

Class "C" Resolution  
No BIA Action Required.

RESOLUTION OF THE  
NAVAJO TRIBAL COUNCIL

Amending 7, Navajo Tribal Code, Sections 103  
and 252 and 9, Navajo Tribal Code, Section 1003,  
Redefining the Term "District Courts" so as to  
Establish Family Courts and Establish the  
Jurisdiction of Family Courts

WHEREAS:

1. The Navajo Tribal Council is the governing body of the Navajo Nation; and
2. Pursuant to Title 7, Navajo Tribal Code, Section 103, the Navajo Tribal Council defines "District Courts" and establishes divisions thereof; and
3. Currently, the term "District Courts" includes District Courts and Children's Courts; and
4. The Navajo Nation Children's Code establishes the jurisdiction of the Children's Courts which is limited to matters arising under the Children's Code; and
5. Cases involving domestic relations, probate, adoption, custody, child support, guardianship, mental health commitments, mental and/or physical incompetence, name changes and matters arising under the Children's Code are cases which involve families, family relationships, the social, financial and physical environments of the parties, and questions of physical, mental and emotional health of the parties; and
6. The Children's Court Judges receive training and have experience in handling such matters; and
7. The establishment of Family Courts, to be staffed by the judges of the Children's Courts, would make the best use of the knowledge and experience of the Children's Courts and would more evenly and equitably distribute the caseload of the District Courts; and
8. It would be in the best interests of the Navajo Nation and of the Navajo people to establish Family Courts and to define the jurisdiction of the Family Courts; and
9. In order to effect the proposed changes, it is necessary to change one word in 7, Navajo Tribal Code, Section 103

and to add 7, Navajo Tribal Code, Section 252 and 9, Navajo Tribal Code, Section 1003 which are currently reserved sections.

NOW THEREFORE BE IT RESOLVED:

1. Title 7, Navajo Tribal Code, Section 103 is amended so as to change "Children's Courts" to "Family Courts" in the definition of District Courts.

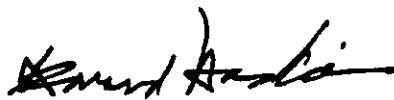
2. Title 7, Navajo Tribal Code, is amended to include Section 252 which establishes and defines the jurisdiction of the Family Courts.

3. Title 9, Navajo Tribal Code, is amended to include Section 1003 to provide that matters arising under the Children's Code shall be heard in the Family Courts.

4. These amendments shall be effective September 1, 1989.

#### CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 63 in favor, 0 opposed and 6 abstaining, this 16th day of August 1989.



Interim Chairman  
Navajo Tribal Council

Title 7

§103. District Courts defined

The term "District Courts" as used herein shall include the District Courts, the ~~Children's~~ Family Courts of the Navajo Nation, and any divisions thereof established by Navajo Tribal Council.

Title 7

§252. Reserved Family Courts

The Family Courts of the Navajo Nation shall have original exclusive jurisdiction of all cases involving domestic relations, probate, adoption, paternity, custody, child support, guardianship, mental health commitments, mental and/or physical incompetence, name changes and all matters arising under the Children's Code.

Title 9

§1003. Family Courts

The Family Courts of the Navajo Nation shall have original exclusive jurisdiction of all matters arising under the Navajo Nation Children's Code. References in this Title to the Children's Court shall be deemed to mean Family Courts. References to Children's Courts or to Children's Court judges which describe, define or mandate procedure, responsibility, qualifications or which impose standards or requirements shall be deemed to apply only to matters arising under the Children's Code but shall not be deemed to abolish nor diminish any requirements, standards or mandates as to matters arising under the Children's Code.

RESOLUTION OF THE  
JUDICIARY COMMITTEE OF THE  
NAVAJO TRIBAL COUNCIL

Supporting and Recommending to the Navajo Tribal Council  
the Realignment of the Term "District Courts" so as to  
Establish Family Courts and Establish the  
Jurisdiction of Family Courts

WHEREAS:

1. The Judiciary Committee of the Navajo Tribal Council has as one of its purposes to promote the interests of the Navajo people through sponsorship of legislation to improve the quality of the system of justice within the Navajo Nation (2 N.T.C. §572(4)); and
2. Pursuant to Title 7 N.T.C. §103 Tribal Council defines "District Courts" and establishes divisions thereof; and
3. Currently, the term "District Courts" includes District Courts and Children's Courts; and
4. The Navajo Nation Children's Code establishes the jurisdiction of the Children's Courts which is limited to matters arising under the Children's Code; and
5. Cases involving domestic relations, probate, paternity, adoption, custody, child support, guardianship, mental health commitments, mental and/or physical incompetence, name changes and matters arising under the Children's Code are cases which involve families, family relationships, the social, financial and physical environments of the parties, and questions of physical, mental and emotional health of the parties; and
6. The Children's Court judges receive training and have experience in handling such matters; and
7. The establishment of Family Courts to be staffed by the judges of the Children's Courts would make the best use of the knowledge and experience of the Children's Courts and would more evenly and equitably distribute the case load of the District Courts; and
8. It would be in the best interests of the Navajo Nation and of the Navajo people to establish Family Courts and to define the jurisdiction of the Family Courts; and

THEREFORE BE IT RESOLVED THAT:

1. 7 N.T.C. §103 be amended so as to change "Children's Courts" to "Family Courts" in the definition of District Courts.


2. Title 7 of the Navajo Tribal Code be amended to include §252 which establishes and defines the jurisdiction of the Family Courts.

3. Title 9 of the Navajo Tribal Code be amended to include §1003 to provide that matters arising under the Children's Code shall be heard in the Family Courts.

4. These amendments become effective September 1, 1989.

CERTIFICATION

I hereby certify that the foregoing resolution was considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation, (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed, this 4 day of August, 1989.

