

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

Forum *E-Update*

September 2019

TRIBAL COURT–STATE COURT FORUM

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IN THE NEWS

[Alaska Native Magistrate Judge brings tribal court skills to Petersburg bench](#)

KFSK Alaska – August 26, 2019

The top tribal judge for the Tlingit and Haida Tribal Court, Debra O’Gara, is the new Magistrate Judge for three small communities in Southeast Alaska—Petersburg, Wrangell, and Kake. As KFSK’s Angela Denning reports, O’Gara hopes the transition will help build bridges between the tribal and state court systems.

[US Attorney: Feds Push for Progress on Tribal Safety](#)

Associated Press – August 28, 2019

Federal officials have launched multiple measures to reduce cases of missing and killed Native Americans in the past year, including boosting funding for crime victim and witness services, said a U.S. attorney who leads a Justice Department committee on tribal policy.

[Australia: Improving housing and service responses to domestic and family violence for Indigenous individuals and families](#)

Analysis & Policy Observatory - August 29, 2019

This study investigated the needs of Indigenous women and children who are severely over-represented in rates of domestic and family violence (DFV). Developing culturally appropriate responses to Indigenous DFV and improving integration between housing and DFV and child protection services should reduce rates of Indigenous women’s injury and death, as well as rates of Indigenous children’s out-of-home care.

[Federal Appeals Court Upholds Tribal Court’s Personal Protection Order Against Non-Indian](#)

The National Law Review – August 29, 2019

On August 26, 2019, the US Court of Appeals for the Sixth Circuit upheld a Michigan Federal judge’s ruling that the tribal court of the Nottawaseppi Huron Band of the Potawatomi (NHBP) had jurisdiction to issue a personal protection order (PPO) against the non-Indian stepmother of a tribal member, including prohibitions against contacting the tribal member or "appearing within [his] sight."

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<http://www.courts.ca.gov/programs-tribal.htm>

FORUM LEGISLATIVE PROPOSALS

Visit forum's home page

<http://www.courts.ca.gov/3065.htm>

[US: Commentary: Appeals court affirms indigenous children belong to a political class, not racial](#)

Bemidji Pioneer - September 02, 2019

In 1978, the federal government recognized an alarmingly high rate of Indian children removed from their homes compared to white children resulting in the creation of the Indian Child Welfare Act. Forty years later, a wealthy, white Evangelical Christian family threatened to uproot the law after winning a custody battle over a 3-year-old boy whose biological mother is Navajo and bio father Cherokee. A federal judge in Texas awarded Chad and Jennifer Brackeen custody of the boy. Not satisfied with the win and afraid they may possibly lose custody in the future, the Brackeen family led a charge to declare the Indian Child Welfare Act, or ICWA, unconstitutional. On Aug. 9, a federal appeals court upheld the constitutionality of the act.

[ND: 'A historic leap forward': ND tribes sign updated agreement with state over child welfare services](#)

Bismarck Tribune - September 06, 2019

The leaders of four American Indian tribes in North Dakota have signed a new agreement with the state over federal funding for child welfare services including allowing tribes to license foster care parents on and off reservations.

[Canada: Ottawa ordered to compensate First Nations children impacted by reserve child welfare system](#)

CBC News - September 06, 2019

Government's conduct was 'devoid of caution' with no regard for 'consequences,' tribunal rules.

[Dancing IN Justice — a missing and murdered Indigenous women public service announcement](#)

Indian Country Today – September 06, 2019

On August 31st, five members of Thoz Womenz Drum participated in a public service announcement (PSA) video in support of two bills currently under consideration in Congress: Savanna's Act and the Not Invisible Act. The public service announcement was filmed at the annual Native Women's Drum Retreat at the University of California Berkeley Forestry Camp in Meadow Valley, California. Many Americans are not familiar with the issues regarding missing and murdered Indigenous women, but a report from the Urban Indian Health Institute (UIHI), a division of the Seattle Indian Health Board, provides statistics that show the need for new legislation.

[Canada: First Nations leadership concerned about who will be included in welfare ruling](#)

CBC News - September 07, 2019

First Nations leadership in British Columbia is calling on the Canadian government to "do the right thing" and ensure nobody is left behind in the recent ruling from the Canadian Human Rights Tribunal. It's still unclear exactly who will qualify for compensation and how that money will be distributed.

These programs are supported with funds from the Office on Violence Against Women, U.S. Department of Justice that are administered through the Governor's Office of Emergency Services (CalOES), the U.S. Department of Health and Human Services, Court Improvement Program, and the California Department of Social Services.

[OK: In Cherokee Country, Opioid Crisis Seen as Existential Threat](#)

Pew Charitable Trusts - September 09, 2019

Here in the foothills of the lush Ozark Mountains, where the Cherokee Nation re-formed its government after U.S. soldiers marched members of the tribe out of the South in the 1830s, people say the removal of children from their Native homes is the most troubling part of the opioid crisis.

