

JUDICIAL BRANCH

2013

*Annual Report to Tribal Council, the Executive
Branch and LTBB Citizens*

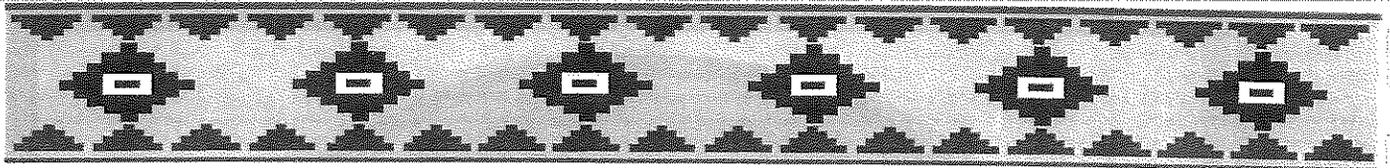
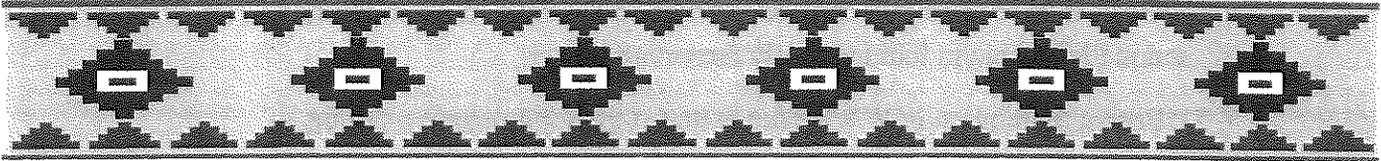


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I. WELCOME

May 20, 2014

Aanii Tribal Citizens:

I believe that the Tribal Court is accountable to the citizens of the Little Traverse Bay Bands of Odawa Indians. Therefore, our 2013 Annual Report will focus on two things: (1) reporting the work of the LTBB Tribal Court and (2) how the Tribal Court spent the money allocated to it by Tribal Council. The Annual Report will report on the Court's caseload in 2013. It will detail services provided to Court clients and their families and document the hard work of the Court staff. It will also document how the Tribal Court is funded. Finally, the Report will share special highlights of 2013 and it will conclude with the Tribal Court's aspirations for 2014.

2013 was a busy year. **188 new cases** were filed in 2013. We held **193 hearings**, processed **\$193,568.69 in Child Support** payments, and wrote more than 376 orders and opinions in 2013. In addition to our daily work, the Court focused on creating long-term systemic changes to the Court, designed to make the Court function more efficiently. For example, we updated our new database, which helps us record and share information and statistics more accurately and in a timely fashion. We also wrote and adopted new Court forms to streamline Court opinions. The Court also worked on projects designed to preserve Native American families across Michigan and the country.

The following represents a sample of my work in 2013:

1. Attended the signing of the Michigan Indian Family Preservation Act;
2. Reviewed the Indian law question added to the Michigan Bar Exam after LTBB efforts to add an Indian law question met with success;
3. Successfully led the effort to get the Michigan Attorney General to sign on to the amicus brief supporting the tribal position in *Adoptive Couple v. Baby Girl*, the 2013 Supreme Court case decided regarding the Indian Child Welfare Act ("ICWA");
4. The Casey Foundation paid for me to fly to South Dakota to help South Dakota tribes develop strategies for improving their relationship with child welfare workers from the State of South Dakota;
5. Worked with the Drug Court Team to create an aftercare program for Drug Court graduates;

6. Trained state court judges, prosecutors and social workers on the Indian Child Welfare Act and the Michigan Indian Family Preservation Act;
7. Filmed a training on ICWA for the State Court Administrative Office;
8. Attended meetings for the Michigan Indian Judicial Association;
9. Assisted in the drafting of Tribal Court grants;
10. Attended Justice Collaboration meeting in Lansing;
11. Gave a speech to ZONTA about the challenges of being a professional Native American woman;
12. Gave a speech at Michigan State University College of Law regarding Native American drug courts;
13. Managed the Summer Law Clerk program for the Court;
14. Hosted a site review by the granting agency;
15. Attended Indian Law Day at the University of Michigan Law School; and
16. Worked with Substance Abuse, Accounting, Housing, Planning, Grants, and other Executive departments on a transitional housing plan for LTBB women with children.

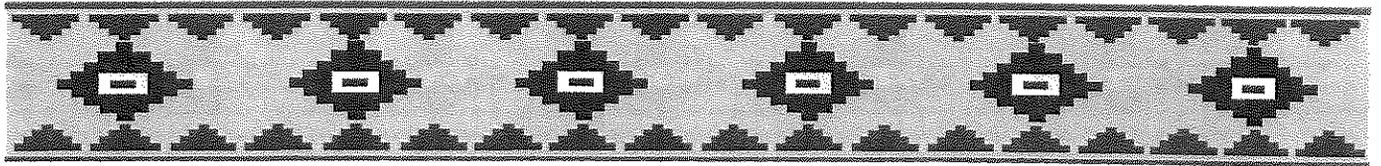
I participated in the following trainings:

1. MADCAP Drug Court Training in Lansing, Michigan
2. Grant-required open house in New York where I watched and learned from a day's domestic violence docket in Brooklyn;
3. The local jurisdiction training provided by the Legislative branch;
4. Grant-mandated domestic violence training by the National Council of Juvenile and Family Court Judges in San Francisco;
5. Peacemaking training in Manistee; and
6. Violence Against Women's Act training.

The work of the Tribal Court in 2013 was both challenging and deeply rewarding. Thank you for this wonderful opportunity to serve my community.

Allie Greenleaf Maldonado

Chief Judge
Little Traverse Bay Bands of Odawa Indians



II. INTRODUCTION

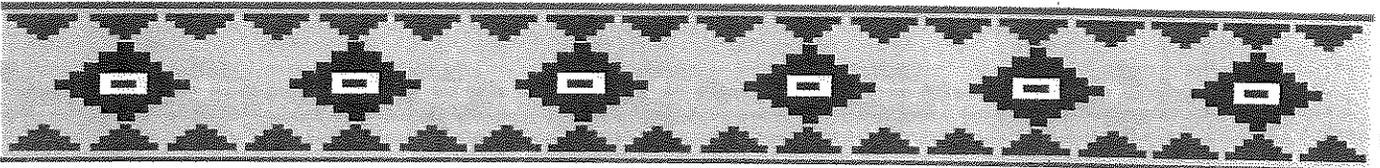
A. THE LTBB TRIBAL COURT'S MISSION:

The mission of the Tribal Court is to implement the Little Traverse Bay Bands of Odawa Indians' judicial system consistent with self-determination and sovereignty. The Court fulfills its mission by building on the community values of respect, culture and spirituality that allow for fairness and due process within the Tribe's jurisdiction.

