

IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2020-RL-063

RULES RELATING TO DISTRICT COURTS

GENERAL AND ADMINISTRATIVE

FILED

JUN 16 2020

**DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS**

The following Supreme Court Rule 110C is hereby adopted, effective the date of this order.

Rule 110C

RECOGNITION OF TRIBAL JUDGMENTS

(a) **Definitions.**

- (1) "**Judicial officer**" means a judge, justice, magistrate, or other officer authorized under federal or tribal law to resolve disputes and enter tribal judgments in a tribal court.
- (2) "**Record**" means information on a tangible medium or stored in an electronic format.
- (3) "**Tribal court**" means a court or constitutionally established tribunal of a federally recognized Indian nation, tribe, pueblo, band, or Alaska Native village established under federal law or tribal law, including a court of Indian offenses organized under Title 25, Part 11 of the Code of Federal Regulations.
- (4) "**Tribal judgment**" means a final written judgment, decree, or order of a tribal court signed by a judicial officer and filed in a tribal court.

(b) **Recognition of Tribal Judgments—Full Faith and Credit.** A Kansas district court must grant full faith and credit and enforce a tribal judgment if the tribal court that issued the judgment grants full faith and credit to the judgments of the courts of the state of Kansas.

(c) **List of Tribal Courts Granting Full Faith and Credit.** The judicial administrator must maintain a list of the tribal courts that grant full faith and credit to the judgments of the courts of the state of Kansas. The list will include any tribal court that has provided the following documents to the judicial administrator:

- (1) a copy of the tribal ordinance, statute, court rule, or other evidence demonstrating that the tribal court grants full faith and credit to the judgments of the courts of the state of Kansas; and
- (2) a copy of the tribal ordinance, statute, court rule, or other evidence of the tribal court's requirements for authentication of copies of an official record.

- (d) **Filing of Tribal Judgments.** A copy of a tribal judgment authenticated in accordance with K.S.A. 60-465, the applicable act of Congress, or the law of the tribe may be filed with the clerk of the district court of any Kansas county. The district court clerk must treat the tribal judgment in the same manner as a judgment of the district court of any Kansas county that may be enforced or satisfied in a like manner.
- (e) **Filing Procedure.**
- (1) A tribal judgment filed under this rule must be accompanied by the following:
- (A) an affidavit, signed by the filing party or that party's attorney, stating the name and last-known address of each party in the action and the name and last-known address of each party's attorney, if any; and
- (B) payment for the docket fee required under K.S.A. 60-3020.
- (2) Promptly on the filing of a tribal judgment and affidavit, the filing party must mail notice of the filing of the tribal judgment to the party against whom the judgment was rendered at the address given. The notice must include the name and address of the party filing the judgment and the name and address of the party's attorney, if any. In addition, the party filing the judgment must file a certificate of mailing with the district court clerk within seven days after the date the tribal judgment was filed with the district court clerk.
- (f) **Stay of Enforcement.** The party against whom the tribal judgment was rendered may seek a stay of enforcement of the judgment as provided in K.S.A. 60-3004.
- (g) **Conditions for Execution or Enforcement.** No execution or other process for enforcement of a tribal judgment filed under this rule may issue until the proof of mailing of the notice has been filed with the district court clerk and 21 days have passed from the date the judgment was filed in the district court.
- (h) **Communication Between Courts.**
- (1) A district court may communicate with a tribal court concerning a tribal judgment filed under this rule. Except as otherwise provided in subsection (h)(2), a record must be made of the communication and the parties must be informed promptly of the communication and granted access to the record.
- (2) Communication between a district court and a tribal court concerning court records and similar ministerial matters may occur without informing the parties. A record need not be made of the communication.
- (i) **Other Applicable Statutes, Regulations, and Rules.**
- (1) This rule does not modify, limit, or impose additional conditions on the obligation of a district court to follow applicable state and federal statutes, regulations, and rules that provide for recognition and enforcement of judgments or acts of the tribal courts of any

federally recognized Indian tribe.

(2) Applicable statutes may include the following:

(A) Violence Against Women Act, 18 U.S.C. § 2265;

(B) Indian Child Welfare Act, 25 U.S.C. § 1911;

(C) National Indian Forest Resources Management Act, 25 U.S.C. § 3106;

(D) American Indian Agricultural Resources Management Act, 25 U.S.C. § 3713;

(E) Full Faith and Credit for Child Support Orders Act, 28 U.S.C. § 1738B;

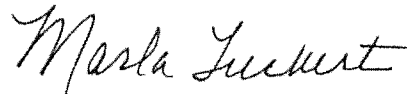
(F) Uniform Interstate Family Support Act, K.S.A. § 23-3601 et seq.;

(G) Uniform Child-Custody Jurisdiction and Enforcement Act, K.S.A. § 23-37,101 et seq.; and

(H) Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, K.S.A. § 60-31b01 et seq.

Dated this 16th day of June 2020.

FOR THE COURT



MARLA LUCKERT
Chief Justice