

Tribal Courts of South Dakota

There are nine Indian reservations in the state of South Dakota. All have their own tribal court systems in place. The **nine** Indian reservations in South Dakota are the Rosebud Reservation, Lower Brule Reservation, Crow Creek Reservation, Yankton Reservation, Pine Ridge Reservation, Standing Rock Reservation, Cheyenne River Reservation, Flandreau Santee Reservation, and Lake Traverse Reservation.

Tribal courts have evolved over the last 100 plus years from an informal system of tribal law and custom to a more formal court system based on Anglo-American traditions.

Indian tribes have exercised power of self-government and keeping the peace based on ancient tribal law and custom before the arrival of Europeans and pre-dates the formation of the United States of America. After Indian tribes were relegated to the reservation system, there was really no court systems in place. Tribes continued to use their age-old system of administering justice and the peace through tribal law and custom.

In the late 1800s the Department of the Interior set up Court of Indian Offenses with little or no input from the tribes themselves and without the use of ancient tribal law and custom. These courts heard minor criminal matters and disputes between tribal members. These courts applied federal law to such cases.

In 1934, the United States Congress passed the Indian Reorganization Act (IRA). Under the IRA of 1934 Indian Tribes were encouraged to adopt their own laws through tribal codes and to enforce those laws by establishing their own court systems. Those tribes that did not enact their own laws and establish their own court systems had a system of courts and laws put in place by the Bureau of Indian Affairs under terms of the Code of Federal Regulations (CFR). These CFR courts and laws applied federal law.

Most Indian tribes have established their own tribal codes and court systems under the IRA of 1934. Some incorporate an Anglo-American system of codes and courts. Some incorporate tribal law and custom along with the Anglo-American style for a

purely hybrid system of justice. The new trend may well be leaning toward a system more grounded in tribal law and custom than the Anglo-American style currently in vogue.

All tribal courts in South Dakota are now IRA of 1934 courts. Each tribe has enacted its own laws in the form of tribal codes and have established their own court systems to handle a variety of matters.

Tribal courts are very similar in their structure, to state and federal courts. Each tribal court has a civil, criminal and juvenile/children=s court.

The criminal court handles crimes committed by Indians on that particular reservation. These crimes are basically the same you would see in state court. They would include Driving Under the Influence of Alcohol, Assaults, Domestic Violence, etc. Federal courts retain concurrent jurisdiction over Indians for crimes committed in Indian country through various Federal Statutes (i.e. Major Crimes Act, etc.).

The civil court handles civil cases where at least one of the parties is a tribal member or is an Indian. Civil cases in tribal courts are the same type of cases you would see in state court. They would include divorce, custody, probate, guardianship, paternity, etc.

The juvenile or children=s court handles cases involving children who are tribal member or Indians, or whose parents are tribal members or Indians . Children=s cases in tribal court are the same type of cases you would see in state court. They would include Juvenile Delinquency and Abuse and Neglect.

Each tribe has their own set of laws specific to that particular tribe. Tribal laws are very similar to the structure and form of state and federal codes. They cover a wide variety of topics such as criminal laws, civil procedure, probate codes, etc. They differ from state and federal codes in that most tribal codes try to incorporate traditional custom and practices of that tribe into their law.

HOW TO CONTACT A TRIBAL COURT IN SOUTH DAKOTA

Contact Information for Tribal Courts in South Dakota:

Rosebud Sioux Tribal Court

P.O. Box 129
Rosebud, SD 57570
(605) 747-2278/2279 Juvenile
Ct
(605) 856-8701

Lower Brule Sioux Tribal Court

P.O. Box 122
Lower Brule, SD 57548
(605) 473-5528

Yankton Sioux Tribal Court

P.O. Box 980
Wagner, SD 57380
(605) 384-5578

Flandreau Santee Sioux Tribal Court

P.O. Box 283
Flandreau, SD 57028
(605) 997-3593

Oglala Sioux Tribal Court (Pine Ridge)

P.O. Box 280
Pine Ridge, SD 57770
(605) 867-5151

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[Indian Law Tribal Courts](#)

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[Table of Contents](#)

Crow Creek Sioux Tribal Court

P.O. Box 247
Fort Thompson, SD 57339
(605) 245-2325

Cheyenne River Sioux Tribal Court

P.O. Box 590
Eagle Butte, SD 57625
Civil (605) 964-6602 Criminal (605) 964-
2996
Children's Court
(605) 964-3737

Sisseton-Wahpeton Oyate Court

P.O. Box 568
Agency Village, SD 57262
(605) 698-7629

Oglala Sioux Tribal Court (Kyle)

P.O. Box 159
Kyle, SD 57752
(605) 455-2316

Northern

Appeals
P.O. Box
Aberdeen
(605) 22

Standing

P.O. Box
Ft. Yates
(701) 85

Sisseton

P.O. Box
Agency V
(605) 69

Oglala N

P.O. Box
Pine Ridg
(605) 86