B. THE PURPOSE OF THIS REPORT

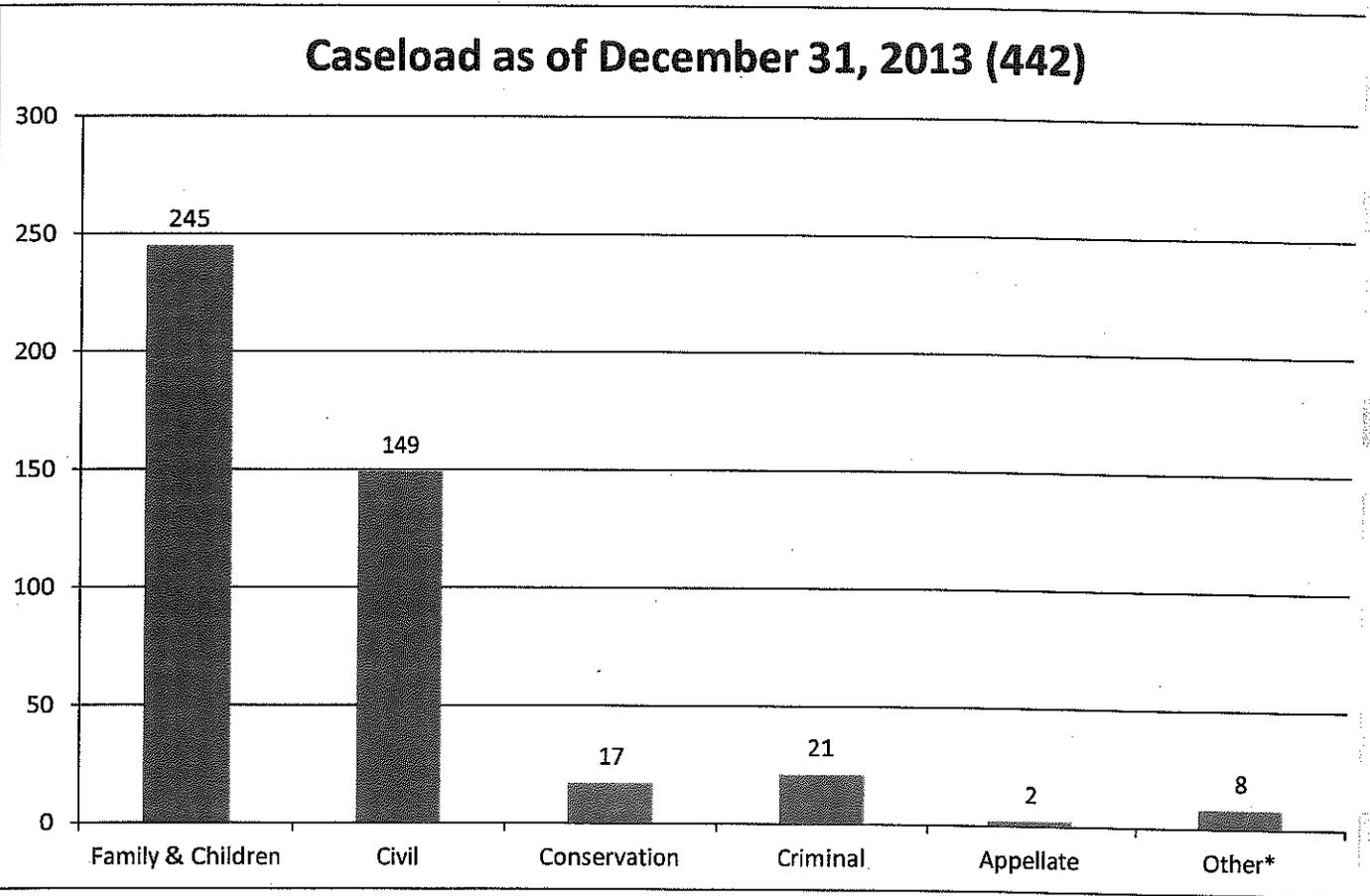
The LTBB Tribal Court is a court of general jurisdiction, which means that the LTBB Court hears cases of many types in one court. Cases include, but are not limited to: adult criminal, juvenile delinquency, divorce/custody/support, child welfare, domestic violence, personal protection orders, civil disputes, guardianship and conservatorship, traffic, conservation, appeals and more. The LTBB Tribal Court also manages a drug court, the Waabshkii-Miigwan Drug Court. Without the Tribal Court, most of these cases would be heard in a state court.

The Tribal Court believes that we are accountable to the LTBB citizenry. The purpose of this report is to inform the LTBB citizenship of the work of the LTBB Tribal Court in 2013 and to inform the LTBB citizenship of how the Tribal Court spent the money allocated to it by Tribal Council. The 2013 LTBB Tribal Court Annual Report will outline the Court's case load in 2013. It will detail services provided to Court clients and their families and document the hard work of the Court staff. The Report will also document how the Tribal Court is funded and will share special highlights of 2013. It will conclude with the Tribal Court's aspirations for 2014. The Court looks forward to the opportunity to share information about our hard work in 2013 with the community.



