



# Enforcement of Tribal Court Orders

Alaska Child Welfare and Tribal Justice Conference

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# Outline

1. Introduction to Enforcement Options
2. Responsibilities of the Tribal Court
3. State Enforcement and Registration of Tribal Court Orders

## Types of orders covered:

- Divorce, Custody, Paternity
- Name Change
- Child Protection
- Adoption
- Domestic Violence Protection Orders

# Introduction to Enforcement Options

## Enforcement Within the Tribe:

- Example: Tribal police officer enforces a domestic violence protection order (DVPO) if the respondent does not comply.

## Enforcement Outside the Tribe:

- Example: State Trooper enforces a DVPO issued by the Tribe.
- Requires coordination with state agencies, state courts, or state troopers.

# Tribal Court Responsibilities

What are the responsibilities of the Tribal Court to ensure that state courts and agencies will respect their orders?

- Notice of the hearing to all parties
- Opportunity for all parties to be heard
- Judges without conflicts of interest
- Court needs to have authority over the case
  - Example: Tribes have authority to issue child protection orders for children who are enrolled or eligible to enroll in the Tribe

# Tribal Court Responsibilities

## Best Practice: information to include on all Tribal Court orders

- Name and contact information of the Tribal Court
- Names of all the parties involved
- Date of hearing
- Names and roles of all people present at the hearing
- How each party received notice
- That each party was given an opportunity to speak
- Why the court has authority in this case (jurisdiction)
- How to request a change or appeal of the order
- Date of issue
- Signature of a judicial officer of the tribal court

# State Enforcement and Registration of Tribal Court Orders

Types of orders covered:

- Divorce, Custody, Paternity
- Name Change
- Child Protection
- Adoption
- Domestic Violence Protection Orders

How to find State Court forms:

- Tribal Court Toolbox from the State Court:  
<https://public.courts.alaska.gov/web/forms/docs/tribal-court-toolbox.pdf>
- All State Court forms:  
<https://courts.alaska.gov/forms/index.htm>

# Divorce, Custody, and Paternity

## State Court Registration

### Steps:

1. Submit form DR-980 to State Court  
<https://public.courts.alaska.gov/web/forms/docs/dr-980.pdf>
2. The State Court mails a copy of the request to the Tribal Court and the other parties.
3. Wait 20 days for an objection to registration

Domestic Relations Other | DR483REGT (custody) or CIDRFJT (DR: not custody or support)  
[Note to clerk: see final part of section 1 for which action code to use]

#### Person or Tribe Filing Petition

Full Name: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

- I agree that the court and other parties can send me documents by email instead of regular mail. If I change my email address or wish to receive documents by regular mail, I agree to notify the court by filing form TF-820, [Electronic Delivery of Case Documents](#).

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT \_\_\_\_\_

\_\_\_\_\_  
Parent A / Spouse A / Plaintiff

\_\_\_\_\_  
Parent B / Spouse B / Defendant

CASE NO. \_\_\_\_\_

[The state court will fill this out]

#### REQUEST TO REGISTER TRIBAL COURT ORDER

[If your order is **only** about child support (not custody), use DR-342, [Petition to Register a Support Order from another State](#). If you are registering a **child protection** order, use CN-600, [Request to Register Tribal Court ICWA Custody Order](#).]

1. I request that the state court register a tribal court order.  
Full name of tribal court: \_\_\_\_\_  
Is this the court of a federally recognized tribe?  Yes  No  I don't know  
Date of tribal court order: \_\_\_\_\_ Tribal court case number: \_\_\_\_\_  
Contact person for the tribal court (if known): \_\_\_\_\_  
Tribal court phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Tribal court mailing address: \_\_\_\_\_  
Type of case:  child custody  divorce or dissolution  paternity  
 other: \_\_\_\_\_
2. **I attached a copy** of the tribal court order that I want to register to this request.
3. Contact information for all parties in the case.
  - A. Parent A / Spouse A / Plaintiff Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_
  - B. Parent B / Spouse B / Defendant Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_
  - C. Other Person Involved in the Case: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Involvement in Case: \_\_\_\_\_

[If there are more parties, attach a separate piece of paper with this information.]