[Canada: The Government of Canada announces the coming into force of an Act respecting First Nations, Inuit and Métis children, youth and families \(Press release\)](#)

Indigenous Services Canada - September 10, 2019

Today, the Honourable Seamus O'Regan, Minister of Indigenous Services announced that the Act respecting First Nations, Inuit and Métis children, youth and families will come into force in its entirety on January 1, 2020. This legislation was co-developed with Indigenous partners with the goal of keeping Indigenous children and youth connected to their families, communities, and culture.

[Some Progress, Continued Challenges Tracking Missing And Murdered Indigenous Women](#)

Boise State Public Radio NPR – September 11, 2019

Federal agencies are trying to tackle the crisis of missing and murdered indigenous women after years of extremely limited record-keeping and uncoordinated attempts to address these crimes.

Members of a House Natural Resources subcommittee hearing on Wednesday challenged those federal agencies to explain where they've made progress this last year in fighting the crisis in the United States. While data is limited, native women do face some of the highest rates of violence and sexual assault of any group.

[Is the End Coming for a Problematic California Grade School Tradition?](#)

Atlas Obscura – September 12, 2019

The mission model project has long glossed over the brutal treatment of Native Americans.

In 2004, Dash Turner was in the fourth grade, and had reached an important milestone in his California public school education. His class was studying the mission period, when Spanish priests attempted to convert California Indians to Catholicism. And that meant, for the fourth grade at Sierra View Elementary in Chico, and schools across the state, that it was mission model time. In the 18th and 19th centuries, these missions were built out of brick and adobe, by enslaved or conscripted Native Americans. In the 20th and 21st centuries, the missions were built out of sugar cubes or cereal boxes or prefab kits, by kids and helicopter parents. It was an arts-and-crafts distillation of a couple of centuries of conflict, conquest, and slaughter.

[House questions officials on efforts to help Native women](#)

Arizona Daily Sun – September 12, 2019

Arizona lawmakers questioned administration officials Wednesday on what they are doing to deal with the problem of missing and murdered indigenous women – and they weren't always satisfied with the answers. Officials with the Bureau of Indian Affairs and the departments of Justice and Health and Human Services said they're trying, but are often hampered by a lack of funding and inconsistent record-keeping when it comes to crimes against Native women.

[The Court Cases Shaping The Future Of Tribal Jurisdiction](#)

Law 360 – September 15, 2019

In 1881, an altercation between two members of the Lakota's Brulé band ended with a gunshot that continues to reverberate through American Indian law today.

After Crow Dog killed Spotted Tail on the Great Sioux Reservation, the tribal council found Crow Dog guilty and required he pay restitution to the victim's family. Then federal authorities charged Crow Dog in U.S. district court, where he was sentenced to death. He appealed, arguing the U.S. lacked jurisdiction because his crime had occurred on tribal land and both victim and perpetrator were Sioux. In 1883, the U.S. Supreme Court agreed. Two years later, Congress passed the Major Crimes Act, placing under federal jurisdiction serious offenses — including murder, assault, arson and larceny — committed on reservations.

[Can Deputization Pacts Ease Tribes' Jurisdiction Woes?](#)

Law 360 – September 15, 2019

Jurisdiction in Indian Country — which includes the United States' 300 reservations as well as other tribal lands — can be a maze of roadblocks for law enforcement agencies on the ground trying to ensure public safety.

As a result, some communities have turned to cross-deputization, which allows tribal officers to be deputized with the authority of the local county sheriff's department, and for sheriff's deputies to be given authority by the tribe.

[In Indian Country, A 'Maze Of Injustice' Persists For Women](#)

Law 360 – September 15, 2019

In December 2010, Judge Claudette White from the tribal court of the Quechan Tribe in Southern California was trying to file a protection order for a woman who had been attacked and whose attacker was still at large. The judge had issued the order herself and filed it with tribal law enforcement, then taken it to a sheriff substation just off the Quechan reservation. Some women on the reservation had reported problems trying to register protection orders with the county, and Judge White hoped going in person would ease the process. But when she got there, the deputy refused to enter the order into the county system.

[Reservation Residents Face Long Road To Justice](#)

Law 360 – September 15, 2019

Belinda Bullshoe was still mourning the loss of her foster daughter when she was arrested and charged with second-degree murder for the infant's death. Out on bail, she was relieved to return home to the Blackfeet Reservation, which sits at the Rocky Mountains' eastern slopes, just south of the Canadian border. But she faced a new hurdle: the four-hour round-trip drive to meet with her attorney in Great Falls, Montana. During her trial, Bullshoe and her family rented a hotel room they could barely afford, to avoid commuting to the Great Falls courthouse. But for months before that, she drove there regularly to meet with her federal public defender, Anthony Gallagher, and sift through medical reports that indicated her daughter died of health complications, not shaken baby syndrome as prosecutors alleged. Those meetings helped win Bullshoe's acquittal, but getting to them wasn't easy. Bullshoe was indicted in January 2010, and the harsh Montana winter compounded the long and difficult journey on narrow roads with steep side slopes.

