



PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

State-Tribal Relations Committee
62nd Montana Legislature

SENATE MEMBERS

SHANNON AUGARE
TAYLOR BROWN
CARMINE MOWBRAY
SHARON STEWART-PEREGOY

HOUSE MEMBERS

GORDON HENDRICK
CAROLYN PEASE-LOPEZ
JOE READ
FRANK SMITH

COMMITTEE STAFF

CASEY BARRS, Lead Staff
DANIEL WHYTE, Staff Attorney
CJ JOHNSON, Secretary

December 27, 2012

Attorney General Steve Bullock
Department of Justice
P.O. Box 201401
Helena, MT 59620-1401

Dear Attorney General Bullock:

The State-Tribal Relations Committee is the primary liaison between the Legislature of Montana and the sovereign tribal governments situated within the state. During the legislature's 2011-2012 interim, the STR committee examined the issue of full faith and credit for tribal court orders and decrees. Concerns were presented to our committee both during a visit to Fort Peck Reservation in April 2012 as well as in subsequent testimony heard during the Summer and Fall.

As per the attached opinion from the legal counsel of the Legislative Services Division, "Montana statutory law supports the conclusion that valid tribal court decisions related to child support orders, child custody orders, and protective orders are recognized and enforced by Montana courts." But the testimony our committee heard revealed concerns that (1) not all state district courts consistently extend full faith and credit to such tribal court orders and decrees, and (2) tribal members seeking to make such filings in state district courts too often lack full legal knowledge on which to proceed through the issues and inter-jurisdictional complexities and might ill afford legal representation.

For these reasons, our committee believes that it could be very useful for tribal members seeking to make these types of filings if your office were to develop forms and guidance comparable to the simplified materials already used for summary divorce in Montana.

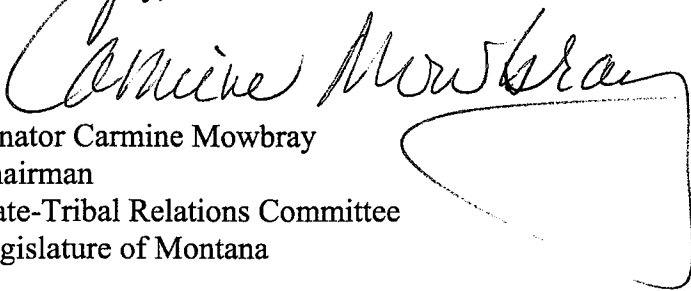
Since such forms would be readily recognizable as having been prepared by the Office of the Attorney General there would be a higher likelihood that these filings are honored by all the state's district courts. Furthermore, such simplified pro se materials, although not intended to substitute for legal counsel, could greatly help those who have limited access to representation.

The net result would be to ensure better access to justice for tribal members trying to bring tribal child support orders, child custody orders, and protective orders before Montana's district courts.

With this letter our committee therefore respectfully encourages your office to consult carefully with tribal and state district court personnel and then develop pro se materials that will help

individuals who are trying to bring tribal child support orders, child custody orders, and protective orders before Montana's courts.

Most sincerely,

A handwritten signature in cursive script that reads "Carmine Mowbray". The signature is written in black ink and is positioned above the typed name and title.

Senator Carmine Mowbray
Chairman
State-Tribal Relations Committee
Legislature of Montana

CI0206 2362cbxa.