

Crow Tribal Judicial Branch

- Info@:
www.crowtribalcourts.org
- 406-638-7400
- Monday thru Friday
- Hours of Operation:
8:00 am – 5:00 pm



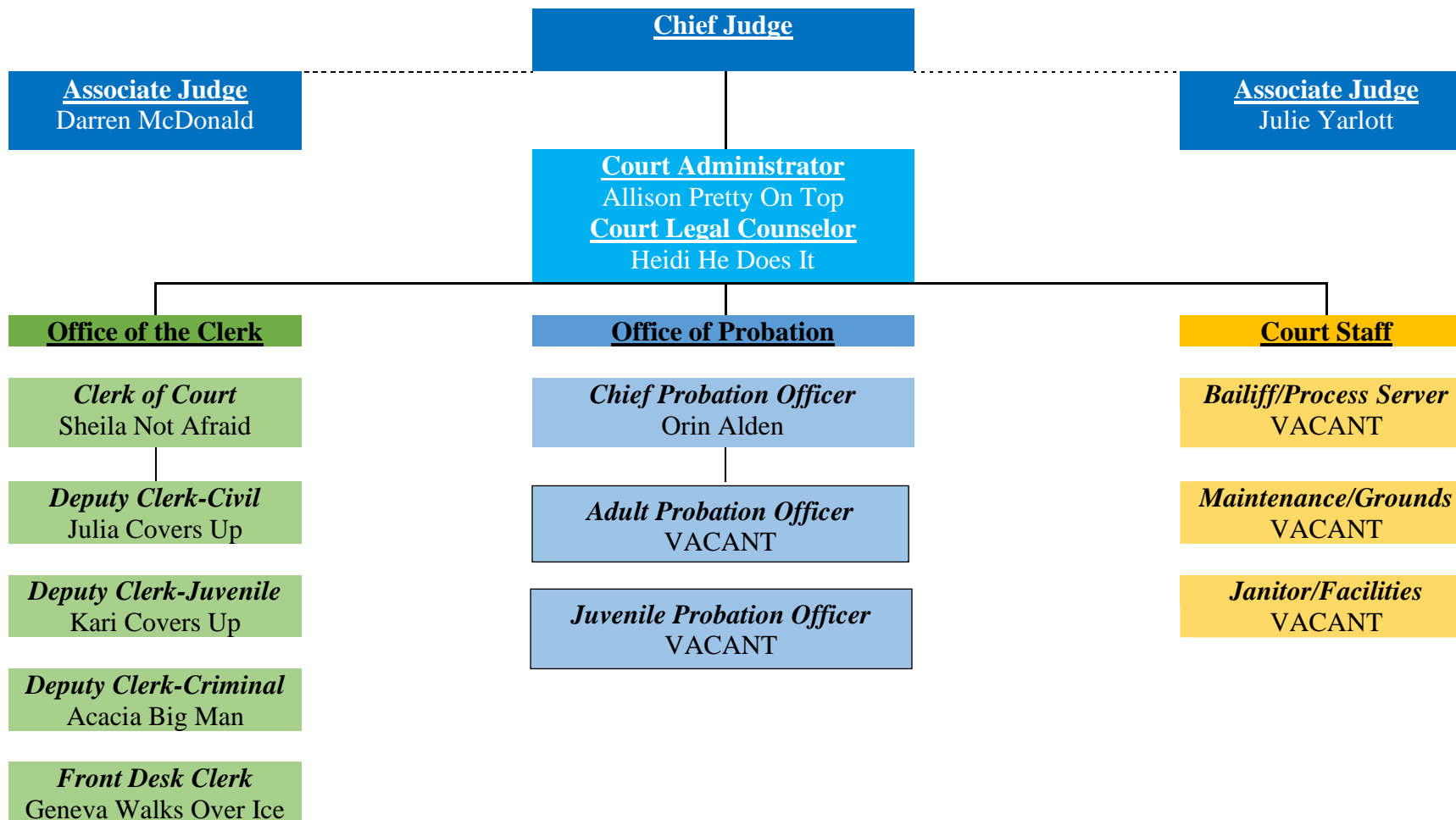
Judges of the Crow Tribal Judicial Branch