[3 Ways DOJ Is Working To Improve Justice In Indian Country](#)

Law 360 – September 15, 2019

Since the founding of our republic, federal law has recognized that the federal government shares a special relationship with the many Native American nations in the United States. In exchange for land and other consideration, the United States agreed to provide for the security and well-being of federally recognized tribes while continuing to respect their sovereignty

[The fight over the only Native American on federal death row.](#)

The Marshall Project – September 17, 2019

Lezmond Mitchell, a member of the Navajo Nation, is one of five men the Justice Department selected for federal execution in the coming months. The choice highlights a schism between federal officials—like Attorney General William Barr and his predecessor John Ashcroft—and members of Native communities who oppose capital punishment in Mitchell's case. TMP's Christie Thompson has the latest in our "Case in Point" series.

[WA: A demand for action on the steps of the U.S. Capitol](#)

Navajo-Hopi Observer – September 17, 2019

Advocates say pressure must be applied to the U.S. Senate for a vote on the Violence Against Women Act (VAWA).

Nearly 25 years ago the Violence Against Women Act was passed into law. On Sept. 11, a large crowd of tribal leaders, allies and members of Congress stood footsteps from the Capitol and demanded that the now expired law be renewed.

People braved the heat and humidity on a summer Washington day to celebrate the act, as well as to honor victims of domestic violence and Missing and Murdered Indigenous Women.

[Fifth Circuit Holds Indian Child Welfare Act is Constitutional](#)

ABA Children and the Law – September 17, 2019

The Fifth Circuit Court of Appeals reversed a 2018 district court decision and held the Indian Child Welfare Act (ICWA): (1) does not amount to race-based discrimination in violation of the Equal Protection Clause; (2) does not violate the Tenth Amendment's anti-commandeering doctrine; and (3) does not violate the non-delegation doctrine of Article 1 of the U.S. Constitution. The Fifth Circuit also held the Bureau of Indian Affairs (BIA) had authority to promulgate its 2016 ICWA regulations.

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[California's forage wars. In Mendocino County, 'guerilla gatherers' risk fines and jail time to keep food culture alive](#)

High Country News – September 17, 2019

[Indigenous peoples risk jail time, tens of thousands of dollars in fines and the lifetime loss of state hunting and fishing privileges](#) for doing what they've always done in this area [of Mendocino County]. But they say the possibility of losing this connection to the land outweighs the legal risks.

In June 2019, California governor Gavin Newsom [issued an apology](#) to the more than 155 Indigenous tribes in the state for decades of genocide, oppression, neglect – wrongs that included suppression of traditional subsistence rights. But the state still regulates fishing, hunting and gathering. Decade after decade, tribes in California have had to find ways to maintain their traditional ways of life in a state that has made this challenging – or even illegal.

[AZ: Study: Higher Uninsured Rate for Native American Kids in AZ](#) (Includes audio)

Public News Service - September 18, 2019

American Indian and Alaska Native (AI/AN) children are more likely than others in Arizona to be uninsured and in poor health, according to new research by the Georgetown University Center for Children and Families. It recommends that federal health officials do more to reduce health disparities in this group. Comments from Lauren Roygardner, study author and senior research associate, Georgetown University Center for Children and Families

Report: [Promoting Health Coverage of American Indian and Alaska Native Children](#).

[AK: A drug abuse tragedy unfolding in slow motion.](#)

The New Republic – September 18, 2019

Because so many Alaskans work in the outdoors, in industries in which chronic pain and injuries are common, they were particularly vulnerable to the opioid epidemic. The local health clinics in rural communities that serve Native families were ill-equipped to identify the problem of addiction. And the FDA's decision to label OxyContin as safe for long-term use and the way Big Pharma played regulators made things worse. Now there's a "public health disaster emergency" there.

[OK: Anadarko Agency first of 28 to install Tribal Access Program kiosk](#)

Lawton Constitution - September 19, 2019

The TAP kiosk will help process finger and palm prints, take mugshots, and access data with the national crime information databases to better ensure the safety of children in foster care.

Also: [The Trump Administration Deploys the First Biometric Kiosk at a BIA Agency for Foster Parent Background Checks](#)

[New report exposes extreme school suspension rates for Native youth in California schools](#)

Indian Country Today – September 19, 2019

Native American students in California public schools suffer outrageously high suspension and expulsion rates largely due to teacher bias and systemic racism, according to a new report.

In one rural county, for example, Native youth were 40 times more likely to be suspended.

The report, [From Boarding Schools to Suspension Boards: Suspensions and Expulsions of Native American Students in California Public Schools](#), is a collaboration by researchers from the Sacramento Native American Higher Education Collaborative (SNAHEC) in collaboration with the Community College Equity Assessment Lab (CCEAL) at San Diego State University (SDSU).

