

Domestic Violence Courts/Dockets Training and Technical Assistance

The Tribal Law and Policy Institute (TLPI) provides training and technical assistance to enhance the capacity of tribal communities to establish dedicated tribal domestic dockets or courts, under a grant from the Office on Violence Against Women.

Our goals are:

- ◆ To provide training/technical assistance and resources to assist the development of tribal domestic violence courts or dockets
- ◆ To create a resource guide for tribes interested in developing a domestic violence court or docket
- ◆ To hold webinars and develop resources that will promote the implementation of tribal domestic violence courts or dockets

TLPI can provide T/TA to tribes at no cost, to facilitate domestic violence court or docket development .

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Project Webpage at www.tlpi.org/lists/dvcourts.htm

TLPI has prepared a webpage devoted to information on tribal domestic violence courts and dockets. The webpage:

- ◆ Provide resources that explain the benefits of developing tribal domestic violence courts and dockets
- ◆ Provide information on how to implement a tribal domestic violence court or docket
- ◆ Provide resources to educate systems and service providers on the dynamics domestic violence in Indian country and the responsibility for the safety of victims and batterer accountability
- ◆ Provide information relative to using a domestic violence court/docket to exercise the Violence Against Women Reauthorization Act of 2013 Special Domestic Violence Criminal Jurisdiction.
- ◆ Host all project-specific information and resources developed by TLPI, including:
 - ◇ Tribal Domestic Violence Courts and Tribal Domestic Violence Dockets Resource Guide
 - ◇ Webinars
 - ◇ Project Events



Tribal Domestic Violence Courts/Dockets



**A Project by:
Tribal Law and Policy Institute**



TRIBAL LAW AND POLICY INSTITUTE

www.Home.TLPI.org

The Tribal Law and Policy Institute (TLPI) is a Native American operated non-profit corporation organized to design and deliver education, research, training, and technical assistance programs which promote the enhancement of justice in Indian country and the health, well-being, and culture of Native peoples.

Our vision is to empower Native communities to create and control their own institutions for the benefit/welfare of all community members now and for future generations.

Our mission is to enhance and strengthen tribal sovereignty and justice while honoring community values, protecting rights, and promoting well-being.

In pursuit of our mission, TLPI strives to provide free resources for American Indian and Alaska Native nations, American Indian and Alaska Native people, tribal justice systems, victims services providers, tribal service providers, and others involved in the improvement of justice in Indian country. These resources are available at www.Home.TLPI.org/Publications and through the Tribal Court Clearinghouse (www.tlpi.org).

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Project Publications



Tribal Domestic Violence Court- Fact Sheet

Discusses various tribal domestic violence court models; benefits of establishing one, tribal community considerations, and benefits for a tribe exercising the Special Domestic Violence Criminal Jurisdiction over non-Indians. (2017)

Tribal Domestic Violence Docket Fact Sheet



Discusses positive outcomes from having domestic violence dockets; why such dockets are needed; tribal community considerations and benefits for a tribe exercising Special Domestic Violence Criminal Jurisdiction over non-Indians. (2017)

Coming Soon - Tribal Domestic Violence Court/Docket Development Guide

Will serve as a step-by-step resource guide for tribes and provide options for developing/implementing tribal domestic violence courts/dockets to meet the needs of the tribal community.

Please visit www.Home.TLPI.org/publications for a complete listing of Tribal Law and Policy Institute publications available for free download.

Violence Against Women Act

Special Domestic Violence Criminal Jurisdiction:

A specialized tribal dockets and tribal domestic violence courts may serve as a platform for exercising Special Domestic Violence Criminal Jurisdiction (SDVCJ) over non-Indians committing certain domestic violence-related crimes in Indian country pursuant to section 904 of the Violence Against Women Reauthorization Act of 2013.

Exercising SDVCJ may lead to safer tribal communities since 67% of American Indian/Alaska Native victims of rape or sexual assault describe the offender as non-Native. The race of the offender is critical since federal case law restricts a tribe's sovereignty to exercise criminal jurisdiction over non-Indian perpetrators unless the tribe has implemented SDVCJ under section 904 of VAWA 2013.

American Indians/Alaska Natives and Domestic Violence

- Experience the highest rates of domestic violence and sexual assault in the United States
- 34% of Native American women will be raped in their lifetime, 86% of them by non-Native perpetrators
- 39% of Native American will be victims of domestic violence during their lifetime

Tribal Domestic Violence Docket

Tribal Domestic Violence Dockets are characterized by setting aside specific days of the tribal court's docket to address cases involving domestic violence. Devoting certain days of the docket to domestic violence cases can provide continuity for the victim, and allows the tribal court to address related civil and criminal matters on the same day. It can also allow the court to offer enhanced security, advocacy services, and child care for domestic violence victims.

Possible benefits to designing and implementing specialized docket days focuses on victim safety and batterer accountability by:

- ◆ Hearing civil and/or criminal matters involving domestic violence on a certain day which provides some continuity to the victim and allows the judge to observe and address perpetrator behavior and compliance in all related cases;
- ◆ Allows the court to require other victim service providers to attend the docket;
- ◆ Addresses victim safety issues by implementing additional safety measures such as protocols that focus on victim safety and courtroom safety measures for all court personnel;
- ◆ Early identification of domestic violence and safety issues;
- ◆ Early access to victim services;
- ◆ Ability to address related civil and criminal matters on the same day.

Tribal Domestic Violence Court

Tribal Domestic Violence Courts are specialized courts with targeted caseloads consisting of domestic violence cases. Tribal domestic violence courts are comprised of personnel who are well trained in the dynamics of domestic violence and committed to working collaboratively among various victim service providers/systems to meet the needs of the family. Additionally, these courts focus on victim safety and batterer accountability by closely monitoring batterer compliance with court orders.

Possible benefits of this specialized tribal court is the ability to strengthen tribal judicial sovereignty by:

- ◆ Incorporating unique tribal customs/traditions regarding healthy families and communities in all phases of a case involving domestic violence ;
- ◆ Designating a specific, domestic violence-trained judge to preside over civil and/or criminal matters involving domestic violence;
- ◆ Allowing designated and specifically trained tribal court staff to implement policies, protocols and training s for personnel that will come into contact with the family;
- ◆ Providing continuity for victims and families as the case progresses through the court system;
- ◆ Building strong partner relationships among collaborative service partners involved in the domestic violence case.