- Chief Judge: *Myra Left Hand*
- Associate Judge: *Darren McDonald*
- Associate Judge: *Julie Yarlott*
- Crow Court of Appeals: Chief Justice, *Ken Pitt*

Staff of the Crow Tribal Court Administration:

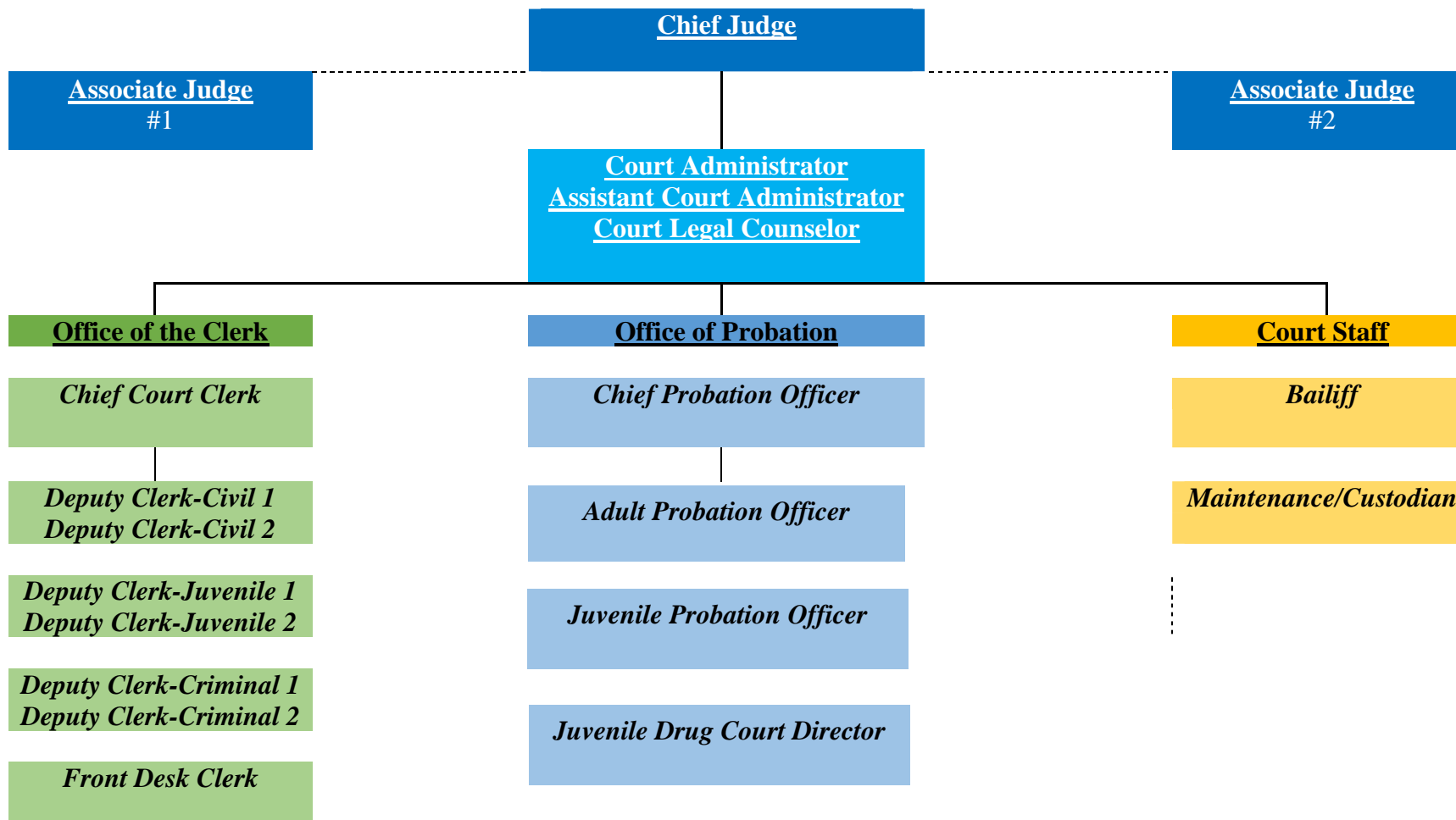
- Court Legal Counselor: *Heidi He Does It*
- Court Administrator: *Allison Pretty On Top*
- Clerk Of Court: *Sheila Not Afraid*
- Front Desk Clerk: *Geneva Walks Over Ice*
- Civil Deputy Clerk: *Julia Covers Up*
- Criminal Deputy Clerk: *Acacia Big Man*
- Juvenile Deputy Clerk: *Kari Covers Up*
- Adult Probation: *Orrin Alden*

