



Tribal Law Journal  
University of New Mexico School of Law  
Tribal Court Handbook

TLJ, Spring 2012 (Indian Law Section of the State Bar of NM 1991)

## NAVAJO NATION COURTS

### Outline and Table of Contents

TOPIC	PAGE #
Introduction	2
Part One: Tribal Government & General Information	2
Part Two: Tribal Bar Practice	9
Part Three: Tribal Court Rules and Procedures	10
Part Four: The Jurisdiction of Tribal Court	12
Part Five: Tribal Codes	14
Part Six: Intergovernmental Relations	17
Part Seven: State and Other Governmental Jurisdiction	18

**NAME OF TRIBE:      NAVAJO NATION**

**Part One: TRIBAL GOVERNMENT AND GENERAL INFORMATION**

The purpose of this Section is to provide certain basic information about your Tribal Court and judicial system. Anyone practicing in Tribal Court will need to know where the Court is located, how it is organized, and who to contact for more information.

**1. Contact Persons and Location of Supreme Court:**

Name of Tribal Court	Navajo Nation Supreme Court		
Contact Person Name	Benjenita K. Bates		
Title	Court Administrator		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-6763	Fax	(928) 871-7016
E-mail	benjibates@navajo-nsn.gov		

**2. Name and address of the Chief Justice of the Supreme Court:**

Name	Honorable Herb Yazzie		
Title	Chief Justice		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-7669	Fax	(928) 871-6866
E-mail	lindabitsoi@navajo-nsn.gov		

**3. Driving directions to Tribal Court (attach a map if needed):**

Temporary office relocation  
Butler Building #2689  
Window Rock, AZ

**4. What is the official name of your tribe or federally recognized organization?**

Navajo Nation

**5. On what is your tribal government based? (Please check one and briefly describe in box)**

- An IRA or OIWA constitution
- A non-IRA constitution
- A non-constitutional organizational document (*e.g. tribal legislation*)
- A traditional system (*please describe*)
- Other (*please describe*)

Tribal Law:  
Navajo Nation Code, Title II, Amendments of 1989

**6. Please indicate which organic documents are possessed by the Tribe, and from whom copies are available:**

Tribal Document	Available?	Obtain Copy From:
1. Tribal Constitution	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no	Office of Legislative Counsel P.O. Box 3390 Window Rock, AZ 86515 Tele: (928) 871-7166 Fax: (928) 871-7576
2. Bill of Rights	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
3.	<input type="checkbox"/> yes <input type="checkbox"/> no	
4.	<input type="checkbox"/> yes <input type="checkbox"/> no	
5.	<input type="checkbox"/> yes <input type="checkbox"/> no	

**7. Please indicate where your tribal jurisdiction is exercised:**

- Within undisputed, clearly established reservation boundaries
- Generally within reservation boundaries, with a few outlying parcels of Indian country  
(*Please describe the nature of these parcels: e.g. gaming location; purchased land not used for gaming; land remaining from formerly larger reservation, etc.*)

Purchased land not used for gaming, allotted land.

- Within Indian country (or dependent Indian community); there are no reservation boundaries
- Please describe disputes regarding the tribe's territorial jurisdiction, including boundaries; non-Indian owned fee land; dependent Indian community status; state or county roads; or any other:

All of the above mentioned

**8. Regular Supreme Court Staff:**

Name	Title	Phone Number	e-mail address
Hon. Herb Yazzie	Chief Justice	(928) 871-6763	
Hon. Eleanor Shirley	Assoc. Justice	(928) 871-6763	
Linda M. Bitsoi	Admin. Secretary	(928) 871-7669	<a href="mailto:lindabitsoi@navajo-nsn.gov">lindabitsoi@navajo-nsn.gov</a>
Laverne Garnenez	Law Clerk	(928) 871-6763/7010	<a href="mailto:lavernehgarnenez@navajo-nsn.gov">lavernehgarnenez@navajo-nsn.gov</a>
Benjenita K. Bates	Court Admin.	(928) 871-6763/7010	<a href="mailto:benjibates@navajo-nsn.gov">benjibates@navajo-nsn.gov</a>
Michael V. Smith	Law Clerk	(928) 871-763/7010	<a href="mailto:michaelsmith@navajo-nsn.gov">michaelsmith@navajo-nsn.gov</a>

**9. Tribal Court Organization:**

Other Courts in Tribal Court system are checked below:

- Appellate Court (Tribal Council or Southwest Intertribal Court of Appeals)
- Supreme Court
- Lower courts with different subject-matter jurisdiction
- Other: \_\_\_\_\_

Other branches of the Court (if any): District Court (9), Family Court (9):

Name of Tribal Court	ALAMO DISTRICT/FAMILY COURT		
Contact Person Name & Title	William J. Platero, Judge		
Contact Person Name & Title	Regina C. Roanhorse, Court Administrator		
Address	P.O. Box 163, Magdalena, NM 87825		
Phone	(575) 854-2668 / 2669	Fax	(575) 854-2660
E-mail	Reginaroanhorse@navajo-nsn.gov		
Directions	29 Miles North of Magdalena on Highway 169, on the left (west) side. The structure is white with a blue roof, large, and has a sign that says "Alamo Court."		

