

1 **Criteria (1) Identification of problems addressed [20 points:**

1.1 Problem: Confusion results from multiple ("checkerboard") jurisdictions within area creating barriers to tribal members accessing judicial resources.

A family or citizen of the Tribe name can be subject to multiple court or law enforcement jurisdictions primarily dependent upon where an incident occurs. Citizens of the Tribe name who reside a long distance from the Court of Indian Offenses (CFR) will often use the state district courts, utilizing non-tribal law enforcement and district attorneys. Citizens in these distant areas have few options except to participate in one of the many state district courts. State district courts do not attempt to keep records to identify tribal citizens. A description of the socio-economic characteristics, population and a map of the Tribe name are included in the attachments.

1.2 Problem: State agencies and local agencies lack training and understanding of tribal sovereignty and tribal courts.

Indian children are sometimes forgotten within these systems because of two key barriers. These barriers between the state and tribes are the (1) lack of understanding towards jurisdictional issues and (2) lack of available training and education regarding tribal sovereignty and tribal courts. Often the needs of the children are not taken into consideration, creating problems within the system. In regard to child support enforcement, if the absent parent fails to pay, the custodial parent has had limited choices. Until recently, they could either contact their local state child support office for help, hire an attorney or file a contempt against the absent parent on their own behalf. Custodial parents who attempt to file contempt actions on their own are often confused by the legal system and fail to follow through. Children who commit minor offenses are often taken before state juvenile courts without consideration of tribal culture or program availability.

1.3 Problem: The tribe has no court of general jurisdiction.

There has never been a lower court of general jurisdiction under the new

attachments). This was discontinued when the lands were subjected to the allotment process. The current judicial department of the Tribe name is responsible for all judicial powers in the tribe and is basically a constitutional interpretive body. The power extends to all cases arising under the constitution and laws of the Tribe name. The purpose of the judicial system is to settle disputes regarding any provisions of the constitution or the laws of the tribe. The jurisdiction of the court covers any Tribe name citizen who may want to apply for redress concerning issues arising under the 1983 constitution and its amendments or the laws of the Tribe name.

A criminal code is in the approval process. Family-related issues involving divorce, child custody, paternity, child support enforcement, visitation, guardianship and all other civil or criminal matters involving tribal citizens or other Native American adults or juveniles are now handled by the district court system of the state of State Name or CFR court under the administration of the Bureau of Indian Affairs (BIA) on a case - by-case basis.

2 Criteria (2) Proposed Actions and Plans [30 points]

2.1 Proposed plan to address jurisdictional confusion problem:

The proposed project will address the barrier of confusion regarding multiple jurisdictions and authorities through the provision of increased cooperation and collaboration with jurisdictional partners. This will ensure that tribal citizens are afforded the most appropriate judicial access for their specific needs. The Tribe name has a tribal webpage including information regarding the abilities and relevant authorities of the current tribal court system. This information will be augmented and updated as needed to reflect the development of the proposed tribal district court of general jurisdiction (see attachments). In addition, the Tribe name has a tribal newspaper, owns a local radio station and conducts monthly community council meetings, all of which can be utilized to inform and educate tribal members regarding the potential and powers of the new district court. Tribal citizens will have access to information

2.2 Proposed plan to address lack of training and understanding regarding tribal sovereignty and tribal courts within local and state jurisdictional neighbors.

The proposed project will address this problem through the presentation of a training workshop or seminar focusing upon the jurisdictional issues involved in the operation of tribal court programs. Jurisdictional neighbors (includes collaborative partners with whom a formal relationship already exists) will be invited to attend this workshop/seminar where issues of mutual concern will be explored. In addition, these jurisdictional partners will receive training and information regarding tribal sovereignty and the functioning powers of the new tribal district court. This workshop, out of necessity, will be held near to the Tribe name, with the understanding limited conference facilities exist within the area. Other tribes with similar concerns and issues will be invited to attend. Emphasis will be placed on the roles and relationships that tribal sovereignty, tribal courts and tribal culture/heritage will have within the new tribal district court design.

The Tribe name has experience in organizing such events and has been strongly involved in the presentation of two highly successful tribal conferences of national scope focusing on collaboration and coalition building in the area of repatriation.

2.3 Proposed implementation of new tribal district court as an enhancement of the existing tribal court system.

The Tribe name has determined that a need exists for the development and implementation of a district court as the means of providing increased culturally appropriate judicial resources to meet the needs of tribal citizens. The *Tribe name Tribal District Court Implementation Plan* was developed as part of the tribal court planning grant (see attachments). The court will be a court of general jurisdiction with primary focus upon assumption of family court, child welfare and support cases. These types of cases are currently being addressed through either the Bureau of Indian Affairs CFR Court or through local or state courts. The tribal supreme court will have the necessary appellate functions over the district court. The tribe does not currently operate a facility with adequate court space for this project. It is proposed that the court continue the tradition of providing services on a rotating basis across the large geographical jurisdictional area. Utilizing grant funds the proposed project will

direct leases in four separate locations. These locations were selected due to their proximity and location within the geographical boundaries of the Tribe name. The locations are illustrated in the attached map. The cities of city names will be the focal points of the new district court while the city of city name (historical tribal capital location) will remain as the location for tribal supreme court operations. Materials supporting the implementation of this project are included in the attachments.