Judicial Branch of the Apsaalooke Nation 2022 Organizational Chart



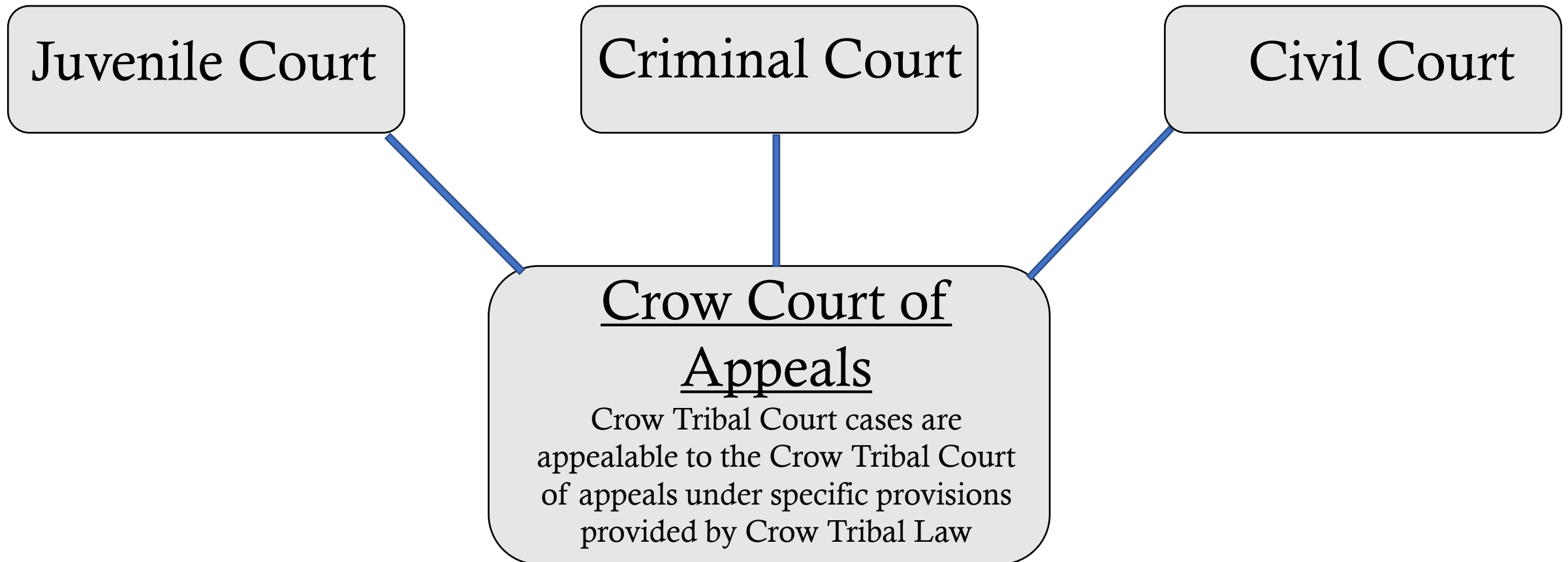
*Current 2022 staff at Crow Tribal Courts

Judicial Branch of the Apsaalooke Nation 2015 Organizational Chart



*Comparison of 2015 Staff at Crow Tribal Courts

Structure of the Crow Tribal Court:



Branches of the Crow Tribal Government:

Executive Branch

- Enforces & Implements Laws
- Develops Policies
 - Police Department
 - Detention
 - Social Service
 - Prosecution
 - Public Defender

Legislative Branch

- Develops Laws and Resolutions
- District Representatives
- Committees

Judicial Branch

- Applies Laws (Adjudicates)

Source of Funding

The Crow Tribal Court receives 100% of its funding from BIA Public Law 93-638 Contract

The Crow Tribal Court currently does not receive funding from the Crow Tribal General Fund

Comparison of full operation funding in FY2015 to FY2022 shortfall.