# Name Change

## State Court Registration

### Steps:

1. Submit form CIV686 to State Court  
<https://public.courts.alaska.gov/web/forms/docs/civ-686.pdf>
2. The State Court mails a copy of the request to the Tribal Court and the other parties.
3. Wait 20 days for an objection to registration

Person or Tribe Filing Petition

Full Name: \_\_\_\_\_ Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Phone: \_\_\_\_\_

I agree that the court and other parties can send me documents by email instead of regular mail.  
If I change my email address or wish to receive documents by regular mail, I agree to notify the court by filing form TF-820, [Electronic Delivery of Case Documents](#).

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA AT \_\_\_\_\_

In the Matter of:

\_\_\_\_\_ CASE NO. \_\_\_\_\_  
[Current Name of Person Who Changed Name] [The state court will fill this out]

This person is  an adult.  a minor.

### REQUEST TO REGISTER TRIBAL COURT NAME CHANGE ORDER

1. I request that the state court register a tribal court name change order.  
Full name of tribal court: \_\_\_\_\_  
Is this the court of a federally recognized tribe?  Yes  No  I don't know  
Date of tribal court order: \_\_\_\_\_ Tribal court case number: \_\_\_\_\_  
Contact person for the tribal court (if known): \_\_\_\_\_  
Tribal court phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Tribal court mailing address: \_\_\_\_\_
2. **I attached a copy** of the tribal court order that I want to register to this request.
3. **Former (old)** name of person who changed name:  
\_\_\_\_\_  
First Name Middle Name Last Name  
**Current (new)** name of person who changed name:  
\_\_\_\_\_  
First Name Middle Name Last Name
4. Contact information for other parties in the case.  
*[For name changes of a minor, list name and contact information for both parents below, unless the parent has died or their parental rights have been terminated by court order.]*  
A. Parent A Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
B. Parent B Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
C. Other Person Involved in the Case: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Involvement in Case: \_\_\_\_\_  
*[If there are more parties, attach a separate piece of paper with this information.]*



# Child Protection Orders

## State Court Registration

Child protection orders include situations where the Tribe places the child with a relative or other safe foster home because neither parent can safely have custody.

The State recently made this registration process more difficult.

Contact ANJC for support registering an order

TribalJustice@ANJC.net  
907-793-3550

Follow all steps on form CN-600  
<https://public.courts.alaska.gov/web/forms/docs/cn-600.pdf>

Include:

- Payment
- preaddressed envelopes
- postal forms for certified mail
- postage.

# Child Protection Orders

## State Trooper Enforcement

Request help from law enforcement to get a child back from someone who shouldn't have custody.

### Steps:

1. Request registration of the child protection order using form CN-600 (see previous slide), if not already submitted.
2. Submit form CN-635 to State Court  
<https://public.courts.alaska.gov/web/forms/docs/cn-635.pdf>
3. The Judge may hold an emergency (“ex parte”) hearing and may issue a “writ of assistance” so that law enforcement can retrieve the child

# **Adoption:** Registration with State Agency

- Two Options
  1. Tribal Court Adoption Order
  2. Cultural Adoption Packet from State
- Submit documents directly to Health Analytics and Vital Records (HAVR)
  - HAVR used to be called BVS
- No need to register with the State Court
- More information: <https://alaskatribes.org/tribal-adoptions/>

# Adoption Option 1: Tribal Court Adoption Order

Submit to State HAVR:

1. VS Form 17: Request for Substitute Birth Certificate (Adoption)
  - Forms must be perfect: no white out or cross outs.
  - Signed by each adoptive parent
2. \$60 check, money order, or credit card
3. Certified adoption order
  - Make a copy of the original order. add certification that says this is a true and correct copy. For example:

I certify that this is a true and correct copy of  
an original document on file in the tribal court.  
Date:  
Signature of Clerk:

For more detailed instructions, see

<https://alaskatribes.wpenginepowered.com/wp-content/uploads/2023/02/Instructions-for-how-to-get-a-new-birth-certificate-from-BVS-clean-1-1.pdf>

# Adoption Option 1: Tribal Court Adoption Order

## Sample Tribal Court Adoption Order

\_\_\_\_\_ TRIBAL COURT

In the Matter of: \_\_\_\_\_ )  
 )  
 [Child's name] ) CASE NO. \_\_\_\_  
 )  
 D.O.B. [Date of birth] ) ADOPTION ORDER  
 )  
 A Minor Native Child )

THIS MATTER has come before the Court upon a petition by [adoptive parent(s)].

