

CR 82.5
TRIBAL COURT JURISDICTION

(a) Indian Tribal Court; Exclusive Jurisdiction. Where an action is brought in the superior court of any county of this state, and where, under the Laws of the United States, exclusive jurisdiction over the matter in controversy has been granted or reserved to an Indian tribal court of a federally recognized Indian tribe, the superior court shall, upon motion of a party or upon its own motion, dismiss such action pursuant to CR 12(b)(1), unless transfer is required under federal law.

(b) Indian Tribal Court; Concurrent Jurisdiction. Where an action is brought in the superior court of any county of this state, and where, under the Laws of the United States, concurrent jurisdiction over the matter in controversy has been granted or reserved to an Indian tribal court of a federally recognized Indian tribe, the superior court may, if the interests of justice require, cause such action to be transferred to the appropriate Indian tribal court. In making such determination, the superior court shall consider, among other things, the nature of the action, the interests and identities of the parties, the convenience of the parties and witnesses, whether state or tribal law will apply to the matter in controversy, and the remedy available in such Indian tribal court.

(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 (A) lacked jurisdiction over a party or the subject matter, (B) denied due process as provided by the Indian Civil Rights Act of 1968, or (C) 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.

[Adopted effective September 1, 1995; Amended effective September 24, 2019.]