  
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Chairman  
Judiciary Committee of the  
Navajo Tribal Council

RESOLUTION OF THE JUDICIAL CONFERENCE OF THE NAVAJO NATION JUDGES

Recommending Revision And Amendment of Titles 8 and 9 of the Navajo Tribal Code and Establishing Family Courts

WHEREAS:

1. The Navajo Tribal Council has empowered the Navajo Tribal Courts to hear and decide matters on domestic relations, adoption, guardianship, children and decedent's estates (7 N.T.C. Sec. 253); and
2. These matters deal with families and status of individuals and are often nonadversarial in nature; and
3. The specific portions of the Navajo Tribal Code which contain provisions for deciding these matters are contained in Titles 8 and 9; and
4. The Navajo Nation Courts have found statutory laws inadequate or nonexistent in the areas of marriage, annulment, divorce, child custody arising out of divorce, change of child custody, child support, spousal support and alimony, property settlement, community property, probate, wills, and laws defining jurisdiction for these areas where one spouse or the children may be absent from Navajo Court jurisdiction; and
5. The Navajo Nation Courts have found portions of the Children's Code unclear, in conflict with each other, and difficult to interpret and apply; and
6. The Navajo Nation Courts have established some guidelines for resolving domestic relations and decedents estates matters in the absence of statutes. The process however, has been piecemeal with no assurances of rapid development of the law; and
7. The Navajo Nation Courts have attempted to deal with the Children's Code through Judicial Conferences, Solicitor's Opinions and Supreme Court Opinions; and
8. These matters covered by Titles 8 and 9 often require the courts to consider sociological, psychological, medical, and economic issues; and
9. Currently jurisdiction over these matters is split between the District courts and the Children's Courts;

10. It is in the best interests of the Navajo Nation and all who come before the Navajo Tribal Courts that there be uniformity and clarity of the laws to be applied and that those laws be public knowledge; and

11. It is in the best interests of the Navajo Nation and all who come before the courts that there be Family Courts where all these matters may be heard by a judge with expertise and experience in handling the issues; and

12. The Navajo Nation Courts believe that laws on domestic relations decedent's's estates and children's matters are wholly internal to the sovereignty of the Navajo Nation, and therefore certain customary and traditional laws on these matters need to be identified and codified; and

13. It is in the best interests of the Navajo Nation that Titles 8 and 9 of the Navajo Tribal Code be revised so that the provisions are clear and provide adequate guidelines for the judges, the parties and the practitioners.

**THEREFORE BE IT RESOLVED THAT:**

1. The Judges of the Navajo Nation recommend the revision and amendment of Titles 8 and 9 of the Navajo Tribal Code; and

2. The Judges of the Navajo Nation recommend that traditional and customary laws on domestic relations and decedent's estates be identified and codified in so far as they are not inconsistent with federal laws or of the civil rights laws; and




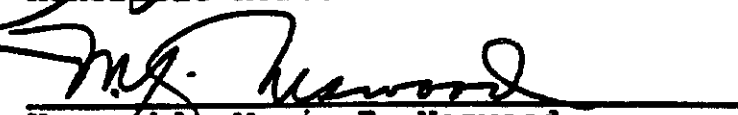



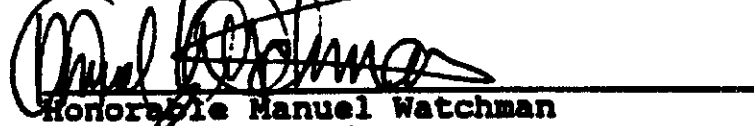


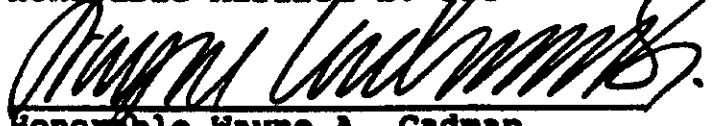

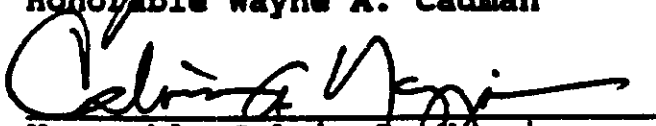
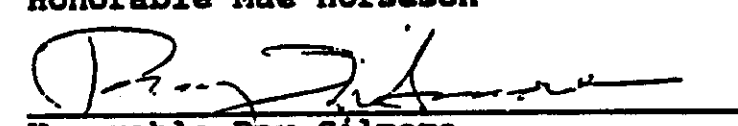
3. The Judges of the Navajo Nation recommend that certain provisions in the Navajo Nation Children's Code be amended or revised for clarity; and

4. The Judges of the Navajo Nation recommend that Family Courts be established to hear all matters under Titles 8 and 9 of the Navajo Tribal Code; and

5. The Navajo Nation Judges believe that comprehensive statutory laws in the areas mentioned above will protect and strengthen the sovereignty of the Navajo Nation.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the Justices and Judges of the Navajo Nation at duly called Judicial Conference in Window Rock, Navajo nation (Arizona), at which a quorum was present and that same was passed by a vote of 11 in favor and 0 opposed, this 13th day of November, 1987.

 Honorable Chief Justice Tom Tse	 Honorable Homer Bluehouse
 Honorable Raymond D. Austin	 Honorable Marie F. Neswood
 Honorable Harry D. Brown	 Honorable Evelyne E. Bradley
 Honorable Leonard Hilt	 Honorable Manuel Watchman
 Honorable Marilon B. Tee	 Honorable Robert Yezzie
 Honorable Wayne A. Cadman	 Honorable Mae Horseson
 Honorable Calvin A. Yezzie	 Honorable Ray Gilmore