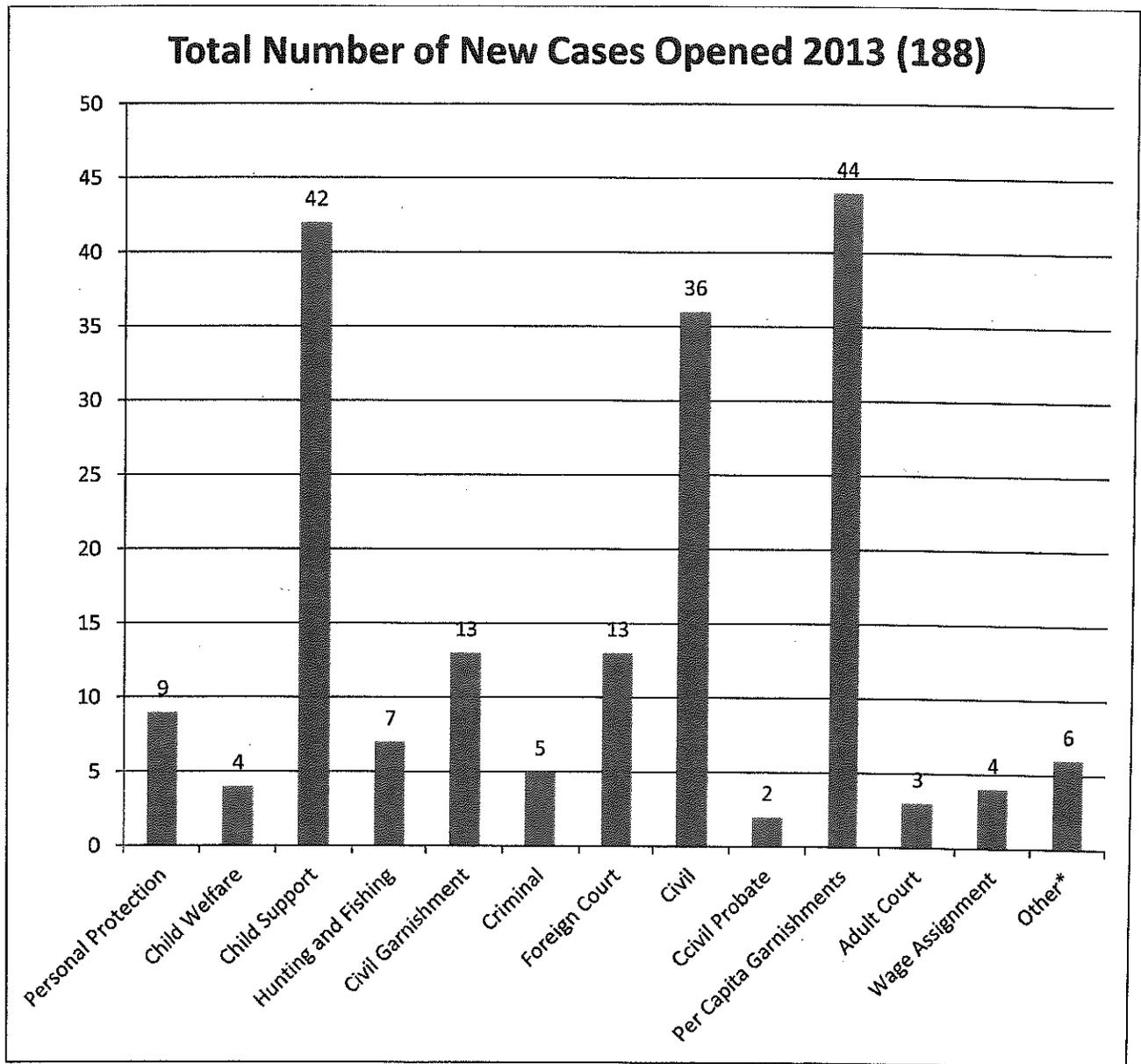
III. CASELOAD IN 2013

In 2013, the Tribal Court had 442 active cases. The various types of cases are shown in the following chart:

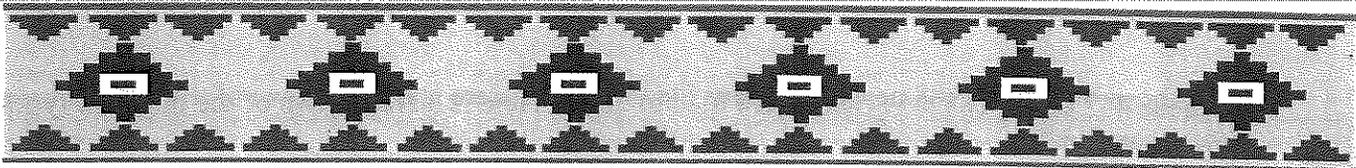


Other*: Wage assignments, civil traffic, probate, landlord tenant, personal protection, natural resources, commercial fishing, hunting and fishing, guardianship, name change, power of attorney, gaming regulatory license, and Adult Drug Court.

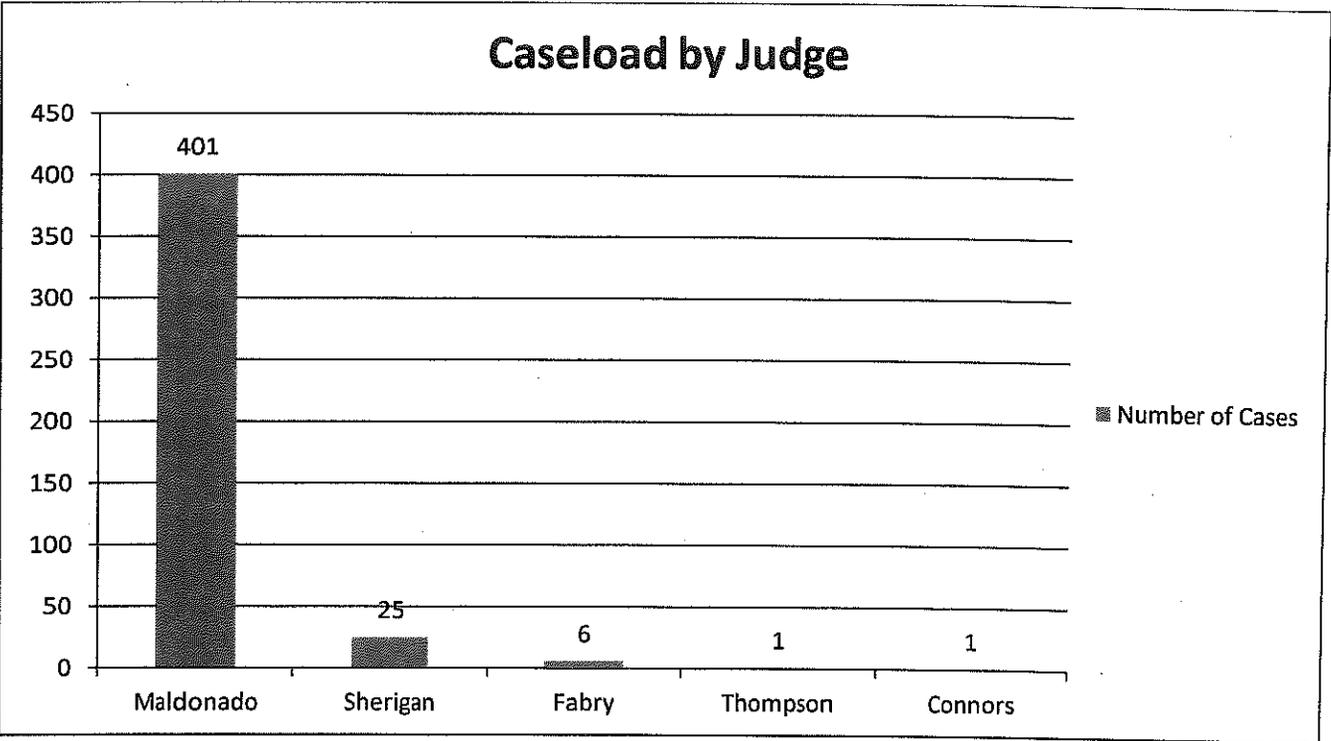
Of those 442 cases, 188 new cases were filed in 2013. Here is a breakdown of the different types of cases filed:



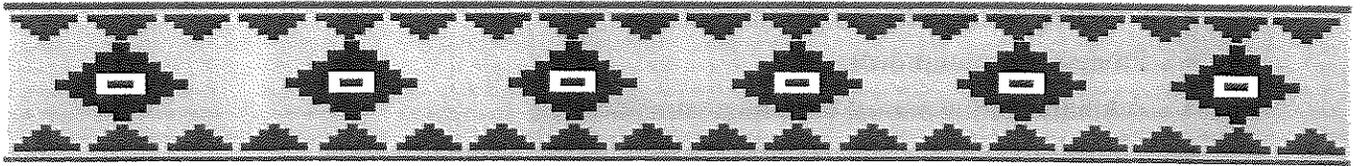
Other*: Civil traffic, probate, landlord tenant, personal protection, natural resources, commercial fishing, hunting and fishing, probate judgment, guardianship, name change, power of attorney, gaming regulatory license, and Adult Drug Court.



