



Tribal Justice Code Development

Overview

Many tribes are working to reshape their justice systems in ways that promote tribal sovereignty, reflect tradition and culture, and address the complex challenges facing tribal communities. In doing so, one common challenge is developing tribal codes that support new approaches to justice. Updated codes may be needed to expand tribal court jurisdiction or support new programs like Healing to Wellness Courts and other alternative approaches to justice.

Code Development Assistance

The Center for Court Innovation, the Tribal Law and Policy Institute, and the Tribal Judicial Institute at the University of North Dakota School of Law are working together to help tribes review their current tribal justice codes, revise existing code provisions, and draft new codes when needed.

- **Review Tribal Codes**

When planning a new justice system initiative, it is important to review existing tribal codes to determine whether they adequately support the changes. Likewise, code review should be a central part of any comprehensive justice system assessment.

- **Identify Needed Code Changes**

By reviewing existing codes, tribes can identify specific areas where changes are needed. Code sections may be outdated, contain errors or inconsistencies, or fail to address important areas of law and procedure.

- **Revise Existing Codes**

Often, small code changes can make a big difference. By revising existing codes, tribes can create the authority for tribal courts to refer defendants to diversion programs, enable probation officers to conduct home visits, or provide legal counsel to litigants.

- **Draft New Codes**

Sometimes, new code sections are needed to support major justice system initiatives, like creating a new pretrial supervision program, asserting jurisdiction over non-Native offenders under the Violence Against Women Act, or adopting a juvenile justice code for the first time.

The Center for Court Innovation, the Tribal Law and Policy Institute, and the Tribal Judicial Institute are staffed by experienced attorneys and tribal justice experts who can help with tribal code review, revision, and drafting. This assistance is offered thanks to the generous support of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

For more information:

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