[MN: "Not one more": Minnesota launches task force on missing and murdered indigenous women](#)

Minneapolis Star Tribune - September 19, 2019

Mary Lyons, an Ojibwe elder, fought back tears as she heralded what she called a "new beginning for indigenous women" in Minnesota: the launch of a state task force to address disproportionately high rates of violence against American Indian women and girls.

Also: Report: <http://www.uihi.org/wp-content/uploads/2018/11/Missing-and-Murdered-Indigenous-Women-and-Girls-Report.pdf>

[Protecting Native American Children](#)

New York Law Journal – September 19, 2019

In 'Brackeen v. Bernhardt', decided on Aug. 9, 2019, the U.S. Court of Appeals for the Fifth Circuit held that the Indian Child Welfare Act was constitutional. We applaud the Fifth Circuit for upholding this federal law that is vital to safeguarding the welfare of Indian children.

[First Biometric Kiosk Deployed at a BIA Agency for Foster Parent Background Checks](#)

Native News Online – September 20th, 2019

On Wednesday, Assistant Secretary for Indian Affairs Tara Katuk Sweeney praised the Bureau of Indian Affairs (BIA) Anadarko Agency for deploying the first Tribal Access Program (TAP) biometric/biographic kiosk workstation. The TAP kiosk will help process finger and palm prints, take mugshots, and access data with the national crime information databases to better ensure the safety of children in foster care. The BIA Anadarko Agency is the first of 28 BIA Agencies to make a newly installed TAP kiosk operational.

[Urban Indian Health Institute Issues Report on MMIWG Entitled “We Demand More”](#)

Native News Online – September 22, 2019

Urban Indian Health Institute (UIHI) today released MMIWG: We Demand More, a study that serves as a corrective response to the Washington State Patrol’s recent report on missing and murdered Indigenous women and girls (MMIWG).

Washington State Patrol’s report, issued in June, was mandated by the state legislature to determine how to increase resources for reporting and identifying missing Native American women.

Although the State Patrol held 10 forums with Native communities, UIHI condemned that report for its imprecise accountings of those meetings and for lacking any meaningful or scientifically based analysis of the knowledge shared in them.

[The Klamath River now has the legal rights of a person](#)

High Country News – September 24, 2019

A Yurok Tribe resolution allows cases to be brought on behalf of the river as a person in tribal court. This summer, the Yurok Tribe declared rights of personhood for the Klamath River — likely the first to do so for a river in North America. A concept previously restricted to humans (and corporations), “rights of personhood” means, most simply, that an individual or entity has rights, and they’re now being extended to nonhumans.

Publications

Title: [ICWA and the unwed father: A constitutional corrective.](#)

Author: Dow, Taylor

Source: [167 U. Pa. L. Rev. 1513](#) (2019)

Title: [Indian Nations Law Update – September 2019](#)

Journal Name: The National Law Review

September 24, 2019

Summaries of recently published cases on Indian law throughout the county.

Title: [Protecting Native American Children](#)

Author: Joel R. Brandes

Source: New York Law Review. September 19, 2019

Title: [VAWA Reauthorization Act of 2013 and the continued legacy of violence against Indigenous women: A critical outsider jurisprudence perspective.](#)

Author: Whitebear, Luhui

Source: [9 U. Miami Race & Soc. Just. L. Rev. 75](#) (2019)

Title: [The Center For Regional And Tribal Child Welfare Studies: Reducing Disparities Through Indigenous Social Work Education.](#)

Author(s): Haight, Wendy.;Waubanascum, Cary.;Glesener, David.;Day, Priscilla.;Bussey, Brenda.;Nichols, Karen.

Published: 2019

Journal Name: Children and Youth Services Review

v. 100, May 2019, p. 156-166

Available from: Elsevier

Customer Service Department

6277 Sea Harbor Drive

Orlando, FL 32887-4800

Abstract: This research addresses one of the most pressing and controversial issues facing child welfare

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policymakers and practitioners today: the dramatic overrepresentation of Indigenous families in North American public child welfare systems. Effective, inclusive education is one necessary component of efforts to reduce such disparities. Yet recruiting students from various cultural communities to the field and educating white social work students and professionals to practice in culturally responsive ways are ongoing challenges. In this ethnography, we examine an apparently successful model of inclusive education: the Center for Regional and Tribal Child Welfare Studies (the Center) at the University of Minnesota, Duluth, School of Social Work. For over a decade, the Center has graduated Indigenous and non-Indigenous child welfare workers with MSWs now practicing within tribal communities, as well as provided continuing education for child welfare professionals. At the Center, Indigenous scholars and social workers, tribal leaders and their allies design and sustain a model of honoring and integrating Indigenous worldviews with Western social work. Experiential learning – engaging the “heart and head” – is a cornerstone of the Center's educational practices. Students and professional colleagues are approached with a “good heart” as “relatives” with positive intentions. They learn about the spirituality, language, culture and history of Indigenous people. The strengths-based curriculum also includes challenging content on the legacy of genocide and historical trauma on Indigenous families and communities, as well as contemporary laws and policies such as the Indian Child Welfare Act. The educational worldview and practices of the Center provide understanding for social work, generally, and child welfare, specifically, that supports effective practice and policy within diverse communities. (Author abstract)

Title: [Evidence-Based Psychosocial Interventions for Ethnic Minority Youth: The 10-Year Update.](#)

Author(s): Pina, Armando A.;Polo, Antonio J.;Huey, Stanley J.