A hearing was held on [date]. Present at the hearing were [names of parties who attended the hearing]. Tribal court judge(s) [names] presided. Others participating in the hearing were [names].

Based on the evidence before the court, the court makes the following findings:

[Child's name] is a minor child who is a member of this Tribe, or is eligible for membership in the Tribe, and is therefore under the jurisdiction of this court.

[Biological mother's name] is the natural mother of the child and [she has consented to the adoption or her parental rights were terminated or she didn't respond to the hearing notice]. She received notice of the adoption hearing via [describe how mom was notified].

[Biological father's name] is the natural father of the child and [he has consented to the adoption or his parental rights were terminated or he didn't respond to the hearing notice]. He received notice of the adoption hearing via [describe how dad was notified].

The other people requiring notice of the adoption hearing are: [names, if relevant].

The court provided notice to each person in the following way: [name and manner of service, if relevant].

The natural parents have been unable or unwilling to establish a stable home and provide for the care of the child since [date].

The Tribe has completed a home study and determined that the adoptive parent(s) have an appropriate home environment and have adequate resources to meet the needs of the minor child [if required by tribal law].

Adoption of the child by the adoptive parent(s) is in the best interests of the child. The adoption of the child is in accordance with [cite tribal code or the traditional and customary law of the Tribe].

- Based on these findings, it is therefore ordered that:
- [Child's name] shall be the child of [Adoptive parent(s) names] for all legal purposes from this time forward.
  - The child's name shall be [Child's name following adoption] and this name will be reflected on the new birth certificate issued by the Bureau of Vital Statistics.
  - The child [will/will not] retain rights of inheritance from his/her natural parents.
  - This order will not affect the membership of the child in the Tribe.
  - A new birth certificate shall be requested from the State of Alaska reflecting this adoption.

DATED: \_\_\_\_\_, 201\_\_ JUDGE \_\_\_\_\_

A copy of this order was provided on \_\_\_\_\_, 201\_\_ to: [Names of parties]  
 Via  Hand delivery  US mail  Fax  Email  
 By: \_\_\_\_\_  
 Tribal Court Clerk's Signature



STATE OF ALASKA  
 DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
 Bureau of Vital Statistics  
 5441 Commercial Blvd  
 Juneau, AK 99801