Name of Tribal Court	TÓ'HAIJILEE DISTRICT/FAMILY COURT		
Contact Person Name & Title	William J. Platero, Judge		
Contact Person Name & Title	Regina C. Roanhorse, Court Administrator (575) 854-2668 or 2669		
Contact Person Name & Title	Albert H. Begaye Peacemaker Liaison, (505) 854-2817/2818		
Address	P.O. Box 3101-A, Canoncito, NM 87026		
Phone	(505) 908-2817 / 2818	Fax	(505) 908-2819
E-mail	Reginaroanhorse@navajo-nsn.gov		
Directions	Exit 131, North 6 Miles from I-40, drive until you see the water tank on the left. Turn left (west) toward the water tank then take the left fork. The structure is the only new building in the area, beige in color, medium size. There is a sign that says "Tó'hajiilee Court."		

Name of Tribal Court	ANETH DISTRICT/FAMILY COURT		
Contact Person Name & Title	Irene S. Black, Judge		
Contact Person Name & Title	Susie L. Martin, Court Administrator		
Contact Person Name & Title	Glen Renner, Staff Attorney		
Contact Person Name & Title	Darlena Mustache, Court Clerk		
Contact Person Name & Title	Elvira M. Benally, Office Technician		
Contact Person Name & Title	Stanley Nez, Peacemaker Liaison, (435) 651-3545		
Address	P.O. Box 320, Montezuma Creek, UT 84534		
Phone	(435) 651-3545	Fax	(435) 651-3546
E-mail	susielmartin@navajo-nsn.gov		
Directions	Between the Aneth Chapter Administrative Building and the Head Start Building in Aneth, Utah.		

Name of Tribal Court	CHINLE COURTS		
Contact Person Name & Title	Cynthia Thompson, Judge		
Contact Person Name & Title	Vanessa Mescal, Court Administrator, (928) 674-2070/2071		
Contact Person Name & Title	Melanie Price, Office Technician		
Contact Person Name & Title	Rodgerick T. Begay, Staff Attorney		
Contact Person Name & Title	Russell Thomas, Peacemaker Liaison (928) 674-2554		
Address	P.O. Box 547, Chinle, AZ 86503		
Phone	(928) 674-2070/2071/2084	Fax	(928) 674-2089
E-mail	vanessamescal@navajo-nsn.gov		
Directions	US Hwy 191, Rte 7 in Chinle, Next to the Chinle Police Department. Structure is a brown building with a sign that says "Chinle District Court."		

Name of Tribal Court	CROWNPOINT DISTRICT/FAMILY COURT		
Contact Person Name & Title	Irene M. Toledo, Judge		
Contact Person Name & Title	Rena Thompson, Court Administrator, (505) 786-2072		
Contact Person Name & Title	Patricia Mariano, Office Technician		
Contact Person Name & Title	Dan Moquin, Staff Attorney		
Contact Person Name & Title	Darlene Brown, Peacemaker Liaison (505) 786-2055		
Address	P.O. Box 6, Crownpoint, NM 87313		
Phone	(505) 786-2072	Fax	(505) 786-2086
E-mail	renathompson@navajo-nsn.gov		
Directions	Corner of Rte 9 on Chaco Boulevard across from the Conoco gas station in Crownpoint.		

Name of Tribal Court	DILKON DISTRICT/FAMILY COURT		
Contact Person Name & Title	Rudy I. Bedonie, Judge		
Contact Person Name & Title	Darlene LeFrance, Court Administrator (928) 657-8140		
Contact Person Name & Title	Jordan M. Hale, Staff Attorney		
Contact Person Name & Title	Marie Denetdeal, Peacemaker Liaison (928) 657-8136		
Address	HC 63 Box 787, Winslow, AZ 86047		
Phone	(928) 657-8140/8141/8142	Fax	(928) 657-8146
E-mail	dvlafrance@navajo-nsn.gov		
Directions	South side of the Dilkon Chapter House in a red log cabin.		

