



Prairie Band Potawatomi Nation
Government Center

March 21, 2019

Honorable Richard Wilborn, Chairman Senate Judiciary Committee
Kansas State Capitol
300 S.W. 10th Street
Topeka, KS 66612

Re: HB 2039

Dear Chairman Wilborn:

Thank you for the opportunity to provide written testimony to you and the honorable members of the Senate Judiciary Committee from the Tribal Council on behalf of the Prairie Band Potawatomi Nation.

First, I wish to express our gratitude to the Kansas Judicial Council and the members of the Tribal State Judicial Forum for their time and collective efforts developing HB 2039. The passage of this legislation will provide a solid basis for additional future tribal and state court relationship building.

This legislation provides a uniform, predictable process for all Tribes that seek full faith and credit recognition of their court judgments in Kansas. It will provide certainty that tribal court judgments and orders are recognized and enforced with full faith and credit, not through discretionary judicial actions or comity. The groundwork has been laid for full faith and credit recognition under federal law as well as state legislation.

Since its passage in 1978, the Indian Child Welfare Act (ICWA) at 25 U.S.C. 1901 et seq., has required state courts and agencies to give full faith and credit to a Tribe's public acts, records and judicial proceedings applicable to child welfare. The Violence Against Women Act (VAWA) Full Faith and Credit Provisions at 18 U.S.C. § 2265 requires every jurisdiction in the United States to recognize and enforce a valid protection order from any jurisdiction in the U.S., including tribal courts.

HB 2039 will require the Kansas Supreme Court to adopt rules that govern the process of tribal reciprocity for full faith and credit recognition. We look forward to the opportunity to review and consider those rules.

We respectfully urge the passage of this important piece of legislation.

Sincerely yours,

Joseph P. Rupnick
Tribal Council Chairman
Prairie Band Potawatomi Nation