IV. CASES BY JUDGE



Out of 188 new cases filed in 2013, Judge Maldonado only recused herself from 17. She handled the remaining 171.



V. A VIEW INTO OUR BUSY WORLD

Each position in the Tribal Court has a great deal of responsibility attached to it. In this section, we will outline the responsibilities of our staff.

COURT ADMINISTRATOR

The Court Administrator has the responsibility for the Court's day-to-day operations, budget oversight, assisting with strategic planning for the Court, and supervision of the Court staff. Additionally, there is collaborative work that is ongoing with Executive Branch departments. For example, the Court is involved in grant writing to provide more funding for services to Tribal Citizens. The Court also actively participates in multi-disciplinary meetings that seek to streamline services to Tribal citizens who become involved in the LTBB Court system.

COURT CLERKS

Our Court Clerks have a wide array of duties. Court Clerks not only open new court cases, but also file paperwork related to ongoing cases. They also are the team members who have the first contact with the public approaching the Court reception window. Court Clerks serve as liaisons to employees, Tribal citizens, visitors, outside agencies and the public concerning basic LTBB Court information. As reported in previous Annual Reports, our Court Clerks are very busy. Their responsibilities include:

- Handling case file management;
- Utilizing updates to our database to track cases and statistics;
- Maintaining the integrity of case files;
- Providing notice to parties and attorneys in court cases;
- Researching, summarizing and analyzing case information;
- Maintaining contact with attorneys and other professionals regarding cases;
- Providing clerical functions in the office and the courtroom;
- Providing case information to Tribal citizens and other patrons concerning cases and LTBB Court procedures;
- Collecting fines and fees;
- Processing contract requisitions and processing invoices;
- Processing Admission to Practice applications, certificates of good standing and attorney oaths;

- Ordering and processing transcripts;
- Processing court orders;
- Administering annual per capita garnishments;
- Preparing notices, correspondence, and other Court documents;
- Accepting, recording, and processing funds received by the Court;
- Maintaining the Court calendar/docket;
- Notarizing documents;
- Maintaining the Court recording equipment and microphone system;
- Preparing all pleadings for Court proceedings;
- Providing approved Court forms to individuals who want to file cases in Tribal Court;
- Calculating statistics and compiling data for reports;
- Acting as the Court Reporter, recording all Court proceedings; and
- Maintaining court records.

Here are some statistics outlining the hard work of LTBB Court Clerks in 2013:

Cases processed in Tribal Court	442
Number of filings processed	2200
Number of new cases entered into database	188
Number of hearings clerked	193
Number of contracts processed	15
File/copy request forms processed	7
Number of attorney applications to practice processed	50
Certificates of Service for other courts processed	47
Search and Bench Warrants Processed	7
Subpoenas Processed	9
Documents notarized	40
Oaths of Office prepared	14

Number of phone contacts

Incoming	1250
Outgoing	955

The Tribal Court also collects funds for Tribal citizens (child support), as well as for the continued operation of the Court (fines and fees). The Clerks do a great deal of paperwork to process these funds.

FUNDS COLLECTED AND DISBURSED FOR CHILD SUPPORT AND CIVIL GARNISHMENT

<u>Type</u>	<u>Number of Cases</u>	<u>Collected by LTBB Tribal Government</u>	<u>Collected by Odawa Casino Resort</u>	<u>Total</u>
Child Support	74	\$42,846.74	\$150,721.95	\$193,568.69
Civil Garnishment	26	\$9,558.13	\$27,631.60	\$37,189.73

PROBATION DEPARTMENT

The LTBB Probation Department's first priority is to support the success of each client. We do this by offering unique services through probation. Probation also supports the sobriety of clients by monitoring their use of alcohol and illegal drugs. Finally, because we are part of a Native American Tribal government, the vast majority of clients we serve benefit from the knowledge, teachings and services provided by our Cultural Resource Advisor. We believe that with strong support, desire and hard work anyone can turn their life around.

The LTBB Probation Department prides itself on offering services not available in State court. In 2013, the Tribal Court paid **\$14,401.77 for drug and alcohol screens** for its probationers and for Drug Court participants and courtesy drug screens for other courts; in the State court, clients pay for their own screens. The Court also paid **\$5,980.00 for SCRAM units** for LTBB citizens participating in the Adult Drug Court. The SCRAM unit is a tether which measures alcohol use. This is also a cost paid for by clients in the State court system. Tribal Court clients never need to worry about getting a ride to their AA meetings, counseling, Court or anywhere that supports their sobriety because all of our staff will provide transportation services if given proper notice. Other services we provided in 2013 included but were not limited to:

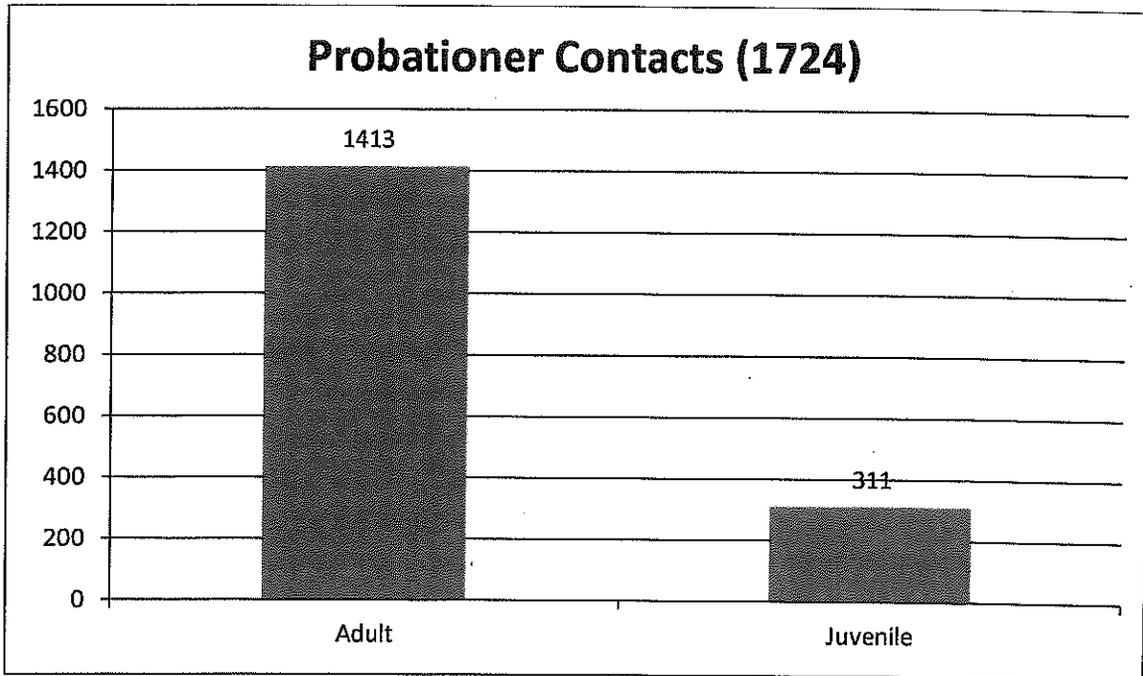
- Reimbursing youth client for attendance at Bay Area Substance Education Service (\$165.00);
- Making benefit payments for a client (\$150.10);

