderly.

# Tribal Court Codes

Tribal Court codes are important for the function of the tribal court. The codes can provide details for tribal government structures and procedures, outline the laws that the tribal government will enforce, regulate activities in the village, provide for a smooth flow of government and continuity between administrations, and will promote respect from other governments and institutions. Perhaps most importantly, tribal court codes can protect the Native cultural activities and traditions specific to the Tribe. Though developing a written code may seem like a daunting task, there are helpful resources available.

## Drafting Codes

When your Tribe decides to draft tribal court codes, it may be helpful to use discussion items to get started. A list of sample discussion items to start the conversation can be found under "Resources."

Tribal Codes can cover a diverse range of subject areas. For example, a Tribe can develop codes regarding tribal government structures and procedures, law and order, domestic relations, health and safety, land management, natural and cultural resources, and tribal business operations. The Tribe would then further develop law

## RESOURCES

FLOWCHART: WHAT LAW APPLIES?



SAMPLE ALCOHOL CONTROL CODE & SEARCH WARRANT



SAMPLE DISCUSSION ITEMS FOR JUDICIAL CODE



TANANA CHIEFS CONFERENCE TRIBAL COURT MATERIALS



TANANA CHIEFS CONFERENCE TRIBAL GOVERNMENT MATERIALS



TRIBAL CONSTITUTIONS & CODES (UAF POWERPOINT PRESENTATION)



# Jurisdiction

Before a tribal court takes a case, it must first determine whether it has jurisdiction over the matter. If there is no jurisdiction, the court cannot take the case and the case must be heard in state or federal court.

Jurisdiction = tribal authority over the **type of case** and **the people involved**.

## TYPE OF CASE

Tribes have inherent tribal sovereignty to hear cases affecting their citizens and ability to self-govern. See: [\*John v. Baker\*](#).

All Alaska Tribes have constitutions and/or codes that describe the scope of their judicial authority. Some are broad, and cover any type of case affecting the Tribe or tribal citizens. Some only cover certain kinds of cases.

The State of Alaska and Alaska Tribes have overlapping authority to hear cases involving tribal children, other family law issues, domestic violence, other civil issues, and certain offenses.

## RESOURCES

TRIBAL JURISDICTION IN ALASKA





# Tribal Adoptions

This page contains information on the **State of Alaska Cultural Adoption Packet** and **Tribal Court Adoption Orders**. For information on petitioning for adoption in [state court, click here.](#)

As a Tribe, you have the decision whether to document tribal adoptions using either the Cultural Adoption Packet provided by the Alaska Bureau of Vital Statistics (BVS) or your own tribal court orders.

What are the differences between the cultural adoption packet and a Tribal Court adoption order?

Cultural Adoption Packet	Tribal Court Adoption Order
Adoption considered by tribal council	Adoption considered by tribal council or tribal court (may be the same thing)

## RESOURCES

- ADOPTION HEARING CHECKLIST
- CULTURAL ADOPTIONS, STATE OF ALASKA HEALTH ANALYTICS & VITAL RECORDS WEBSITE
- FULL FAITH AND CREDIT PETITION SAMPLE
- INSTRUCTIONS: HOW TO GET A NEW BIRTH CERTIFICATE

# Corrections, Requests for Additional Information, Suggestions

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