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**FOR IMMEDIATE RELEASE**

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**NAVAJO NATION SUPREME COURT ISSUES OPINION IN *JAMES V. WINDOW*  
*ROCK FAMILY COURT***

The Navajo Nation Supreme Court has issued a writ of mandamus in *James v. Window Rock Family Court*, No. SC-CV-06-12, compelling the district court to timely process and track cases within statutory and rule-based timeframes. The writ was requested of the Supreme Court because the adoption filing by James was not acted on by the family court for several months.

In its opinion, the Court stated that all district courts must act expeditiously and see that mandated timeframes are followed. The Court set forth the duties of the court administrator in ensuring that complaints are processed and hearings are held.

The Court also clarified the family court's interpretation of the adoption law. The family court had interpreted it as requiring a petition for termination of parent rights to also be filed when an adoption is sought and that "if there is no termination of parental rights, then there can be no adoption." The Court found this interpretation to be erroneous, with potential for harmful and unnecessary terminations of parental rights. Clarifying that the Navajo Nation favors formal adoptions with TPRs only in specific cases such as where a child has been abused, neglected or abandoned, the Court stated that the recent Alchíní bi Beehaz'áanii Act emphasizes that "customary adoptions" must be considered before all other options, including TPR as a last resort.

As the Act does not define customary adoptions, the Court provided the following definition in this opinion: "a traditional tribal practice recognized by the community which gives a child a permanent parent-child relationship with someone other than the child's birth parent, without termination of parental rights." The Court further stated that essentially, "the child gains parent(s) in a customary adoption, and does not lose the parents he or she already has, nor does the child lose his or her clan and clan relatives. This is the philosophy embodied in our laws."

The Court's opinion is available on the [www.navajocourts.org](http://www.navajocourts.org) website.

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