Name of Tribal Court	KAYENTA DISTRICT/FAMILY COURT		
Contact Person Name & Title	Jennifer D. Benally, Judge		
Contact Person Name & Title	Lavonne K.Yazzie, Court Administrator (928) 697-5541		
Contact Person Name & Title	Regina L. Jones, Office Technician		
Contact Person Name & Title	Malcolm P. Begay, Staff Attorney		
Contact Person Name & Title	Chester Stanley, Peacemaker Liaison (928) 697-5502		
Address	P.O. Box 2700, Kayenta, AZ 86033		
Phone	(928) 697-5549/5550	Fax	(928) 697-5546
E-mail	lavonneyazzie@navajo-nsn.gov		
Directions	North of Milepost 394 and US Hwy 163 in Kayenta.		

Name of Tribal Court	RAMAH DISTRICT/FAMILY COURT		
Contact Person Name & Title	Wilson Yellowhair, Judge		
Contact Person Name & Title	Esther Jose, Court Administrator (505) 775-3218		
Contact Person Name & Title	Jamaris Cisco, Office Technician		
Contact Person Name & Title	Martin Avery, Staff Attorney		
Contact Person Name & Title	Ruby F. Hosteen, Peacemaker Liaison (505) 775-3218		
Address	P.O. Box 309, Ramah, NM 87321		
Phone	(505) 775-3218	Fax	(505) 775-3399
E-mail	estherjose@navajo-nsn.gov		
Directions	429 BIA 125 and Mountainview, 20 miles southeast of Ramah		

Name of Tribal Court	SHIPROCK DISTRICT/FAMILY COURT		
Contact Person Name & Title	Genevieve Woody, Judge		
Contact Person Name & Title	Geraldine Benally, Judge		
Contact Person Name & Title	Ethel S. Laughing, Court Administrator (505) 368- 1270		
Contact Person Name & Title	Emma Hannah, Office Technician		
Contact Person Name & Title	Derrick Burbank, Staff Attorney		
Contact Person Name & Title	Raymond Deal, Peacemaker Liaison (505) 368-1276		
Address	P.O. Box 1168, Shiprock, NM 87420		
Phone	(505) 368-1270/1287	Fax	(505) 368-1288
E-mail	ethellaughing@navajo-nsn.gov		
Directions	North of the Northeast Corner US Hwy 64 and US Hwy 491 N in Shiprock, NM		

Name of Tribal Court	TUBA CITY DISTRICT/FAMILY COURT		
Contact Person Name & Title	Allen Sloan, Judge		
Contact Person Name & Title	Alice Huskie, Court Administrator (928) 283-3140		
Contact Person Name & Title	Orlando Sam, Office Technician		
Contact Person Name & Title	Tina Tsingine, Staff Attorney		
Contact Person Name & Title	Harry J. Begay, Peacemaker Liaison (928) 283-3143		
Address	P.O. Box 725, Tuba City, AZ 86045		
Phone	(928) 283-3140	Fax	(928) 283-3158
E-mail	alicehuskie@navajo-nsn.gov		
Directions	240 South Main Street, Tuba City, AZ		

Name of Tribal Court	WINDOW ROCK DISTRICT/FAMILY COURT		
Contact Person Name & Title	T.J. Holgate, Judge		
Contact Person Name & Title	Laverne A. Johnson, Judge		
Contact Person Name & Title	Carol K. Perry, Judge		
Contact Person Name & Title	Barbara Willeto, Court Administrator (928) 871-6626		
Contact Person Name & Title	Glenda Begay, Office Technician		
Contact Person Name & Title	Novaline D. Wilson, Staff Attorney		
Contact Person Name & Title	Elaine J. Henderson, Peacemaker Liaison (928) 871-6940		
Address	P.O. Box 5520, Window Rock AZ		
Phone	(928) 871-6962/6984/6471/7562	Fax	(928) 871-7560
E-mail	barbarawilleto@navajo-nsn.gov		
Directions	In the same building as the Window Rock Police Department, 2nd floor, in the Window Rock Tribal Park		

**10. Number of judges: (Please provide list of names, titles, and contact information for each judge)**

Judge Positions	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Trial Court Judges	14		
Specialized Court Judges			
Appellate Court Judges	2		
Other:			

**11. Tribal Prosecutor for the Court:**

Name	Bernadine Martin		
Title	Chief Prosecutor		
Address	P.O. Box 3379, Window Rock, AZ 86515		
Phone	(928) 871-6622	Fax	(928) 871-6633
E-mail	bernadinemartin@navajo.org		