Published: 2019

Journal Name: Journal of Clinical Child and Adolescent Psychology
v. 48, 2, March-April 2019, p. 179-202

Available from: Routledge -- Taylor and Francis Group
7625 Empire Drive
Florence, KY 41042

Abstract: This is the official update on the status of evidence-based psychosocial interventions for ethnic minority youth. Compared to a decade ago, there has been expansion of well-designed intervention studies, growth in the number (not type) of interventions meeting evidence-based criteria, and greater focus on testing ethnicity/race moderator effects. In terms of standard of evidence, 4 psychosocial interventions are now well-established and 10 are probably efficacious or possibly efficacious, with most protocols drawing on cognitive and behavioral change procedures and/or family systems models. Yet the research literature remains mostly focused on testing interventions with European Americans (White Caucasians), and little to no progress has been made in testing the effects of interventions with Asian American or Native American youth. Knowledge of the effects of cultural tailoring on program engagement, outcomes, and mechanisms of change remains scant. (Author abstract)

Title: [Combatting Sex Trafficking Of Native Americans And Alaska Natives.](#)

Author(s): Hagen, Leslie A.

Published: 2019

Journal Name: [Family and Intimate Partner Violence Quarterly](#)
[v. 11, 3, Winter 2019, p. 39-52](#)

Available from: Civic Research Institute
4478 U. S. Route 27
PO Box 585
Kingston, NJ 08528

Abstract: Sex trafficking among American Indian and Native Alaskan communities is a disturbing reality that up to now has been tragically overlooked and under-investigated. Author Leslie A. Hagen clarifies the commonality of these criminal acts and makes recommendations as to how to raise awareness and bring sex trafficking to a halt. She proposes the development of a potential community response system that would help those affected to better detect the signs of trafficking and to formulate better ways to report and respond to such crimes. (Author abstract)

Title: [The Montana Native American Domestic Violence Fatality Review Team](#)

Author: Neil Websdale.

Source: Volume 11, Number 03, Winter 2019 , pp.31-38(8)

Abstract:

Indian reservations in Montana evince high rates of intimate partner homicide (along with alcohol and drug abuse, suicide, extreme isolation, unemployment, and school dropouts). The Montana Domestic Violence Fatality Review Commission (MDVFRC) and Montana Native American Domestic Violence Fatality Review

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Team (NADVFRT) were created by the state's legislature in 2003 and since then their investigations have led to important reforms in the courts, law enforcement, and human services aimed at reversing the tragic rates of IPV in Montana Indian country. This article comprehensively reviews important historic milestones in the development of MDVFC and NADVFRT and in the scope of their authority and operations.

Title: [Indian Child Welfare Act in Custody Cases Involving Domestic Violence](#)

Author: Anne L. Perry.

Source: Volume 11, Number 03, Winter 2019 , pp.53-56(4)

Abstract:

In this piece by expert attorney and frequent contributor Anne L. Perry, we learn about the application of the Indian Child Welfare Act (ICWA) to a DV case involving a Native American father who, without an appropriate hearing, would have had his parental rights unjustly terminated. The ICWA rightly recognizes the detrimental impacts of removing Native American children from their homes, and the children's transfer to non-Native households, that has occurred routinely in the past.

Title: [Indian Nations Law Update – August 2019](#)

Author: The National Law Review

Summaries of eighteen recent Indian law cases, including several cases under the Indian Child Welfare Act and cases on tribal court and federal court jurisdiction.

[Emerging Strategies in Tribal-State Collaboration: Barriers and Solutions to Enforcing Tribal Protection Orders Meeting Report](#) (2019) Tribally issued protection orders are a crucial means of providing safety and justice in Indian country, particularly given the extremely high rates of violence against Native women. However, for protection orders to be an effective means of providing safety, cross-jurisdictional enforcement is necessary, which can be a challenge. On December 6, 2017, the Tribal Law and Policy Institute, in collaboration with BJA, hosted a day-long meeting to explore the barriers and highlight promising strategies around the enforcement of tribal protection orders. This report details those discussions and summarizes the successful efforts.