REQUEST FOR SUBSTITUTE BIRTH CERTIFICATE  
 ADOPTION

1. NAME OF CHILD AS SET FORTH IN THE DECREE		FIRST	MIDDLE	LAST	
2. PLACE ADOPTION GRANTED		3. DATE GRANTED (Final decree entered in court)		4. NUMBER OF PERSONS ADOPTING CHILD	
<b>PART I PLEASE FURNISH INFORMATION AS TAKEN FROM ORIGINAL BIRTH RECORD. THIS INFORMATION IS NECESSARY TO LOCATE ORIGINAL BIRTH CERTIFICATE.</b>					
CHILD	5. NAME OF CHILD—FIRST		MIDDLE NAME	LAST NAME	
	6. DATE OF BIRTH		7. CITY OF BIRTH	8. STATE OF BIRTH	
NATURAL PARENTS DATA	9. NAME OF MOTHER—FIRST		MIDDLE NAME	LAST NAME	
	10. MOTHER'S SOCIAL SECURITY NO.		11. RACE	12. FATHER'S SOCIAL SECURITY NO.	
	14. NAME OF FATHER—FIRST		MIDDLE NAME	LAST NAME	
	13. RACE		15. MAIDEN NAME		
<b>PART II PLEASE ENTER INFORMATION BELOW AS IT IS TO APPEAR ON THE NEW BIRTH RECORD.</b>					
FATHER	16. NAME OF FATHER—FIRST		MIDDLE NAME	LAST NAME	
	16. RACE	17. DATE OF BIRTH	18. STATE OF BIRTH (If not in U.S.A., name country)	19. SOCIAL SECURITY NUMBER	
20. IS ADOPTIVE FATHER MARRIED TO NATURAL MOTHER? <input type="checkbox"/> YES <input type="checkbox"/> NO					
MOTHER	21. NAME OF MOTHER—FIRST		MIDDLE NAME	LAST NAME	
	22. RACE		23. DATE OF BIRTH	24. STATE OF BIRTH (If not in U.S.A., name country)	
	26. MOTHER'S RESIDENCE AT TIME OF CHILD'S BIRTH:		26 a. RESIDENCE STREET ADDRESS		
	26 b. CITY	26 c. STATE	26 d. ZIP CODE	26 e. INSIDE CITY LIMITS <input type="checkbox"/> YES <input type="checkbox"/> NO	
27. IS ADOPTIVE MOTHER MARRIED TO NATURAL FATHER? <input type="checkbox"/> YES <input type="checkbox"/> NO					
<b>PART III</b>					
28. a. CURRENT MAILING ADDRESS STREET				28. b. PO Box	
28. c. CITY			28. d. STATE		
28. e. ZIP CODE		28. f. Telephone Number			
Area Code ( )					
28. g. Signature of Adoptive Parent(s)					
<b>IMPORTANT: With this form the following checked item(s) must be submitted:</b>					
<input type="checkbox"/> 1. Certified copy of the Report of Adoption or Decree of Adoption.					
<input type="checkbox"/> 2. \$60.00 for preparation and certified copy of a new birth certificate following adoption.					
06-5295 (Rev. 09/12)		VS Form 17 V2/77-1M			



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# Adoption Option 2: Cultural Adoption Packet

Cultural Adoption Packet from State includes:

- Request for new Birth Certificate Following a Cultural Adoption
- Tribal Resolution
- Tribal Statement
- Descriptive Information Regarding Biological Parents
- Parental Statements
  - Requires consent and signature from both parents

Access the Packet here:

[https://health.alaska.gov/dph/VitalStats/Documents/PDFs/adopt/adoption\\_packet.pdf](https://health.alaska.gov/dph/VitalStats/Documents/PDFs/adopt/adoption_packet.pdf)

# Adoption Option 2: Cultural Adoption Packet

Submit to State HAVR:

1. Cultural Adoption Packet
  - Must submit original. Make a copy for Tribe's records
2. Letter on tribal letterhead requesting certified copy of completed adoption packet. Include copy of ID of Tribal official signing letter.
  1. Optional: Letter can also give permission to share records with the child and adoptive parents in the future
4. \$90 check, money order or credit card

## Sample Cover Letter for Cultural Adoption Packet

[MUST BE PRINTED ON TRIBAL LETTERHEAD]  
[DATE]

Alaska Department of Health and Social Services  
Health Analytics & Vital Records  
P.O. Box 110675  
Juneau, AK 99811-0675

RE: [CHILD'S NAME]  
DATE OF BIRTH: [PROVIDE DATE HERE]

To Whom It May Concern:

I write to you on behalf of [TRIBE'S NAME HERE] (Tribe), to request that Health Analytics & Vital Records create a new birth record for the child[ren] named above, following the Tribe's completion of a cultural adoption. Enclosed please find the following original documents:

- Request for a New Birth Certificate Following a Cultural Adoption;
- Tribal Resolution;
- Tribal Statement;
- Descriptive Information Regarding Biological Parents;
- A copy of the ID of the tribal official signing this letter;
- Parental Statement of Mother [if applicable];
- Parental Statement of Father [if applicable]; and
- For a child in OCS Custody, State's Consent for Adoption [if applicable]

In addition, please find payment for [number of children]:

- \$60 to process adoption and for first copy of the new birth certificate; and
- \$25 for each additional updated birth certificate; and [optional]
- \$30 for each certified copy of the cultural adoption paperwork filed with the Health Analytics & Vital Records. The Tribe requests [number of copies] certified copies. [optional]

For a total amount of \$[total amount paid].