3 Criteria (3) Collaboration Strategies (20 points)

3.1 *Proposed project partners*

The Tribe name has well-established formal partnerships with numerous tribal and non-tribal entities. These relationships have focused upon delivery of social, health, economic development, law enforcement, child welfare, child support enforcement, violence prevention and an array of other issues with direct relevance to the proposed project. Memorandums of agreement and/or understanding with these entities will be reviewed and revised as necessary to reflect the role of the new tribal district court within the partnership. Copies of such agreements are available but, due to document volume, were not included in attachments. The proposed project will serve only citizens of the Tribe name with agreements of comity in effect with local municipal, county and state courts as well as with the CFR court and other tribal court systems.

These collaborative partners will be included in the workshop/seminar as panelists, participants or presenters.

3.2 *Collaboration activities:*

This new district court will serve the needs of the tribal community. Community support for the project has been sought through consultations with the Tribe name Tribal Legislature, comprised of tribal citizens elected by their peers. The governor of the Tribe name and the elected tribal supreme court judges were directly involved in the planning of the proposed district court program. A tribal court development team was assembled and utilized community input and needs in the development of the court implementation plan. The team met on numerous occasions and attended planning meetings organized by the Bureau of Justice Assistance (BJA) (see attachments). The district court judges will be appointed by the tribal

supreme court comprising three judges elected by the tribal citizenship through a formal constitutionally derived electoral process. The supreme court has a strong relationship with a State College in City, State. State College was the early (pre-statehood) capital of the Tribe name and is the current location of the Tribe name Festival and Annual Meeting Day celebration. These events signify the "gathering together" of the community for companionship and education over one week-long period in the early fall of each year. The culmination of the festivities is the "State of the Nation" address and report by the tribal governor to the citizenship. Cultural and historical ties to this community are very strong, the primary reason for the operation of the supreme court within this community. The supreme court is housed in facilities located on the college campus providing sharing of resources and collaboration opportunities to participants. The Tribe name has long and pre-removal relationships with the Another Tribe of this states and strong bonds of partnership with many neighboring tribes as a means of meeting the needs of the entire tribal community.

4 Criteria (4) Operation of Tribal Courts [10 points]

4.1 Proposed structure and jurisdiction of existing tribal supreme court and new district court

The Tribe name's Constitution clearly defines the formation, operation and powers of the tribal supreme court (see attachments). In 1999, under an initial BJA court planning grant, the court development team began a collaboration with partners within the Tribe name to propose, plan and establish a tribal district court of general jurisdiction. With the assistance of a team that included tribal, local and state officials, the court planning team has developed a court implementation plan. The next step is to initialize and implement a fully equipped and functioning district court with jurisdiction and powers as determined necessary by the tribal legislature. The proposed court will succeed to jurisdiction of the Tribe name Supreme Court over cases of law and equity presently under the supreme court jurisdiction, CFR court, local and state courts in matters that may be transferred under appropriate legislation, especially those of civil, family, juvenile or child nature.

and the document "Rules and Procedures for the Tribe name Supreme Court" (see attachments).

4.2 *Staffing of proposed court*

It is expected that the initial caseload of the new district court will be somewhat limited pending transfer and assumption of specific jurisdiction and powers. All personnel costs will be borne by the Tribe name through an annual budget approved by the tribal legislature. Full-time positions of district court clerk and bailiff/assistant court clerk will be provided. The services of district judges, appointed by the supreme court, will be acquired on a contractual basis and utilized as needed. In addition, the services of a qualified court reporter will be retained for all scheduled court dates.

4.3 *Projected caseload of proposed court*

The caseload of the proposed court is expected to change as the court implementation progresses. Caseload numbers were obtained from the CFR court for the year 2000 (see attachments). The CFR court serves all Native Americans within its service area and does not keep records according to tribal affiliation. An estimate of the total number of Tribe name cases is believed to be approximately 150 cases. As previously stated, many tribal citizens have been forced to utilize state or local courts due to the traveling distances from the CFR court. This is compounded by the lack of understanding of tribal sovereignty and tribal courts on the local and state levels. It is expected that many of these families and individuals will begin preferentially utilizing the tribal district court once implemented. Even without this expected increase in caseload, the estimated caseload for the new district court is expected to be an average of two to three cases conducted one day per week for 52 weeks. The state of State Name is home to # federally recognized tribes relocating freely across jurisdictional areas. This being the case, the ratio according to tribal affiliation may differ within the geographical area at any given time. The CFR court must, by necessity, serve as many of these individuals as possible. The assumption of jurisdiction by the Tribe name will focus services to meet the needs of Tribe name citizens, allowing the currently overloaded CFR court to continue to meet the ever-expanding needs of the rest of the Native American population within the area.