- Paying for psychiatric evaluations for Court clients (\$1050.00);
- Paying for a defendant to attend the MENS program, a domestic violence offender program (\$250.00);
- Paying for a juvenile to attend the Young Americans summer camp (\$418.52);
- Paying for cheerleading camp for a juvenile (\$299.00); and
- Making home visits, as well as visits to school (for juvenile probationers), which are often more convenient for people on probation, especially when they may not have transportation.

One unique way Probation serves our community is through culturally appropriate community service opportunities. If community service was ordered in 2013, probationers served the community at the Snow Snake games, the Tribe's Sobriety Feast, our Annual Pow Wow, in ash basket making classes, through tending fires, at Ghost Suppers and in the making of maple syrup.

Being free from alcohol and drugs allows our clients to be better citizens. We support their efforts to remain sober in a variety of ways. We intently monitor the use of alcohol and illegal drugs. Some methods of monitoring substance use include daily and random drug and alcohol screens, use of SCRAM units (tethers which monitor substance use), and random house checks.

It is important for the success of our clients that Probation stays in regular contact with them. Probation contacts include office meetings, home visits, family meetings, school visits, contact through social media and State and Tribal Court hearings. Probation made the following contacts in 2013:



The 2013 caseload for the Probation Department included 9 probationers: 6 adults and 3 juveniles.

Probation for juveniles is a specialized kind of probation. In the LTBB Tribal Court, this involves:

1. Utilization of culturally appropriate intervention to assist juveniles in need such as:
 - a. Talking circles to provide less adversarial environment;
 - b. Development of a mentor program to further assist juveniles;
 - c. Greater cultural opportunities for juveniles, including Snow Snake and Jiiman Journey; and
 - d. Other seasonal cultural activities.
2. Time intensive, very active probation efforts with juveniles in 2013 included:
 - a. Transportation provided when needed to appointments and activities;
 - b. Home visits and curfew checks;
 - c. School visits to monitor the juvenile's progress and more.

CULTURAL RESOURCE ADVISOR

Especially important to the success of Native clients are the services of the Court's Cultural Resource Advisor. The Court's Cultural Resource Advisor provides cultural and traditional activities to Court clients. In 2013, he accomplished the following:

- Assisted with medicine gathering and gathering grandfathers for a sweatlodge ceremony;
- Conducted a sweatlodge;
- Facilitated a sacred fire;
- Facilitated an indoor pipe ceremony for a family's healing;
- Facilitated a Veterans meeting;
- Officiated the funeral honor fire for Judge Jim Genia;
- Conducted mentoring activities with Tribal Youth;
- Performed marriage and family teachings for expectant parents;
- Participated in the Patriot Guard Riders event;
- Shared clan teachings with LTBB Tribal Youth Camp;
- Participated in Waabanong ceremonies;
- Facilitated the spiritual blessing with pipe ceremony for the Red Shawl Event;
- Provided Anishinaabe Life Services with cultural teachings; and
- Performed naming ceremonies.

DOMESTIC VIOLENCE COURT DOCKET PROJECT COORDINATOR

The Tribal Court was chosen to receive a grant from the Office of Violence Against Women (OVW) for 2013. The grant allowed the Court to hire a qualified individual to research the feasibility of establishing a dedicated domestic violence docket in the Court. Therein, the Tribal Court hired a Domestic Violence Court Docket Coordinator.

In 2013, the Domestic Violence Court Docket Coordinator worked toward the development of a specialized domestic violence court docket for LTBB. In 2013, the Project Coordinator accomplished the following:

- Established a multi-disciplinary team/advisory board;
- Attended Domestic Violence Advisory Committee meetings;
- Attended SPRING Advisory Council meetings;
- Participated in site visits to Office on Violence Against Women-identified sexual assault or domestic violence courts;
- Participated in Office on Violence Against Women-sponsored technical assistance events;
- Created domestic violence LTBB Court forms, policies, and protocols;
- Partnered with the Center for Court Innovation (CCI) to develop comprehensive surveys and focus group questions regarding experience with domestic violence, law enforcement and the courts in the area, along with a domestic violence caseload analysis tool;
- Participated in site visits to research the establishment of a Domestic Violence Court Docket;
- Participated in Office of Violence Against Women-sponsored technical assistance events;
- Participated in trainings via webinar;
- Participated in monthly Project Director calls with the Office of Violence Against Women Center for Court Innovation;
- Attended multiple trainings related to domestic violence issues;
- Provided specialized training for the LTBB Chief Judge in issues related to domestic violence;
- Provided input for Tribal Chairman for the Department of Justice Office of Tribal Justice VAWA Tribal Consultation in Washington, DC;
- Assisted in development of Domestic Violence Leave policy;
- Worked with the LTBB Tribal Prosecutor and Victim's Advocate to identify cases for the Domestic Violence Court Docket;
- Maintained contact with Victim Service providers, victims and Victim Advocates.
- Partnered with LTBB Human Services Department to plan and implement the "Red Shawl Project" and "Illuminate the Night;" and
- Prepared and submitted the required semi-annual reports to OVW.

DOMESTIC VIOLENCE STATISTICS FOR LTBB IN 2013

Cases identified as domestic violence cases in 2013:

1. 4 requests for Personal Protection Orders (PPOs).
2. 1 PPO dismissed at petitioner's request.
3. 3 PPOs granted for a one-year period.
4. 2 misdemeanor DV cases through the Court system: both offenders are on probation with LTBB.

ADULT DRUG COURT SUBSTANCE ABUSE COUNSELOR

The Adult Drug Court Substance Abuse Counselor position is a grant-funded position shared by Tribal Court and the Substance Abuse Department. The Adult Drug Court Substance Abuse Counselor serves as a member of the LTBB Drug Court team and provides clinical consultation to the team.

The Adult Drug Court Substance Abuse Counselor performs the following duties:

- Assesses individual client needs;
- Develops and implements individualized treatment programming;
- Monitors progress toward specific goals and objectives;
- Participates in case staffings and utilizes case management; and
- Conducts individual, family, couples and group therapy sessions with all age groups.