[Click here to access the full publication](#)

[Crossing the Bridge: Tribal-State-Local Collaboration](#) (2019) One of the biggest barriers to successful tribal-state collaboration is taking the first steps toward relationship building. The historical animosities between tribes and local counties/surrounding states can run deep. Strained relations going back many generations and contentious issues such as land, public safety, etc. can make for what may seem like insurmountable problems. This can leave those who see collaboration as a possible solution with little hope. This publication gives practical steps toward initiating discussions across jurisdictions. This publication provides details on "crossing the bridge" to meet jurisdictional peers and begin the relationship building necessary for collaborative endeavors that work toward common goals.

[Click here to access the full publication](#).

[Department of Justice Releases New Publication: Cross-Deputization in Indian Country](#)

Abstract: Jurisdiction in Indian country has long been complicated by multifaceted tribal, state, and federal laws, policies, and court decisions, making it difficult for law enforcement to effectively address many types of criminal offenses. Whether the victim and perpetrator belonged to a tribe, where the crime took place, and other circumstances must be considered before any action can be taken. But recent changes in tribal, federal, and state law have enabled tribal law enforcement to enforce a broader array of state and federal crimes by cross-commissioning and cross-deputizing their officers. This report - based on the work of the National Sheriffs' Association, which assembled a cross-deputization advisory panel - examines the jurisdictional and legal limits of cross-deputization and how it has been implemented in various law enforcement agencies in Indian country. It also describes some of the most promising practices and provides sample documents and agreements.

Product ID: COPS-P363 Publication Date: 04/12/2018 Author(s): National Sheriffs' Association

<https://ric-zai-inc.com/Publications/cops-p363-pub.pdf>

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Announcements

[Tribal Access Program for National Crime Information \(TAP\)—Accepting Applications September 1, 2019 until October 31, 2019](#)

The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 and has expanded yearly to provide Tribes access to [national crime information systems](#) for federally authorized criminal and non-criminal purposes. TAP allows selected federally-recognized Tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other [national crime information systems](#).

Given the funding sources, eligible tribes must have and agree to use TAP for:

- A sex offender registry authorized by the Adam Walsh Child Protection and Safety Act;
- A law enforcement agency that has arrest powers; or
- Any use that provides services to victims of crime, such as a Tribal Court which issues orders of protection

[Call for Presentations-NICWA's 38th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect](#)

Denver, Colorado on March 29–April 1, 2020

Workshop submissions are due Thursday, October 31, 2019.

Each year over 80 presenters are selected to lead vigorous dialogue about best practices, current research, advocacy efforts, policy implications, and other lessons learned with over 1,400 conference attendees.

You may prepare your information using this [submission form worksheet](#). All final submissions must be made online.

Tribal Court Child Advocacy Training

Healdsburg, CA - October 23-25, 2019

Sharpen your child advocacy skills when appearing in Tribal Court at a 2 ½-day training featuring hands-on workshops and practice. Benefit from the knowledge and experience of seasoned practitioners and tribal court judges who will help you better present in court. The training is tuition free, however, space is limited. Rooms are reserved at the Best Western Dry Creek Inn in Healdsburg, CA. Sponsored by the Dry Creek Rancheria Band of Pomo Indians, Casey Family Programs and Tribal Justice Support, Office of Justice Services, U.S. Department of the Interior–Indian Affairs. For more information see flyer attached at the end of this newsletter.

[Survey for Tribal Justice Practitioners](#)

The Center for Court Innovation Invites anyone working in tribal justice systems, social services, and treatment programs to participate in a national survey on tribal court technology and risk need tools.

The Center for Court Innovation is conducting a national survey of risk-need assessment tools and data management technologies being used by tribal courts.

The best person to fill out this survey is someone who works in a tribal court, or who has clients who are involved in a tribal justice system. Judges, court staff, prosecutor and defense attorneys, treatment providers, social service providers, case workers, probation officers, etc.

The results of the survey will be used to help develop new risk-need assessment tools and court-based data management technologies designed specifically for tribal courts.

Visit <https://www.courtinnovation.org/areas-of-focus/tribal-justice>

Questions? TribalJustice@courtinnovation.org

Online Resources

Tribal Training and Technical Assistance Center (TTAC) [Website]. Tribal Training and Technical Assistance Center (U.S.) 2019 <https://www.samhsa.gov/tribal-ttac>

The Role of a Tribal Judge ([webinar](#))

National American Indian Court Judges Association Webinar posted July 26, 2019

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The role of the Tribal court judge can vary from tribe to tribe and state to state. The judge must navigate intersections and gaps in state, federal and tribal authority in Indian Country. The faculty for this session will Hon. Judge John Traylor, who will talk about the challenges and opportunities this unique bench provides.

Newslinks

This is a service that the Judicial Council Public Affairs Office puts together every day. If you would like to receive this service, please visit this [webpage](#).

Judicial Resources Network (JRN) and Center for Judicial Education and Research (CJER) Online

This website contains information relevant to all levels of judicial branch personnel and includes resources designed to meet education, facilities, financial, human resources, legal, special court projects, technology, and other informational needs. For more information, please contact the Judicial Council of California Tribal/State Programs Unit at 415-865-7739 or cfcc@jud.ca.gov.