**12. Tribal Government staff person to be contacted for more information regarding Tribal Government:**

Name	Office of Government Development		
Title			
Address	P.O. Box 220, Window Rock, AZ 86515		
Phone	(928) 871-7214	Fax	(928) 871-7162
Website	<a href="http://www.ongd.navajo.org">http://www.ongd.navajo.org</a> specifically, or more broadly: <a href="http://www.navajo.org/govt.htm">http://www.navajo.org/govt.htm</a>		

**13. Tribal Justice System Staff:** *(list of names, titles, and contact information for each position)*

Tribal Justice System Position	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Court Administrators/Clerks	86		
Probation Officers	29		
Prosecutors	16		
Public Defenders	5		
Bailiffs	7		
Juvenile Officers	8		
Other:	7		
Other:	11		

**14. Use of Attorneys:** *(Please indicate the number of full and part time attorneys or law school graduates your tribal justice system currently utilizes – enter 0 for positions which are not held by attorneys or law school graduates)*

Tribal Justice System Position	# of Full-time Positions	# of Part-time Positions	# of Pro-tem Positions
Judges who are licensed attorneys	14		
Judges who are law school graduates, but not licensed in any state			
Prosecutors who are licensed attorneys	16		
Prosecutors who are law school graduates, but not licensed in any state			
Public defenders who are licensed attorneys	5		
Public defenders who are law school graduates but not licensed in any state			

**15. Alternative Dispute Resolution and Diversion Programs:**

- Does your tribe use Alternative Dispute Resolution (ADR) in the judicial system?  Yes  No  
*If yes, please indicate below which ADR methods you use:*

- Traditional Methods     
  Mediation     
  Settlement Facilitation  
 Arbitration     
  Diversion Programs     
  Other: \_\_\_\_\_

*Please describe:* Peacemaker Services: Provides use of Navajo cultural and traditional teachings and values to settle disputes.

- Is there additional written material available which describes your tribe’s ADR program(s)?  
 Yes  No    *If yes, who should be contacted to obtain a copy:*

Name	Gloria Benally		
Title	Program Coordinator, Peacemaking Services		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-6388	Fax	(928) 871-7016
E-mail	gloriabenally@navajo-nsn.gov		



## **Part Two: TRIBAL BAR PRACTICE**

(Please attach additional information for each question if available)

<http://www.navajolaw.org>

<b>Issue</b>		<b>Comments</b>
1. Are there special requirements to be permitted to practice in tribal court?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Must be a member of the Navajo Nation Bar Association.
2. Are there requirements regarding knowledge of tribal culture or language:	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
3. Are advocates who do not have law degrees or are not members of a state bar permitted to practice in tribal court? Please describe requirements.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Certificate of Indian Blood, graduate of a course of studies approved by that NNBA or a paralegal training program or tribal advocacy program.
4. Do the same requirements apply for state-licensed attorneys?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
5. Does your tribe have a tribal bar examination? If yes, please provide details concerning requirements, how often the exam is administered and how to get more information about being admitted to the tribal bar.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Must turn in application packet with application, supporting documents, \$100 application fee. Exams are given twice a year. For more information call (928) 871-2211
6. Can an otherwise licensed attorney who is not a member of the tribal bar be admitted for a single case? If yes, how?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Non-member attorneys are allowed one (1) case per year in the tribal courts.
7. Can/must an otherwise licensed attorney who is not a member of the tribal bar associate with a member of the tribal bar on a single case? If yes, how?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Non-member attorneys are allowed one (1) case per year in the tribal courts.
8. Does the tribal bar have a Continuing Legal Education requirement? If yes, please provide details.	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Members: 11 hours total, 4 in Navajo Law, 2 in Navajo Ethics, remaining general.
9. What is the total number of members of the tribal bar?	More than 470	
10. Of the total number of members of the tribal bar, how many are licensed attorneys admitted to practice in a state?	25% to 50%	

### **16. Other requirements for a lawyer to practice in Tribal Court:**

Lawyers wanting to practice in tribal courts must take a Navajo culture class. They are also all subject to Pro Bono service as well.

### **17. Others that are allowed in practice in Tribal Court:**

You have to be licensed by the Navajo Bar or admitted through an associated bar member.

### **Part Three: TRIBAL COURT RULES AND PROCEDURE**

The purpose of this Section is to provide specific information regarding the rules and procedures necessary to practice in Tribal Court.

**18. Tribal Court’s working hours:**

Monday – Friday, 8 a.m. – 5 p.m.

**19. Language(s) used in Tribal Court:**

English and Navajo

**20. Interpreters are available:**  yes  no

Interpreters have to be requested. A list of Navajo interpreters is kept by the U.S. District Court.