ADMINISTRATIVE ASSISTANT

The Tribal Court's Administrative Assistant is a valuable and busy member of the Tribal Court team. This position's responsibilities include:

- Processing all purchase orders and check requests;
- Interfacing with LTBB Accounting;
- Maintaining the Tribal Court budget overview;
- Processing all travel requests;
- Scanning closed court files into computer and archiving the files in storage;
- Creating documents and spreadsheets using excel;
- Collecting data; and
- Providing clerical support for the Chief Judge and Court Administrator.

WAABSHKI-MIIGWAN ADULT DRUG COURT

The Tribal Drug Court is called the Waabshki-Miigwan ("White Feather") Adult Drug Court. The name comes from a story told by one of the Tribal elders who wanted the Drug Court

participants to be able to make a transformation from a life ruled by substance use and abuse, to one of sobriety.

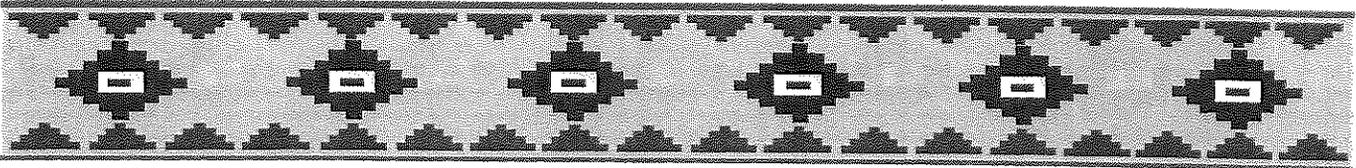
The Waabshkii-Miigwan Adult Drug Court has assisted many Tribal citizens in their journey to become clean and sober and to maintain their sobriety. The Tribal Court received a federal grant to enhance the Drug Court. Although the grant funding for the Waabshkii-Miigwan Adult Drug Court ceased, the Tribal leadership saw the benefit of this program and funded the Adult Drug Court in 2013 after the grant funding ended.

The Waabshkii-Miigwan Adult Drug Court accepts participants who have become involved in the criminal justice system through the abuse of alcohol or other addictive substances. The participants go through a program of at least 44 weeks. Cultural components are a crucial part of the program.

A multi-disciplinary team meets weekly to discuss participants' progress and to make recommendations for their advancement in the program.

In 2013, the team met 42 times for the Adult Drug Court, and 22 times for the Youth Healing to Wellness Court.

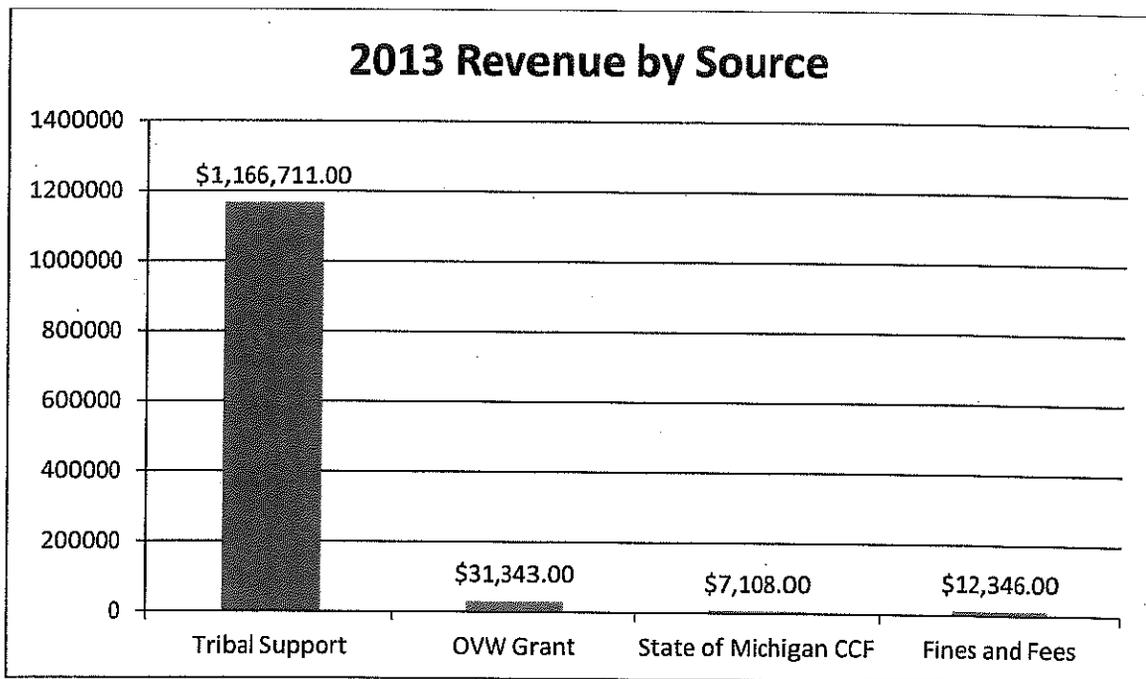
The program is being revised at this time so that it is more conducive for all participants, including those who may be single parents. Additionally, the Tribal Court has applied for a grant that would allow the hiring of a woman to oversee the traditional activities for women who are involved in the Drug Court. A specific Relapse Program and Aftercare Program are being developed as well.



VI. HOW THE COURT WAS FUNDED IN 2013

In 2013 the Tribal Court received funding from four sources. The vast majority of the Court's funding came from the General Fund. We also received a grant from the Office of Violence Against Women ("OVW"). A small portion of the Court's funding came from a grant through the State of Michigan Child Care Fund ("CCF"). Lastly, in 2013 we collected a nominal amount of fines and fees.