California Dependency Online Guide (CaIDOG)

This website contains dependency-related case law, legal materials, articles and other resources relevant to California attorneys, judicial officers, social workers, tribal representatives, Court Appointed Special Advocates, and other child welfare professionals. Subscriptions are free and available to professionals working in the field of juvenile dependency. [Log in or subscribe here](#).

Webinars & Podcasts

[Webinar Wednesdays-TLPI](#)

This initiative—**Strengthening Tribal Response to Violence Against Native Women** – will also provide training, technical assistance and resources designed to help individual tribal governments and tribal communities – that are **not** currently receiving Office on Violence Against Women (OVW) grant funding - enhance victim safety and more effectively address offender accountability. Initiative partners provide individualized training, technical assistance and resources to strengthen the response of tribal governments to effectively address sexual assault, domestic violence, dating violence and stalking.

October 9th - Tribal Domestic Violence Courts and Dockets

This webinar will address how a tribal DV court/docket narrows the possibility of manipulation during the encounter with the legal system as well as the benefits and challenges of designing a tribal domestic violence court/docket, importance of protocol development and sustainability of a specialized court/docket.

For more information see the brochure [here](#) or contact TribalResponse@tlpi.org to inquire further

[Child Welfare Information Gateway Podcast Series](#)

Audio podcasts support learning-on-the-go and allow us to hear the outcomes, experiences, and tips from innovators across the child welfare continuum. This podcast series, produced by Child Welfare Information Gateway on behalf of the Children's Bureau, presents a series of interviews and group conversations intended to provide beneficial information for busy child welfare and social work professionals. The podcasts cover a wide range of topics and provide perspectives from communities served by child welfare agencies and tips and stories from professionals about implementing new services and programs, working across agencies, and improving practice. Topic Areas: Foster Care: A Path to Reunification; Tribal Courts and Child Welfare Series; Housing's Critical Connection to Child Welfare Series; Family Group Decision-Making Series; Prevention - Services and Programs; Prevention – Protective Factors; Workforce Series; Child Welfare Then and Now; Diligent Recruitment Series; Collaborating between Child Welfare and Mental Health; Supporting Kinship Caregivers Series; Engaging Fathers Series; Washington, D.C., and the Local Child Welfare Professional Working With the Correctional System and Incarcerated Parents; Secondary Traumatic Stress; Interagency Collaboration to Address Human Trafficking and Engaging Youth in Foster Care.

Upcoming Conferences

[19th Annual California Indian Law Conference](#)

October 3-4, 2019

Graton Resort and Casino

CILA is pleased to announce that its 19th Annual Indian Law Conference & Gala will take place at the Graton Resort & Casino at 4288 Golf Course Drive West, Rohnert Park, CA 94928. Attorneys attending the Conference may receive **5.25 MCLE credits**.

Bay Area ICWA Symposium

October 4, 2019

San Francisco, CA

9:00am-4:00pm

Complimentary breakfast 8:30am and on-site lunch available

The symposium will feature an array of speakers specific to Bay Area issues in relation to ICWA and crossover issues that impact tribal families involved within the child welfare system.

[See attached save the date flyer] Please contact Vida Castaneda with any questions:

vida.castaneda@jud.ca.gov or (415)865-7874

[16th Annual ILPC/TICA Indigenous Law Conference](#)

The 16th Annual Indigenous Law and Policy Center and Tribal In-House Counsel Association Indigenous Law Conference will be hosted October 10-11, 2019 (with pre-conference activities on October 9) at the Michigan State University College of Law in East Lansing, MI.

Tribal Court Child Advocacy Training

Healdsburg, CA - October 23-25, 2019

Sharpen your child advocacy skills when appearing in Tribal Court at a 2 ½-day training featuring hands-on workshops and practice. Benefit from the knowledge and experience of seasoned practitioners and tribal court judges who will help you better present in court. The training is tuition free, however, space is limited. Rooms are reserved at the Best Western Dry Creek Inn in Healdsburg, CA. Sponsored by the Dry Creek Rancheria Band of Pomo Indians, Casey Family Programs and Tribal Justice Support, Office of Justice Services, U.S. Department of the Interior-Indian Affairs. For more information see flyer attached at the end of this newsletter.

[When Justice Fails: Threats to the Independence of the Judiciary](#)

Montgomery, Alabama

Monday, December 9, 2019 -Thursday, December 12, 2019

***Scholarships available**

How does an independent judiciary contribute to a just society? What is necessary for the judiciary to be truly independent? Join us in Montgomery, Alabama as we attempt to answer these questions as we scrutinize historical and current events to see where judges have struggled with powerful personal, ethical, and political pressures.

After attending this course, participants will be able to:

Define how legal and judicial systems are influenced by a government's political philosophy;

Analyze the forces that negatively influence judicial independence; Describe potential areas of tension between the canons of ethics and the application of the rule of law; and Identify the elements of an independent judiciary.