**21. Tribal court filing fees:**

District Court: Civil Cases - \$60, Small Claims - \$10

Family Court: Divorce - \$10, Writs and Order to Show Cause - \$25

Supreme Court Appeals - \$60

**22. Tribal Court scheduling or docket practices where specific days or weeks are reserved:**

Varies among districts

**23. Rules of conduct, or etiquette, or rules of ethics, either written or implied, which are required to practice in Tribal Court:**

Rules: Court, Civil Procedure, Criminal Procedure, Probation Procedure, Civil Appellate Procedure, Small Claims Procedures, Evidence, Peacemaker Court, Domestic Violence, Children’s Code Rules of Procedure, and Probate. See: <http://www.navajocourts.org/indexdistct.htm>. There is also a Judicial Conduct Commission for judges and a Judicial Conduct Commission for bar members.

**24. The following written rules are available for Tribal Court (*Check all that apply*):**

<input checked="" type="checkbox"/> Civil Procedure	<input checked="" type="checkbox"/> Evidence	<input checked="" type="checkbox"/> Others:
<input checked="" type="checkbox"/> Criminal Procedure	<input checked="" type="checkbox"/> Appellate Procedure	Domestic Violence, Repossession
<input checked="" type="checkbox"/> Domestic Relations	<input checked="" type="checkbox"/> Alternative Dispute Resolution	Children’s Code, and Probate.

**25. These rules can be obtained by contacting:**

Name	Supreme Court of the Navajo Nation		
Title			
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-7669	Fax	(928) 871-7016
Website	See tabs located along left side: <a href="http://www.navajocourts.org/indexdistct.htm">http://www.navajocourts.org/indexdistct.htm</a>		

**26. To obtain more information on unwritten Tribal Court rules procedures, contact:**

Name	Edward Martin		
Title	Director of Judicial Administration		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-6762	Fax	(928) 871-6761
Website	<a href="http://www.navajocourts.org">http://www.navajocourts.org</a>		

**27. Tribal Court forms can be obtained from:**

Is a list of tribal court and related forms available?  yes  no If yes, please provide a copy.

Forms have to be requested from each district court.

**28. Jury trials are available for the following types of cases:**

- Criminal     
  Torts – Injury     
  Traffic     
  Other: \_\_\_\_\_  
 Other: Civil \_\_\_\_\_     
  Other: \_\_\_\_\_

**29. Appeals are available for the following types of cases:**

- Criminal     
  Torts – Injury     
  Traffic     
  Other: \_\_\_\_\_  
 Other: All Final Trial Court Decisions \_\_\_\_\_     
  Other: \_\_\_\_\_

**30. Tribal Court decisions and opinions are  written  oral.**

If written, copies of decisions and opinions are available from:

Court	Appellate		
Name	Benjenita K. Bates		
Title	Court Administrator		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-6763	Fax	(928) 871-7016
E-mail	benjibates@navajo-nsn.gov		

Court	Trial (selected District and Family Court opinions)		
Name	Benjenita K. Bates		
Title	Court Administrator		
Address	P.O. Box 520, Window Rock, AZ 86515		
Phone	(928) 871-6763	Fax	(928) 871-7016
E-mail	benjibates@navajo-nsn.gov		

**31. Trial proceedings or hearings are  recorded  transcribed  not recorded.**

If recorded or transcribed, proceedings or hearings are available from:

Name	Each individual courts		
Title	Court Administrators- Law Library/Study Room		
Address			
Phone	(928) 871-6188	Fax	
E-mail			

**Part Four: THE JURISDICTION OF TRIBAL COURT**

The purpose of this Section is to provide information regarding the law that applies to cases heard in Tribal Court.

**32. Information regarding a written Tribal Code can be obtained from:**

Name	Office of Legislative Counsel		
Title			
Address	P.O. Box 3390, Window Rock, AZ 86515		
Phone	(928) 871-7166	Fax	(928) 871-7576
E-mail			

**33. Does the tribe or the court have a definition of “non-member Indian” for jurisdictional or service purposes?**

yes  no If yes, please indicate what that definition is, and describe whether there are different definitions for different purposes (e.g., tribal services or criminal jurisdiction).

Individuals who "assume tribal relations" with Navajos by intermarriage, residence, and other activities, are subject to the criminal jurisdiction of the Navajo Nation. That includes any individual, regardless of racial or ethnic membership, who assumes the status of *hadane* or in-law.