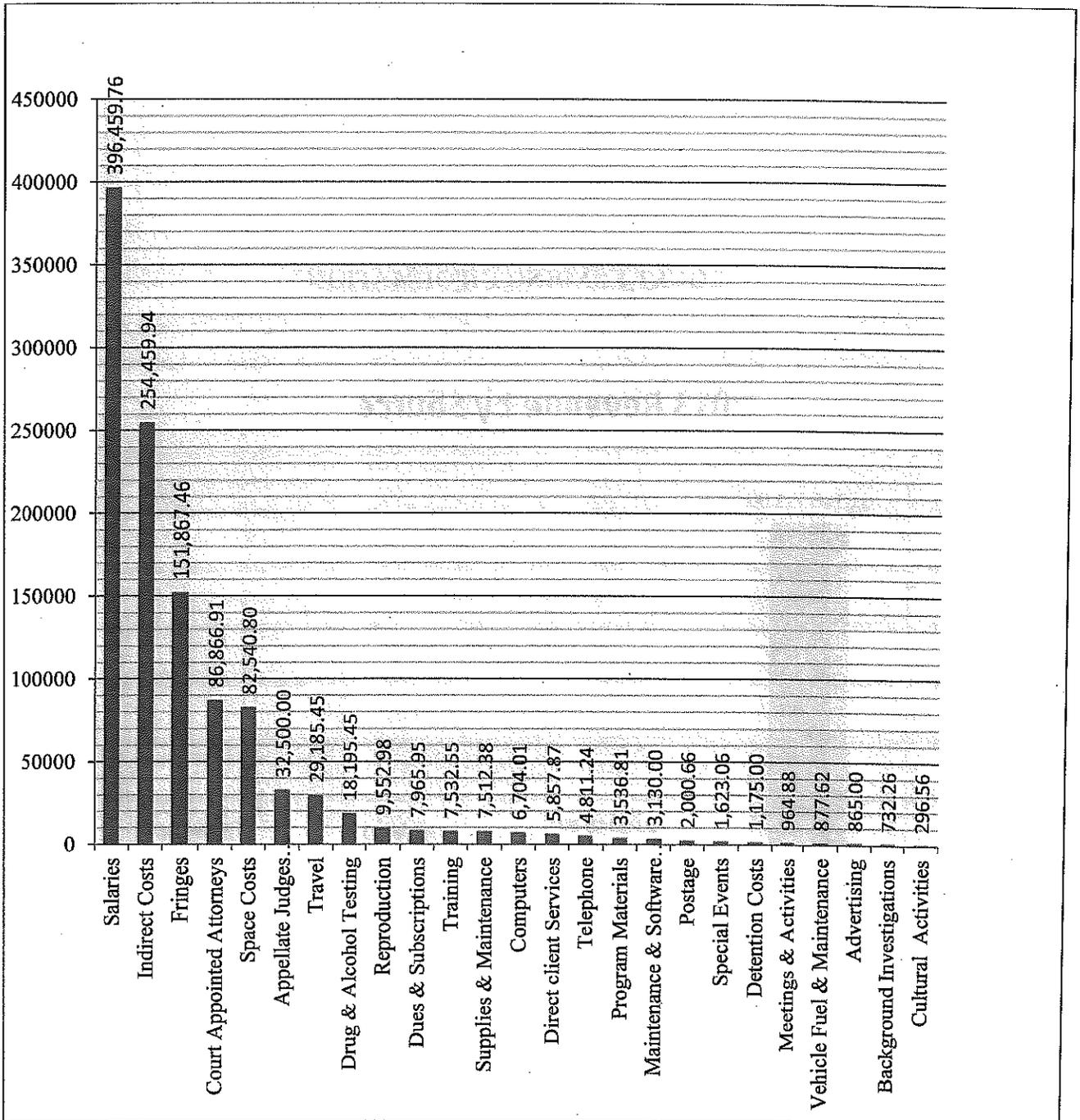
COURT FUNDING INFORMATION

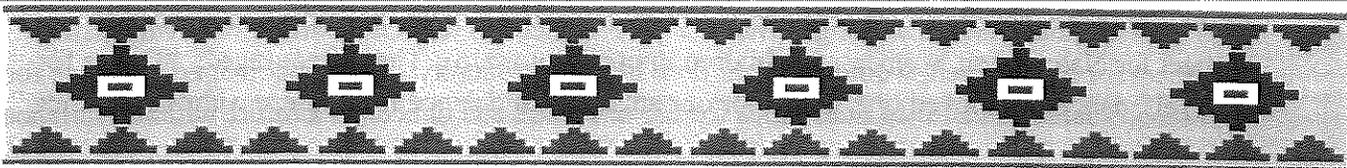


The total cost of funding the services provided to Tribal citizens by the Tribal Court and the operation of the Court in 2013 was \$1,166,711.

VII. MONEY SPENT IN 2013

The following chart documents how the Tribal Court spent funds allocated for its use in 2013:





VIII. SPECIAL HIGHLIGHTS FROM 2013

In addition to our day-to-day responsibilities reported above, the Court believes we have a responsibility to assist the community whenever our talents would be beneficial. To that end we participated in a number of unique projects in 2013.

SOBER LIVING

In 2013, we worked with Substance Abuse and Mental Health Services, LTBB Department of Human Services, LTBB Youth Services, Housing, Planning, Grants and Accounting to explore the possibility of a **Sober Living Home** for women and their children. Too often the Court sees women with children enter the justice system homeless or without safe housing for themselves and their children. This dedicated team put together a proposal to the Executive for a grant-funded Sober Living project. However, the timing was not right. Therefore, in 2014, the LTBB Substance Abuse Department will lead the way for another proposal, with the Court providing support as needed.

RED SHAWL PROJECT

The Red Shawl Project, also referred to as the Honoring Survivors Shawl, came about through the Minnesota Indian Women's Sexual Assault Coalition as a way to honor all generations of survivors of domestic and sexual violence.

The LTBB Human Services Department, the Abuse in Later Life Project, the Prosecutor's Office and Tribal Court collaborated on a Red Shawl Project for our LTBB community to raise awareness about the devastating impact of violence against our people.

The shawls represent the tears of Native women crying for the pain and suffering of generations; yet they also represent nurturing, love of family and community, strength, beauty and solidarity.

The colors of red, purple, and teal were chosen for use in the shawls. The color teal honors victims and survivors of sexual assault; the color purple honors victims and survivors of domestic violence; and the color red honors all Native people who have survived many forms of violence throughout history.

A number of work sessions were held over the spring and summer of 2013 in order to complete the Red Shawls in time for the LTBB Traditional Pow Wow. A ceremony and feast were held on September 12, 2013 prior to the pow wow to honor all those who participated. Those who made red shawls danced at the pow wow to honor all survivors of domestic and sexual violence

as well as those that are no longer with us. They danced to restore the traditional values of respect for Native men, women and children in our community. They encouraged: "Dance for yourself, dance for a loved one, dance for our ancestors and dance for a future without violence."

Red Shawls



PADDLING INTO NEW GENERATIONS

LTBB received a Substance Abuse Prevention grant from SAMSHA to reduce underage drinking for youth ages 14-20, named the SPRING grant. This grant supported the "Paddling Into New Generations" ("Paddles") project. The Program Director, Arlene Naganashe, planned and facilitated the Paddles program, which is an Odawa Substance Abuse Prevention project. The youth were invited to participate in activities which were geared to revitalize and educate them about the historical resilience of the Odawa people as "water people."