The completed documents should be sent to:

[TRIBE'S ADDRESS, OR OTHER RECIPIENT]

[Optional] Moving forward, the Tribe authorizes Health Analytics and Vital Records to provide certified copies of the cultural adoption records to the following individuals without any further action by the Tribe:

- The adoptive parents; and
- The adopted individual, or their legal guardian.

If there are any issues with this request, please contact the Tribe at [GIVE CONTACT INFORMATION]

Sincerely,

[NAME, TITLE]



# Adoption: Comparing the two options for registration with HAVR

## Option 1: Tribal Court Adoption Order

- Tribe retains original adoption order
- Cost: \$60
- Tribe writes own order
- Parents do not need to consent, as long as they had notice and an opportunity to participate in the hearing

## Option 2: Cultural Adoption Packet

- State retains records
- Cost: \$90
- Must use state forms
- Both parents must consent

Either way: submit documents directly to Health Analytics and Vital Records



# Domestic Violence Protection Orders

## State Trooper Enforcement

- Tribes **don't** need to register DVPOs with the State
- State Troopers **must** enforce a valid Tribal Court DVPO

### Ways Troopers can confirm a DVPO:

- Petitioner has order, and shows order to trooper
- Trooper can question respondent, who acknowledges the protective order
- Trooper can confirm with the Tribal Court that issued the order
- Trooper can look in APSIN, if Tribe has Information Exchange Agreement

# Domestic Violence Protection Orders

## State Trooper Enforcement

For State Trooper to enforce a tribal DVPO, the order must include:

- Names of the petitioner and respondent
- Name and contact information of the tribal court
- Date of issue and expiration
- Signature of a judicial officer of the tribal court
- Indication that the protection order has been served
- Description of what the respondent is prohibited from doing,
  - must be similar to what is prohibited in state criminal law

# Domestic Violence Protection Orders

## State Trooper Enforcement

For a state trooper to enforce a tribal protection order, the order must contain provisions similar to AS 18.66.100(c)(1)-(7) or AS 18.65.850(c)(1)-(7), and the respondent must violate one of those provisions. The provisions are summarized here:

- **Prohibit respondent from**

- threatening to commit or committing DV, stalking, or harassment;
- communicating or contacting (directly or indirectly) the petitioner (telephone, otherwise)
- entering a propelled vehicle possessed or occupied by the petitioner;

- **Remove and stay away from petitioner**

- remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;
- stay away from the petitioner's residence, school, or job (or any specified place frequented by the petitioner or any designated household member);

- **Firearms**

- prohibit using or possessing a deadly weapon if the court finds the respondent was in the actual possession of or used a weapon during the commission of domestic violence;
- surrender any firearm owned or possessed by the respondent if the court finds that the respondent was in the actual possession of or used a firearm during the commission of the domestic violence

# Domestic Violence Protection Orders

## State Trooper Database

Tribe can have their DVPOs entered into the State Trooper database

- Troopers look up state issued protective orders through APSIN
- For tribal protective orders to be entered into APSIN, the Tribe must enter into an Information Exchange Agreement
- Email [darlene.dye@alaska.gov](mailto:darlene.dye@alaska.gov) to enter into an agreement
- Once the Tribe signs an agreement, the Tribe emails DVPOs to [ffc.dvsa@alaska.gov](mailto:ffc.dvsa@alaska.gov)

# Enforcing Tribal Court Orders

- Need a State Court form?
  - Tribal Court Toolbox:  
<https://public.courts.alaska.gov/web/forms/docs/tribal-court-toolbox.pdf>
- If the State won't enforce or register your order:
  - Call ANJC.
  - ANJC can help with specific issues or provide training for court staff and judges.

Contact ANJC:

TribalJustice@ANJC.net

907-793-3550

# Questions & Comments

Contact ANJC:

[TribalJustice@ANJC.net](mailto:TribalJustice@ANJC.net)

907-793-3550