**34. Does the tribe exercise jurisdiction over members off-reservation?**

yes  no If yes, please specify subject matter and circumstances (check all that apply):  
 Indian Child Welfare Act  
 Hunting, Fishing or Subsistence  
 Other: \_\_\_\_\_

**35. Does a significant number of non-member Indians live within the tribe’s jurisdiction?**

yes  no Comments: Employment, Business, Gaming, and Marriage.

**36. Do a significant number of non-Indians visit tribal lands on a regular basis?**

yes  no If yes, please indicate the types of visits (check all that apply):  
 Gaming  Tourism  Transients on Interstate Highway  
 Resort  Hunting/Fishing  Transients on Other Highways  
 Smoke Shop  Other: \_\_\_\_\_

**37. Are there problems presented by these visitors, such as increased traffic violations, hunting or wood cutting violations?**

yes  no If yes, please describe these problems and indicate whether disputes are presently settled in tribal court or other forum (please specify forum, such as state court):  
Certain crimes are prosecuted in tribal court.

**38. Are there federal laws or treaty provisions that *specifically* limit *your* tribe’s jurisdiction over non-members or non-Indians (as opposed to limitations on all tribes)?**

yes  no If yes, please indicate the specific law or provision and the limitation:

Federal Statute: \_\_\_\_\_ over  
 Non-Indians  Non-member Indians

Treaty Provision: \_\_\_\_\_ over  
 Non-Indians  Non-member Indians

**39. Over which groups of persons does your tribal constitution or traditional system permit jurisdiction?**

**Tribal Code**

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

**Traditional System**

- Tribal Members Only
- All persons, civil
- All persons, criminal
- All Indians, civil
- All Indians, criminal

**40. Has the tribe, by tribal legislation, limited its jurisdiction to members?**

- yes  no If yes, is the jurisdiction  General over all actions, or  as to specific matters (please specify the subject matters):

Many of the criminal provisions of the Navajo Nation have been “decriminalized”; civil-type penalties (fines, etc.) have been used in lieu of criminal penalty for non-Indians.

**Part Five: TRIBAL CODES**

The purpose of this Section is to provide information regarding any Tribal Codes that apply to practice in Tribal Court.

- 41. Does your tribe’s Constitution or Tribal Code contain a Bill of Rights?**  yes  no  
If yes, are copies available? In Navajo Nation Code

- 42. Does your tribe have a written code?**  yes  no

If yes, the code is based on:

- Written customary law
- Modern (Western-style) code
- Both customary law and modern (Western-style) code

- 43. Is a copy of the tribal code readily available to any person who wants it?**  yes  no  
*If yes, where can a copy be obtained?*

Name: Office of Legislative Counsel Phone: (928) 871-7166 Cost: \$ 400.00  
If no, please specify reason:

- 44. Has the tribal code ever been comprehensively codified?**  yes  no  
If yes, when was the last time the tribal codified? Date: 2005

**45. Please indicate which of the following are covered in your tribal code (check all that apply):**

FAMILY LAW (Domestic Relations)	HOUSING AND LAND USE
<input checked="" type="checkbox"/> Marriage	<input checked="" type="checkbox"/> Evictions
<input checked="" type="checkbox"/> Divorce	<input checked="" type="checkbox"/> Housing authority actions
<input checked="" type="checkbox"/> Child Support and Enforcement	<input checked="" type="checkbox"/> Trespass
<input checked="" type="checkbox"/> Visitation	<input type="checkbox"/> Land assignments
<input checked="" type="checkbox"/> Paternity	<input checked="" type="checkbox"/> Land use
<input checked="" type="checkbox"/> Guardianship	<input checked="" type="checkbox"/> Landlord-tenant
<input checked="" type="checkbox"/> Abuse and Neglect	<input checked="" type="checkbox"/> Grazing/Farming
<input checked="" type="checkbox"/> Out of home placement	<input type="checkbox"/> Other: _____

