

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED)
AMENDMENT TO CR 82.5—TRIBAL COURT)
JURISDICTION)
)
)
)
)
_____)

ORDER

NO. 25700-A-1264

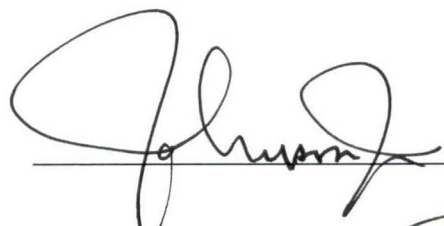
The Tribal State Court Consortium, having recommended the expeditious adoption of the proposed amendment to CR 82.5—Tribal Court Jurisdiction, and the Court having considered the amendment and comments submitted thereto, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby


ORDERED:

- (a) That the proposed amendment as attached hereto is expeditiously adopted.
- (b) That the proposed amendment will be published in the Washington Reports and will become effective upon publication.

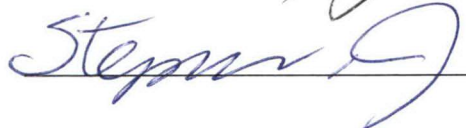
DATED at Olympia, Washington this 5th day of September, 2019.



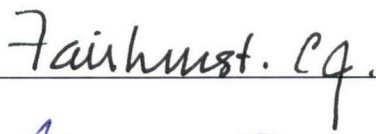
Madsen, J.




Owen, J.



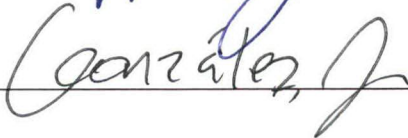
Stephen, J.



Fairhurst, C.J.



Higgins, J.



Gonzalez, J.

CR 82.5
TRIBAL COURT JURISDICTION

(a) – (b) [Unchanged.]

(c) Enforcement of Indian Tribal Court Orders, Judgments or Decrees.

(1) The superior courts of the State of Washington shall recognize, implement and enforce the orders, judgments and decrees of Indian tribal courts in matters in which either the exclusive or concurrent jurisdiction has been granted or reserved to an Indian tribal court of a federally recognized tribe under the Laws of the United States, unless the superior court finds the tribal court that rendered the order, judgment or decree (~~1A~~) lacked jurisdiction over a party or the subject matter, (~~2B~~) denied due process as provided by the Indian Civil Rights Act of 1968, or (~~3C~~) does not reciprocally provide for recognition and implementation of orders, judgments and decrees of the superior courts of the State of Washington.

(2) The superior court may attempt to resolve any issues raised regarding an Indian tribal court money judgment by contacting the Indian tribal court that issued the judgment. The superior court shall follow the procedure for communicating with the Indian tribal court outlined in subsection (d) of this rule.

(d) Communication Between Superior Court of Any County of this State and Indian Tribal Court.

(1) A superior court of any county of this state may communicate with any Indian tribal court concerning co-occurring proceedings, whether they are active or have been concluded. The parties shall provide to the respective courts the identity, contact information, and a case or docket number of the other court's proceedings to facilitate this communication.

(2) The superior court may allow the parties to participate in the communication. If the parties are not able or allowed to participate in the communication, they shall be given an opportunity to present facts and legal arguments in writing before a decision is made regarding the communication, or the subject of communication, by the superior court. The Indian tribal court's procedures and customs shall determine the parties' participation in the Indian tribal court proceedings.

(3) The superior court shall make a record of a communication made pursuant to this section. The parties shall be informed promptly of the communication by the superior court and granted access to the record. The Indian tribal court's procedures shall determine whether and how a record is made in Indian tribal court proceedings, and whether and how parties may be informed of the communication or granted access to a record of the communication.

(4) Except as otherwise provided in subsection (3) of this section, communication between the superior court and the Indian tribal court regarding scheduling, administrative or

emergency purposes, and similar matters may occur without informing the parties. The superior court need not make a record of the communication under this section. The Indian tribal court's procedures shall determine whether and how a record is made in Indian tribal court proceedings of such communication.

(5) For the purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(6) The superior court shall follow the procedures set forth in subsection (3) of this section when communicating regarding adult criminal matters, except as otherwise authorized by law. The Indian tribal court's procedures shall determine the requirements for communication regarding adult criminal matters in Indian tribal court proceedings. Superior courts and Indian tribal courts may communicate about the orders prohibiting contact as set forth in subsections (1) – (5) above.