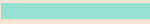


Case Brief



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Name of Case and Citation: *Hogan v. Kaltag Tribal Council*

Court which issued opinion: supreme court of United States

Facts: William H. Hogan in his professional position of a Commissioner of Alaska Department of Health and Human Services and Kaltag tribal council presented a case in the supreme court of the united state. The Alaska questioned whether the federally recognized tribes could be resolved by the department of justice. The case concerned a mother who was convicted of murder and her health was associated with severe drinking problem, the father was also not bothered about the welfare of the child. Kaltag tribe took custody of the child and had it adopted by a native couple that lived in Huslia. However, the attorney general of the state intervened to stop the process.

Judicial History: The Supreme Court of the United States refused to listen to the appeal of the state in this case and ended it. It clearly reinforced the rule that the tribal courts have power and authority of initiating and adjudicating cases affecting children. Kaltag Tribal Court what it together with the others from the 561 tribes of the nation were doing in the efforts to care for their own children especially in emergency situations.

Issue: Whether the tribal courts of Kaltag in the state of Alaska have power and authority to initiate and pass judgment to child custody court proceedings concerning their members and also compel the state to affirm full faith and credit to the verdict made in the proceedings.

Holding: The tribal courts are entitled to initiate and rule child custody proceedings in their courts.



Reasoning: The reasoning which drove the decision was that the court was doing what the tribe and 561 others used to do since memorial with the efforts to care for their members and rights of children. This would also promote the safety and comfort of the minority in these societies.

Decision: This case should never have been appealed in the supreme court of United States and the plaintiffs were happy about the decision because their victory stands.

Dissent: The court repeatedly turned down all the efforts of the Indian tribes to regulate the non members on the non Indian fee land for example in the *Long Family Land & Cattle Co. v. Plains Commerce Bank* 28 S. Ct. 2709, 2720 (2008); See *Pet.16-20*. However the respondents argued that the precedents cannot apply to the child custody proceedings.