<input checked="" type="checkbox"/> Children in Need of Supervision (CHINS) <input checked="" type="checkbox"/> Adoption (including ICWA) <input checked="" type="checkbox"/> Probate (Estate distributions) <input checked="" type="checkbox"/> Domestic Violence <input checked="" type="checkbox"/> Elder Protection <input type="checkbox"/> Other: _____  <b>JUVENILE JUSTICE</b> <input checked="" type="checkbox"/> Status offenses (curfew, truancy, underage possession of alcohol, etc.) <input checked="" type="checkbox"/> Non-status offenses (criminal) <input type="checkbox"/> Other: _____	<b>TRIBAL AFFAIRS</b> <input checked="" type="checkbox"/> Enrollment <input checked="" type="checkbox"/> TERO and other employment rights <input checked="" type="checkbox"/> Elections <input checked="" type="checkbox"/> Voter Registration <input checked="" type="checkbox"/> Eligibility to run for office <input checked="" type="checkbox"/> Recounts <input type="checkbox"/> Campaign Financing <input checked="" type="checkbox"/> Other election disputes <input checked="" type="checkbox"/> Appeals <input type="checkbox"/> Other: _____
<b>ENVIRONMENTAL</b> <input type="checkbox"/> Housing <input type="checkbox"/> Building <input checked="" type="checkbox"/> Sanitation <input checked="" type="checkbox"/> Solid Waste <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Air <input checked="" type="checkbox"/> Noise <input type="checkbox"/> Other: _____  <b>CIVIL COMMITMENTS</b> <input checked="" type="checkbox"/> Mental Health <input type="checkbox"/> Substance Abuse <input checked="" type="checkbox"/> Juvenile commitment <input type="checkbox"/> Physical disability <input type="checkbox"/> Developmentally disabled (severely retarded) or other disorder (stroke, persistent vegetative state) disability <input type="checkbox"/> Other: _____  <b>TRAFFIC</b> <input checked="" type="checkbox"/> DWI <input checked="" type="checkbox"/> Speeding <input checked="" type="checkbox"/> Reckless Operation <input checked="" type="checkbox"/> Driver's Licenses <input type="checkbox"/> Vehicle Licenses <input checked="" type="checkbox"/> Insurance requirements <input type="checkbox"/> Other: _____  <b>COMMERCIAL TRANSACTIONS</b> <input checked="" type="checkbox"/> Contracts <input checked="" type="checkbox"/> Consumer protection <input checked="" type="checkbox"/> Collection of debts <input checked="" type="checkbox"/> Other: Uniform Commercial Code  <input type="checkbox"/> Other: _____  <b>TORTS</b> <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Defamation, libel, slander <input type="checkbox"/> Other: _____	<b>CRIMINAL LAW</b> <input checked="" type="checkbox"/> Assault and battery <input checked="" type="checkbox"/> Harassment and stalking <input checked="" type="checkbox"/> Kidnapping <input checked="" type="checkbox"/> Trespass <input checked="" type="checkbox"/> Property damage <input checked="" type="checkbox"/> Larceny <input checked="" type="checkbox"/> Extortion <input checked="" type="checkbox"/> Embezzlement <input checked="" type="checkbox"/> Receiving stolen property <input checked="" type="checkbox"/> Illegal kickbacks <input checked="" type="checkbox"/> Marital and familial offenses (e.g. bigamy, unlawful cohabitation, incest) <input checked="" type="checkbox"/> Sexual offenses (other than children as victims) <input checked="" type="checkbox"/> Alcohol and other intoxicants (including selling, possession, bootlegging, trafficking, distributing, etc.) <input checked="" type="checkbox"/> Homicide (murder & lesser offenses involving the death of a human being) <input checked="" type="checkbox"/> Crimes against children & dependents, including sex crimes <input checked="" type="checkbox"/> Bribery <input checked="" type="checkbox"/> Perjury and false affirmations <input checked="" type="checkbox"/> Malicious prosecution <input checked="" type="checkbox"/> Conspiracy to commit a crime <input type="checkbox"/> Worthless checks <input type="checkbox"/> Welfare fraud <input type="checkbox"/> Securities fraud <input type="checkbox"/> Racketeering <input checked="" type="checkbox"/> Election fraud or interfering with elections <input type="checkbox"/> Computer crimes (e.g. computer access with intent to defraud or embezzle, unauthorized computer use) <input checked="" type="checkbox"/> Controlled substances (e.g. drug selling, possession, distribution, trafficking, etc.) <input checked="" type="checkbox"/> Crimes against public peace (e.g. disorderly conduct, unlawful assembly, rioting) <input checked="" type="checkbox"/> Interference with law enforcement (e.g. resisting, evading, obstruction, assault, battery, refusing to aid, concealing identity, aiding a felon, escape from jail, assisting escape, bringing contraband into jail) <input checked="" type="checkbox"/> Official misconduct (e.g. demanding or receiving illegal fees, making false vouchers, paying or receiving tribal money for services not provided) <input type="checkbox"/> Other: _____

