



ICWA LAW CENTER

March 17, 2017

Honorable Stephen Halsey
c/o Michael Johnson
Senior Legal Counsel
State Court Administration
125H Minnesota Judicial Center
25 Constitution Avenue
St. Paul, Minnesota 55155

DELIVERED VIA EMAIL: legalcounselrules@courts.state.mn.us

Dear Judge Halsey:

I am submitting this letter on behalf of the Indian Child Welfare Act Law Center. The Indian Child Welfare Law Center is a legal services organization providing legal services to Indian families whose rights are affected by the Indian Child Welfare Act, 25 U.S.C. §1901, et. seq. In our work, we also practice and interact with tribal courts located within the boundaries of the State of Minnesota.

This letter is to urge the adoption of the Rule 10 Amendments in order to strengthen the relationship between tribal and states courts. Federally recognized tribes are sovereign political entities as such orders from tribal court should be presumptively honored. This presumption is based on comity – deference, mutuality, and respect for other sovereign nations.

Since, 2003, when the Minnesota Supreme Court last addressed this issue, tribal court capacity has increased significantly. We routinely practice, in both state and tribal courts. Our practice involves court decisions involving the safety and well-being of Indian children. The recognition of tribal court orders is paramount to the safety of children.

Similar to state court judges, tribal court judges act independently from other branches of tribal government. Tribal Court Judges conduct their courtrooms with integrity. Many tribal courts

have the capacity to hear a significant caseload. The ICWA Law Center currently has over 20 open tribal court cases. The amendments reflect the considerable increase in tribal court activity, while retaining the possibility that tribal court orders not be recognized for important, well-defined reasons when creating a fundamental injustice.

Tribal courts are an important reality and have a significant impact on the safety and well-being of Indian children. The Rule 10 Amendments will enhance the relationship between tribal and state courts and in turn ensure the safety of Indian children.

Thank you for your consideration of our support for the Rule 10 Amendments.

Sincerely,

A handwritten signature in black ink that reads "Shannon Smith". The signature is written in a cursive style with a large, looping initial "S" and a long, sweeping underline that extends to the right.

Shannon Smith

Executive Director