



Contact: Karen Francis, *Judicial Liaison Officer*
Administrative Office of the Courts
JUDICIAL BRANCH OF THE NAVAJO NATION
Office: 928-871-7018
Facsimile: 928-871-6761
E-mail: karenfrancis@navajo-nsn.gov
<http://www.navajocourts.org>

FOR IMMEDIATE RELEASE
DATE Friday, August 19, 2011

**NAVAJO NATION SUPREME COURT ISSUES OPINION IN FAMILY COURT
APPEAL**

WINDOW ROCK - The Navajo Nation Supreme Court has issued its opinion in a putative father's appeal of a family court order for DNA testing to establish paternity in a guardianship case where the paternity of four children was not in dispute. Also on appeal was the family court's order that the parties pay the expenses of the court-appointed guardian ad litem.

The Supreme Court stated that Navajo Nation law does not require paternity testing if there is no dispute and does not prohibit temporary custody or visitation to be awarded on the basis of presumptions.

The Court stated that where only one man has claimed to be the children's father and has been taken to be the father by the mother and family, a court has no business in expending judicial resources for further investigation if the result would be render a child wotashke', or fatherless.

The Court further provided a summary of the Navajo Nation common law on paternity, custody and visitation in order that principles governing such matters are not misinterpreted.

The Court stated that Navajo common law permits a presumptive father to be awarded custody and visitation on a temporary basis. It further stated that the primacy of parental rights that is the law in some sister jurisdictions is not Navajo Nation law. On the Navajo Nation, the family is treated as a whole, and parental rights must be in harmony with the need for an intact family and the child's rights for meaningful contact with family, culture, and people.

The Court remanded the case for a declaration of paternity without the need for DNA testing.

The Supreme Court also reversed the award of expenses for the guardian ad litem.

The opinion is available on the www.navajocourts.org website.

###