<p><b>COURT PROCEDURES</b>  All court rules (civil, criminal, appellate) available online at <a href="http://www.navajocourts.org/indexdistct.htm">http://www.navajocourts.org/indexdistct.htm</a>  <a href="http://www.navajocourts.org/indexsuct.htm">http://www.navajocourts.org/indexsuct.htm</a></p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Criminal Court procedures (e.g. requirements for filing a complaint, time limits for hearings and motions, format for documents)</li> <li><input checked="" type="checkbox"/> Civil Court procedures (e.g. requirements for filing a petition or complaint, time limits for hearings and motions, format for documents)</li> <li><input checked="" type="checkbox"/> Juvenile or Children’s Court procedures (e.g. requirements for filing a petition, time limits for hearings and motions, format for documents)</li> <li><input checked="" type="checkbox"/> Appellate Court procedures (e.g. requirements for allowing appeals, time limits, notice of appeal)</li> <li><input checked="" type="checkbox"/> Administrative Court procedures (e.g. from decisions made by tribal departments such as housing, personnel, land use &amp; realty, environmental, membership, or elections board)</li> <li><input type="checkbox"/> Procedures for appeals from council (legislative) decisions.</li> <li><input checked="" type="checkbox"/> Code of Judicial or Professional Responsibility</li> <li><input checked="" type="checkbox"/> Other: Proceedings Rules: Small claims, Repossession, Evidence, Domestic Violence.</li> <li><input checked="" type="checkbox"/> Other: Probate Procedure, Adult Civil Traffic Infraction Program.</li> </ul>	<p><b>OTHER CODE PROVISIONS (Please specify):</b></p>
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**46. Has your tribe waived its immunity from suit in court?**       yes     no

If no, go to question 47.

If yes, please indicate which of the following applies:

- General Waiver
- Limited Waiver (check all that apply)
  - For tort claims against the tribe
  - For civil rights claims against the tribe
  - For specific business activities
  - As to special tribal public agencies (e.g. housing authority)
  - As to tribally-owned business enterprises
  - Other: \_\_\_\_\_

- Specific to:
  - Tribal Court
  - Federal Court – NEPA Compliance Issues, Navajo & Hopi Land Disputes
  - State Court

**47. Is the civil jurisdiction of your tribe limited by any federal statute?**       yes     no

If yes, please indicate the statute:



**Part Six: INTERGOVERNMENTAL RELATIONS**

**48. Does your tribe, pueblo, or village have any agreements to RECEIVE services from or to use facilities of a state, county, municipality, or other tribe?**  yes  no

If no, go to question #48.

If yes, please complete the following chart:

<b>Type of Service</b>	<b>Type of Agreement</b>	<b>Agreement is With:</b>
Cross Deputization	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	State, County NM, AZ
Shelter Care	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Treatment/Counseling	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	State, County
Detention Facilities	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	State, County
Correction Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
<i>Other (Please Describe)</i>	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input checked="" type="checkbox"/> Informal agreements	FBI

**49. Does your tribe, pueblo, or village have any agreements to PROVIDE services or the use of facilities TO a state, county, municipality, or other tribe?**  yes  no

If no, go to question #49.

If yes, please complete the following chart:

<b>Type of Service</b>	<b>Type of Agreement</b>	<b>Agreement is With:</b>
Cross Deputization	<input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	County Apache County
Shelter Care	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Treatment/Counseling	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Detention Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
Correction Facilities	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	
<i>Other (Please Describe)</i>	<input type="checkbox"/> Contracts <input type="checkbox"/> Other formal agreements <input type="checkbox"/> Informal agreements	

**Part Seven: STATE & OTHER GOVERNMENTAL JURISDICTION**

The purpose of this Section is to provide information regarding jurisdiction that has been granted by your tribe to any state or other governmental entity.

**50. Has any state government been granted jurisdiction over any portion of your reservation by treaty, federal legislation, or tribal legislation?**       yes  no

If yes, jurisdiction was granted by (Check all that apply, and describe briefly):

<input type="checkbox"/> Treaty: (Please specify and describe)	
<input checked="" type="checkbox"/> Federal Legislation (P.L. 83-280 or other – please specify and describe)	Navajo/Hopi Land Dispute/Settlement 25 USC 640 Major Crimes Act
<input type="checkbox"/> Tribal Legislation (Please specify and describe)	

**51. Is state jurisdiction limited?**       yes  no

If yes, jurisdiction is limited to:

<input type="checkbox"/> Persons: (Please specify and describe)	
<input type="checkbox"/> Subject Matter: (Please specify and describe)	

**52. Does your tribe exercise concurrent jurisdiction with the state?**       yes  no

If yes, concurrent jurisdiction is over:

<input type="checkbox"/> Persons: (Please specify and describe)	
<input type="checkbox"/> Subject Matter: (Please specify and describe)	

**53. Does your tribe receive services from the state and municipal governments, law enforcement and court systems under state jurisdiction?**       yes  no

If yes, the services provided are the result of:

Agreement or Contract       Federal Court order or settlement

The services provided are: Cross Deputization.