

# **The Right to Protect Your Children As Recognized In Alaska Court Decisions**

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# Alaska Court Cases

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1. 1988: “There are not now and never have been tribes of Indians in Alaska as that term is used in federal Indian law.” *Native Vill. of Stevens v. Alaska Mgmt. & Planning*, 757 P.2d 32, 36 (Alaska 1988).
2. 1993: BIA includes Alaska Tribes on official list.
3. 1998: Land acquired through ANSCA is not “Indian country.” *Alaska v. Native Vill. of Venetie Tribal Govt.*, 522 U.S. 520 (1998).



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4. 1999: *John v. Baker*, 982 P.2d 738 (Alaska 1999), the court overturns *Native Village* and recognizes Alaska Tribes as sovereign governments.

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5. In *John v. Baker* and other decisions, the Alaska Supreme Court has recognized that Tribes in Alaska have the *inherent* right to exercise all powers of a sovereign that are not tied to a land base, such as

- (a) form a government;
- (b) determine tribal membership;
- (c) enter into agreements, including ISDEA;
- (d) regulate domestic relations, including child custody and ICWA matters.



# Alaska Court Cases on Child Custody Issues

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Tribes in Alaska:

1. Can accept *transfer* of ICWA cases from state court.  
--*In re C.R.H.*, 29 P.2d 849 (Alaska 2001)
2. Can *initiate* child custody proceedings. And tribal court orders are entitled to full faith and credit.  
--*Alaska v. Native Vill. of Tanana*, 249 P.2d 734 (Alaska 2011)
3. Have the authority to terminate parental rights.  
--*Simmonds v. Parks*, 329 P.2d 995 (Alaska 2014)

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4. Can determine child support obligations for tribal children.

--*State v. Central Council of Tlingit & Haida Tribes of Alaska*, 371 P.3d 849 (Alaska 2016)

The issue is not whether a federal law expressly confers the right. “The key inquiry . . . [is] whether the tribe needs jurisdiction over a given context to secure tribal self-governance.”

--*John v. Baker*, 982 P.2d 738, 756 (Alaska 1999).