



Unique Legal Issues for Indigenous Survivors in Urban Areas

Red Wind Consulting, Inc.

Native women must contend with yet (another) fact more difficult to notice or tell about: If in public and private mind, Indians as a group are invisible in America, then Indian women are non-existent.
-Allen, 1986

1

Jurisdiction

As a victim relocating to an urban community, domestic violence, sexual assault, and stalking may have occurred on tribal land placing the jurisdiction the crime was committed on tribal land.



Considerations for interventions with Native survivors in urban areas:



- Historic mistrust of institutions;
- Impacts of inter-generational trauma;
- Victim safety that might reach back to their homelands; and
- Draw from other resources that will inform advocacy work within the urban Indian community.

2

Tribal Protection Order

A victim might come to live in an urban setting with a Tribal Protection Order and while it should be honored in an urban setting because of Full Faith and Credit afforded by VAWA, the urban jurisdiction might not want to recognize it.



Building the capacity to work with unique legal issues for Urban Native survivors will include:



1. Learning about the histories of violence against Indigenous persons in the area;
2. Legal services that understand or can access knowledge of tribal law;
3. Recognize the fundamental principle of trust building;
4. Recognize and respect Native styles of communication; and
5. Integrate Native participation into planning and research.

3

Indian Child Welfare Act

A victim with children in common with their abuser could have challenges that bring in Indian Child Welfare Act requirements or custody challenges if the abuser flees to their own tribe to seek custody.



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