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RULE 7.2 RECOGNITION OF TRIBAL COURT ORDERS AND JUDGMENTS

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(a) Policy. Under Article VI, Section 3, of the North Dakota Constitution, the policy of the North Dakota Judicial System is that the Indian tribes in this state are considered the equivalent of foreign nations for the purposes of recognizing the orders and judgments of the tribal courts in this state. This policy and rule are to promote justice, to encourage better relations between the tribes of this state and the state of North Dakota, and to encourage reciprocal action by the tribes of this state. This policy and rule apply to courts of record of the state of North Dakota and courts in this state of the federally recognized Indian nations, tribes, or bands, including courts of Indian offenses.

(b) Recognition. The judicial orders and judgments of tribal courts within the state of North Dakota, unless objected to, are recognized and have the same effect and are subject to the same procedures, defenses, and proceedings as judgments of any court of record in this state.

If recognition of a judgment is objected to by a party, the recognizing court must be satisfied, upon application and proof by the objecting party with respect to subsections 1 through 5, that the following conditions are present:

- (1) The tribal court had personal and subject matter jurisdiction;
- (2) The order or judgment was obtained without fraud, duress, or coercion;
- (3) The order or judgment was obtained through a process that afforded fair notice and a fair hearing;
- (4) The order or judgment does not contravene the public policy of the state of North Dakota; and
- (5) The order or judgment is final under the laws and procedures of the rendering court.

(c) Procedures. Judgments filed for recognition under this rule are subject to the notice of filing, stay of enforcement, and fee provisions established under NDCC Sections 28-20.1-03, 28-20.1-04, and 28-20.1-05.

(d) Exception. This rule does not apply to those orders or judgments to which federal law requires that states grant full faith and credit recognition.

EXPLANATORY NOTE

SOURCES: Final Report, North Dakota Tribal/State Court Forum, pages 11-13, 21-22; Court Services Administration Committee Minutes of March 25, 1994, pages 6-9.

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