2015	
<u>Funding Source</u>	<u>Amount</u>
638 TPA Judicial Service	\$ 746,321
FY14 638 Carryover Funds	\$ 77,421
FY15 Tribal General Funds	\$ 1,101,309
Total	\$ 1,925,051

VS

2022	
<u>Funding Source</u>	<u>Amount</u>
638 TPA Judicial Service	\$ 399,000
FY21 638 Carryover Funds	\$ 0
FY21 Tribal General Funds	\$ 0
Total	\$ 399,000

Juvenile Court: Judge Darren McDonald

Juvenile Clerk: Kari Covers Up

Controlling Law- Title 9 Juvenile Code, CLOC

*Illustration of Party's involved: Crow Tribe represented by Juvenile Case Presenter, Petitioner in Adoptions, Custodianships, Name Changes, Represented by Self/Advocate/Attorney

- Adoptions
- Custodianship (Guardianship)
- Juvenile Name Change
- Emancipation
- Youth In Need Of Care (YINOC)
- Youth In Need Of Supervision (YINOS)
- Youth Court (Delinquency)

Indian Child Welfare Act (ICWA) - Federal law that applies to Indian children in State Courts. When an ICWA case is transferred to the Crow Tribal Court it becomes a YINOC case. ICWA does not apply in custody cases in the Crow Tribal Court.

Criminal Court: Judge Myra Left Hand

Criminal Clerk: Acacia Big Man

Controlling Law- Title 8A & 8B Criminal Code, CLOC

*Illustration of Party's involved:

Crow Tribe, Represented by Prosecutor Vs. *Defendant*, Represented by Self/ Advocate/ Attorney

- Arraignments
- Pretrials
- Trials by Judge & Trials by Jury
- Issuance of bench warrants
- Sentencing, imposing jail time and/or fines & restitution

Civil Court: Judge Julie Yarlott

Civil Clerk: Julia Covers Up

Controlling Law- Title 5 Code of Civil Procedure, Title 10 Domestic Relations Code, Title 2 Probate, Title 11 Mental and Behavioral Health Code, Title 14 Traffic Code, Title 8E Domestic Violence Code, CLOC

*Illustration of Party's involved:

Petitioner Vs Respondent

Plaintiff Vs Defendant,

(parties are represented by self/advocate/attorney)

- Civil Complaint
- Dissolution of Marriage/Annulment
- Child Custody
- Child Support
- Orders for Paternity testing
- Adult Guardianship
- Involuntary Commitment
- Orders of Protection
- Temporary Restraining Order/Injunction
- Adult Name Change
- Marriage License
- Recognition of Foreign Orders
- Traffic Tickets
- Execution of Judgments
 - Repossession of property
 - Garnishment of Wages

Executive Branch functions and how they *relate* to the Crow Tribal Court process

- Law Enforcement Service is provided by Bureau of Indian Affairs (BIA).
- BIA Contracts are negotiated by the Chairman of the Crow Tribe, pursuant to Crow Tribal Constitution and JAR 04-05:
 - Police Department
 - Dispatch
 - Adult and Juvenile Detention
- Social Services:
 - BIA, investigative and removal authority of children
 - Tribal Social Services (IV-E) is a department under the Executive Branch, Montana State funded program to provide services for foster care.

WORK IN PROGRESS

Upon taking office on December 6, 2021, the Tribal Court made a decision to close for 3 weeks to reorganize.

The Tribal Court discovered the following:

Civil Department:

- Documents need file- no existing file/record.....102
- Case Management Orders sent out.....219
- Cases to be reviewed by Judge.....66
- Cases closed out.....54
- New cases to be processed.....7
- Cases placed back on calendar.....16

Current Status:

All Completed
50 cases responded
20 Completed
All Completed
All Completed
All Completed

Juvenile Department:

- Case Management20
- Cases need back on calendar.....140
- Adoptions to be processed.....16
- Name changes to be processed.....3

Pending
Pending
All Completed
All Completed

WORK IN PROGRESS *Cont.*

Juvenile Department

- BIA cases to be heard
 - 1. 2019.....30
 - 2. 2020.....7
 - 3. 2021.....14
 - 4. 2022.....2
 - Other cases.....41

Current Status:

*The Court has not received responses on any of these cases. The court cannot hold the BIA Social workers accountable through contempt proceedings due to BIA qualified immunity defense.



