

Recognition of Tribal Court Orders

Domestic Violence Violence Against Women Act (VAWA)	
All parties are tribal members	Full faith and credit required.
Victim is a non-member Offender is a member	Untested in Alaska. Full faith and credit <i>should</i> be given where victim has filed the petition.
Victim is a member Offender is a non-member	Untested in Alaska. Full faith and credit <i>may</i> be given where violence impacts the tribe.
Neither party is a member	Untested in Alaska. Full faith and credit is unlikely unless there is an exceptional case where the violence has a strong tribal connection (i.e., violence impacting a tribal child).
On tribal land/Indian Country (allotment, townsite, other)	Untested in Alaska.
<p>Community Protection Order (Banishment)</p> <p><i>Perryville:</i> Troopers allowed to enforce tribal banishment order because the order was clear as to reason for issuance, offender had notice and an opportunity to be heard <i>before</i> the order was issued, the order was clearly limited to one village, and it had a set expiration date.</p>	

Child Abuse/Neglect (ICWA)

All parties are tribal members	Full faith and credit required.
Child is a member One parent is a non-member	Full faith and credit <i>should</i> be given based on tribal status of child. The AK Supreme Court is considering this now in <i>Simmonds v. Parks</i> , S-14103.
No parties are members	Untested in Alaska. Full faith and credit is unlikely unless there is an exceptional case with proper delegation of authority and consent to jurisdiction.

Adoption (ICWA)

All parties are tribal members	Full faith and credit required.
All parties members except adoptive parents	Full faith and credit required. Petition by adoptive parents shows consent to jurisdiction.
Child is a member Parents rights have been terminated	Full faith and credit should be given unless termination order was issued without jurisdiction and due process.
Child is a member Parents rights have not been terminated Non-member parent objects	Untested in Alaska.

**Child Custody (between parents), Divorce, Paternity
(John v. Baker)**

All parties are tribal members	Entitled to comity recognition.
One parent is non-member but consents to jurisdiction	Entitled to comity recognition.
One parent is non-member but does not consent to jurisdiction	Untested in Alaska.
<p>Tribal child support orders are recognized through the process outlined in the Uniform Interstate Family Support Act, AS 25.25., rather than the comity process. The Alaska Supreme Court is considering the State's challenge to tribal child support jurisdiction now in <i>State v. Central Council</i>, S-14935.</p>	

**Alcohol and Drug Offenses
Other Offenses
Juvenile Offenses
(Comity)**

Offender is a tribal member	Civil (non-jail) penalty or decision should be entitled to comity recognition (e.g. forfeiture of alcohol, fine, traditional resolution)
Offender is a non-member	U.S. Supreme Court (<i>Oliphant</i>): No criminal jurisdiction over non-Indians. Untested for civil jurisdiction. The offender's contacts with the Tribe may be considered