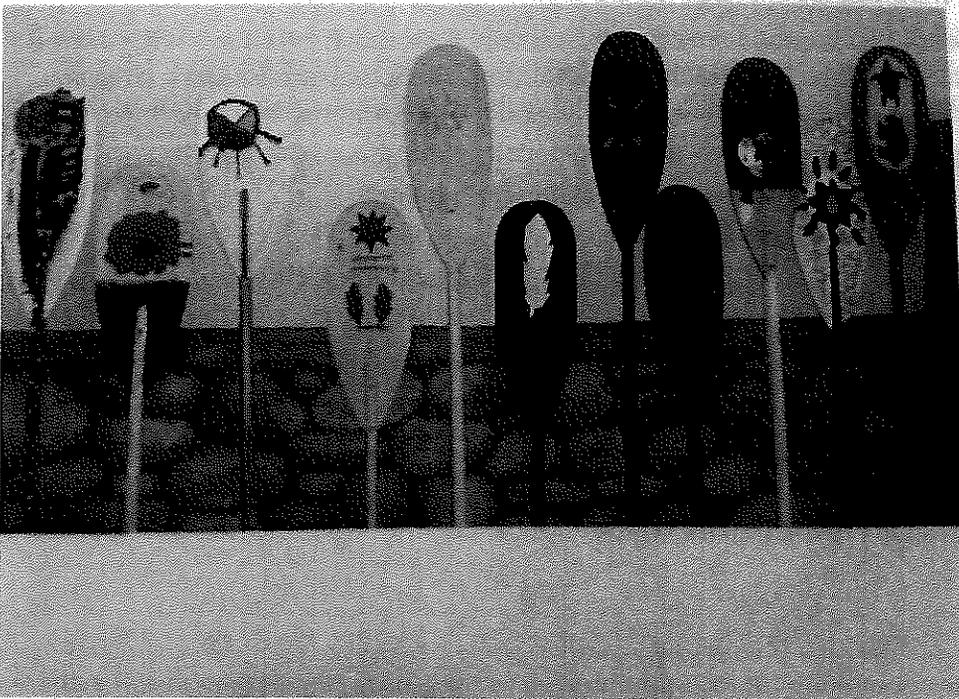
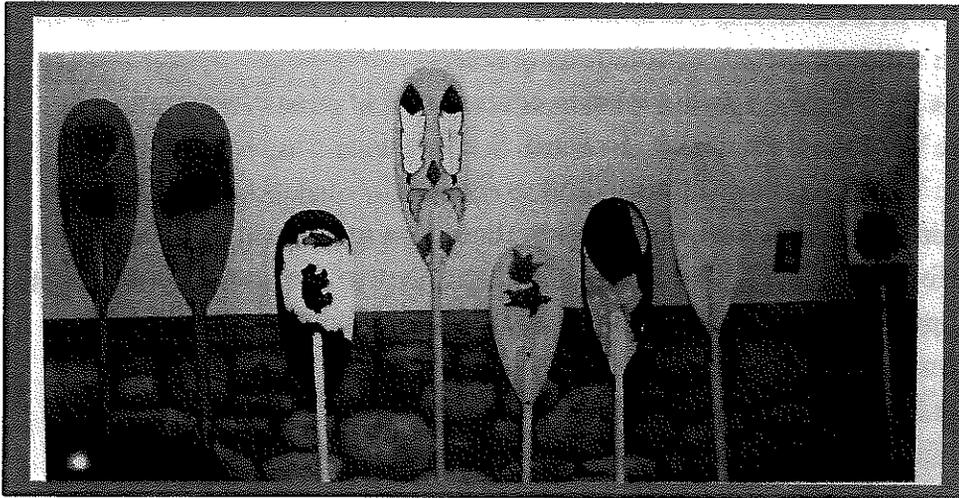
Many of the younger youth wanted to participate, but the grant would not allow anyone under the age of 14 to participate. Therefore, the **Tribal Court contributed \$3,500.00 to provide 55 paddles** so that youth of all ages could participate in this project. The grant sought to expose youth to the Odawa skills of operating and maintaining a canoe. The paddle gives the canoe mobility and direction. Using that analogy, the paddle can be a symbol of one's power over their direction in life.

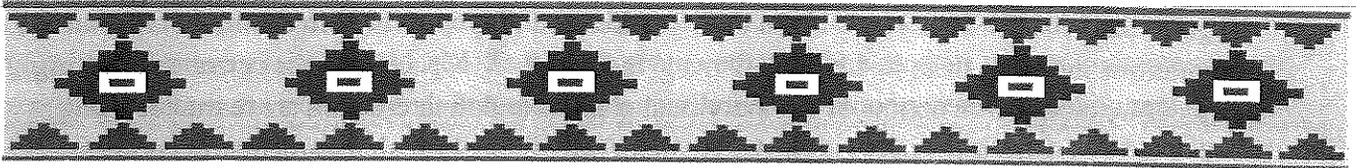
The younger youth were taught about Nishin (good) and Maanaaduk (spoiling or bad), a teaching from Nmishomis Bedasage (Roland Petoskey). This teaching states that a person always has a choice to choose either Nishin or Maanaaduk, and even if the person starts the day with Maanaaduk, they always have the opportunity to change to Nishin.

The youth were asked to decorate the paddles with something that gave them positive feelings when they looked at their paddle. They were taught about the power of positive thoughts. Ms.

Naganashe then asked the youth about their paddles and they were able to comment on what the decorations meant to them and how they made them feel. Ms. Naganashe is currently working on a publication where photos of the individual paddles and their creators are featured, along with a brief description, provided by the youth, of why they chose that particular decoration.

One of the unanticipated benefits of the program was that many families accompanied the youth to the sessions where the paddles were decorated. This provided quality time for the families to be together working on a project.





IX. OUR ASPIRATIONS FOR 2014

The Tribal Court looks forward to continuing to provide the community with valuable services in 2014. The following represents some of our goals:

1. We collaborated with the Grants Department to submit grant applications for three grants and hopefully we will be awarded the following grants:
 - a) An **Office of Violence Against Women** continuation grant to establish a Domestic Violence court docket, coordinated community response plan, and a Domestic Violence Protocol for handling domestic violence cases;
 - b) A **Coordinated Tribal Assistance Solicitation** grant to establish collaborative services for at-risk juveniles in order to keep them out of the formal court system, and to support them through traditional and cultural activities that would also include families of the juveniles; and
 - c) An **Adult Drug Court** grant to enhance the current Drug Court operations through the hiring of a part-time female cultural advisor who can address the cultural needs of the women participants. Additionally, Recovery Coaches will be utilized for aftercare services for the graduates of the Adult Drug Court.
2. Continue to work on an ongoing project which would establish a **Sober Living Home** for women and their children. This would be a joint project led by the Executive Branch.
3. Continue to utilize a budget overview that allows the Court to track expenditures and revenues on a monthly basis. This will help the Court track actual expenditures as they happen so that we maintain a responsible and balanced budget.
4. Continue the drafting of Court forms.
5. Work with the LTBB Natural Resources Department to address their concerns regarding fines and fees.
6. Update the LTBB Tribal Court website to include more information about the services provided, LTBB Court forms and documents, and other resources which will make the Court more accessible to Tribal citizens.
7. Continue to work with the Grants department to seek out other sources for funding programs that would benefit Tribal citizens.

Tribal Court thanks the community for the opportunity to serve you. We welcome your feedback and questions. Please contact Tribal Court Administrator Sara Brubaker with feedback and questions at sbrubaker@ltbbodawa-nsn.gov or 231-242-1461.