Criminal Department

- Open Cases.....196 Pending
- Pending Orders from Prosecution.....65 Pending
- Pending Orders from Judge.....30 Pending
- Documents to be filed.....300+ 360-375 closed out

Probation Department

- 30 defendants ordered to obtain Chemical Dependency Evaluations
- 12 Behavioral Health Assessment
- Anger Management 2; Of the 2, were revoked.
- As of January – March 2022, 25 defendants, CDE – 20, BHA – 1, AM – 1, and Revoked 2.

WORK IN PROGRESS *Cont.*

- Utilization of Crow Tribal Judicial Branch's Website:
 - Court forms are currently available
 - Weekly Court Calendar is posted for all departments of the Court
 - Flow Chart of Court Process for all departments
- Improving communication with self represented parties
- Placing cases back on calendar through Case Management Orders and Motions from parties and agencies

Communication with the Public and Executive And Legislative Branches of the Crow Tribal Government

- The Crow Tribal Court is participating in a project with Montana Legal Services (MLS), Montana Tribal Advocate Incubator Project (TAIP) to recruit and provide educational materials to potential advocates. The same material will also be provided to self represented parties through the Crow Tribal Court website. An attractive component to TAIP is that MLS will pay and assist in the preparation of the Crow Tribal Bar exam. Details of this project are also on the Crow Tribal Court website.
- The Crow Tribal Court has developed communication with the Executive and Legislative Branches of government to improve court processes. The Court has engaged with branch leaders to inform them about how Tribal Codes and procedures are applied in Court, so that leaders can make informed decisions about law and policy for the Crow people.
- The Crow Tribal Court does not discuss specific cases with the Executive or Legislative Branches or anyone outside of a courtroom setting. Therefore, the Crow Tribal Court can remain independent and impartial in handling individual cases.

FAQ'S

1. Why can't I talk to the judge?

Judges are prohibited from speaking with the public pursuant to the Major Canons of the Model Rules of Judicial Conduct. Canon 2 A judge shall avoid impropriety and the appearance of impropriety in all the judge's activities. Not only is it unethical but it is the judge's responsibility to uphold their conduct.

2. How can I get a hearing date?

In most cases, court actions are "party driven" therefore the moving party must file a motion with the court and serve the motion upon the opposing party. The most commonly filed motion in this instance, is a motion for entry of default, CLOC Title 5.

3. Why does a defendant get 1 year sentence for a serious crime?

The Federal Indian Civil Rights Act prevents tribes from imposing a sentence for a single charge that exceeds 1 year and a fine not to exceed \$1,000.00.

4. Why doesn't the Crow Tribal Court accept surety bonds?

The Crow Tribal Court cannot hold surety bondsman accountable. Surety bond companies will not submit to the jurisdiction of the Crow Tribal Court.

Common Misconceptions:

1. The Crow Tribal Court does not process documents for the public. Title 5, Civil Rules of Procedure, Service of Process, 5.4.403. It shall be the responsibility of the plaintiff to cause service of process to be made on the named defendant(s), including the hiring of a process server if the plaintiff deems necessary. **The Tribal Court and the Clerk shall not be responsible for the service of process.**
2. Juvenile custodianship/guardianship cannot be granted in the Crow Tribal Court if the child has been adjudicated in state court. Grandparents or families may be granted guardianship through state court. Guardians or potential guardians must work with the assigned social worker to the child's case.
3. The Crow Tribal Court has no authority to choose the location of detaining an adult or juvenile. The Crow Tribal Court also has no authority to choose the placement of the children under the care and supervision of BIA Social Services and IV-E Foster Care.
4. Once law enforcement responds to a call and sends criminal charges to the Prosecutor, the victim of the crime can no longer “drop charges.” The crime is now perceived to be a crime against the Crow tribal community, and the Prosecutor has the sole power to decide what charges to file in Tribal Court.
5. In cases where a person is arrested and charged with Partner Family Member Assault ("PFMA") pursuant to 8B-5-206, there is a 72-hour mandatory “cooling off” period intended to prevent recurrence or escalation of domestic violence. The defendant cannot not be released from jail prior to this period. In addition, under 8E-4-5 the victim of the PFMA cannot choose “drop charges.”
6. When receiving a call from the courts for hearings, the number that appears on your caller ID may appear as spam. This is something that was discovered and under maintenance until later date.