



# BREAKING NEWS

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## FOR IMMEDIATE RELEASE

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Yesterday, the United States Supreme Court declined to hear the State's appeal in the case of *Hogan v. Kaltag Tribal Council*, thus effectively ending the case and clearly reinforcing the rule that tribal courts have authority to initiate and fully adjudicate children's cases.

The Kaltag Tribal Council had taken emergency custody of one of its member children due to allegations of abuse and neglect and, after conducting hearings and finding a suitable home, it terminated the rights of the birth parents and issued an order of adoption to the adoptive parents in Huslia. Kaltag then notified the State of Alaska Bureau of Vital Statistics about the adoption and requested a new birth certificate reflecting the names of the adoptive parents and the new last name of the child. The State refused, claiming that it did not owe full faith and credit to the decision of the Kaltag Tribal Court because Kaltag did not have jurisdiction to initiate the case at all.

In the fall of 2006, NARF filed a lawsuit on behalf of the Kaltag Tribal Council and the adoptive parents to enforce the full faith and credit provision of the Indian Child Welfare Act (IWCA). In February 2008, the United States District Court rejected the State's claims and held that Tribes have jurisdiction to adjudicate adoptions and child-in-need-of-aid (CINA) type cases over their member children, and that the Tribal Court's decisions are entitled to full faith and credit by the State. In a detailed and thoughtful opinion, the Court reaffirmed what the United States Supreme Court stated in the *Holyfield* case that the IWCA created "concurrent but presumptively tribal jurisdiction in the case of children not living on a reservation". The Court also noted that denying tribal jurisdiction in CINA-type cases would leave Tribes "powerless to help children in their own villages at the most critical time." The Court's decision was then summarily affirmed by the Ninth Circuit Court of Appeals.

This case reaffirms the rule that when Tribes adjudicate domestic matters of their own member children, whether it is a simple voluntary adoption or a CINA-type case, their decisions are entitled to full faith and credit.

Counsel for Kaltag, Natalie Landreth, said "The fact is that the Kaltag Tribal Court was doing what it, and the 561 other tribes in this country, has been doing since time immemorial: taking care of their own children. This case never should have been appealed to the United States Supreme Court, and the Plaintiffs are very glad that their victory stands." Moreover, the Native American Rights Fund and plaintiffs Kaltag Tribal Council and Hudson and Selina Sam call upon Governor Parnell and Attorney General Sullivan to rescind the Renkes Opinion issued in October 2004 and instead take this opportunity to work with tribes and tribal courts to ensure the protection of all children, no matter which court their case is in.