[Beyond the Bench 25: Joining Forces for a Better Future for Children and Families](#)

San Diego, CA

Pre-Conference Sessions on Monday, December 16, 2019

Conference Sessions December 17-18, 2019

The early-bird registration fee for the core, 2-day conference is \$400. The daily rate is \$225. The rate for preconference events is still in the planning stage. This statewide conference brings together judges, court professionals, attorneys, social workers, probation officers, agency leaders, students, volunteers, advocates and subject matter experts, mental and behavioral health specialists, educators, and other system partners to transform practice. CEUs available. See [CEU Passport](#) for further information.

[At-A-Glance Agenda](#)

If you have any questions about the program, please email beyondthebench@jud.ca.gov or by phone 415-865-7599.

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[NICWA's 38th Annual Protecting Our Children National American Indian Conference on Child Abuse and Neglect](#)

Denver, Colorado

March 29–April 1, 2020

Each year, NICWA hosts the largest national gathering on American Indian and Alaska Native (AI/AN) child advocacy issues. With over 1,400 attendees—and growing every year—this four-day conference has become the premiere national event addressing tribal child welfare and well-being. Keynote speakers range from federal officials at the highest level of government to youth with lived experience in child welfare systems.

NICWA provides meaningful programming to conference attendees, creating a space where participants can learn about the latest developments and best practices from experts in the field and from one another.

Participants represent a cross-section of fields and interests including child welfare, mental health, and juvenile justice service providers; legal professionals; students; advocates for children; and tribal, state, and federal leaders.

[2020 Women Are Sacred Conference](#)

June 23-25, 2019

Saint Paul, Minnesota

The WAS Conference is one of the oldest and largest gatherings of advocates, survivors, tribal domestic and sexual violence programs, tribal community members, tribal leadership, law enforcement and tribal court personnel dedicated to ending violence against American Indian and Alaska Native women and children. WAS offers state of the art training opportunities designed to increase the capacity of tribal nations, tribal domestic violence and community-based programs to address violence in tribal communities. Conference presenters include emerging Indigenous leaders and experts in the movement to ending violence.

GRANT OPPORTUNITIES

[Publishing Historical Records in Documentary Editions](#)

National Archives and Records Administration

EDITIONS-201910

Deadline: October 3, 2019

The National Historical Publications and Records Commission seeks proposals to publish documentary editions of historical records. Projects may focus on broad historical movements in U.S. history, such as politics, law (including the social and cultural history of the law), social reform, business, military, the arts, and other aspects of the national experience, or may be centered on the papers of major figures from American history. Whether conceived as a thematic or a biographical edition, the historical value of the records and their expected usefulness to broad audiences must justify the costs of the project.

[BJA FY 19 Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities Program](#)

Department of Justice

Bureau of Justice Assistance

BJA-2019-16770

Deadline: October 15, 2019

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) is seeking applications for the Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities Program. This program furthers the Department's priorities by supporting law enforcement and public safety agencies in their efforts to reduce and prevent injuries and deaths of missing individuals with dementia or developmental disabilities.

[Resident Opportunity & Self-Sufficiency Program](#)

Department of Housing and Urban Development

FR-6300-N-05

Deadline: October 15, 2019

The Resident Opportunity & Self Sufficiency Service Coordinator (ROSS-SC) program is designed to assist residents of Public and Indian Housing make progress towards economic self-sufficiency. Self Sufficiency is an individual's ability to support their household by maintaining financial, housing, and personal/family stability. To achieve self-sufficiency, an individual moves along a continuum towards

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economic independence and stability; such movement is facilitated by the achievement of personal goals. To help residents make progress towards economic self-sufficiency, HUD provides ROSS-SC grant funding to eligible applicants to hire a Service Coordinator who assesses the needs of Public and Indian housing residents and links them to supportive services that enable participants to move along a continuum towards economic independence and stability. In the case of elderly/disabled residents, the Service Coordinator links them to supportive services which enables them to age/remain in place. This program also works to promote the development of local strategies to coordinate the use of assistance under the Public Housing program with public and private resources, for supportive and resident empowerment activities. ROSS-SC funds may be used for coordinator's salary and fringe benefits, travel and training expenses, and administrative costs.

[BJA FY 19 Second Chance Act Pay for Success Initiative: Outcomes-based Contracting To Lower Recidivism and Homelessness](#)

Department of Justice

Bureau of Justice Assistance

BJA-2019-16890

Deadline: October 15, 2019

The Second Chance Act Pay For Success Initiative: Outcomes-based Contracting To Lower Recidivism And Homelessness will provide assistance and funding to state, local, and tribal governments to price, write, negotiate, fund, and manage contracts that pay for these services in a way that ensures accountability of the contract service providers, and incentivizes improved performance over time. Contracted services that may be purchased with grant funds include reentry services which are tailored to individuals leaving incarceration who are at moderate to high risk for recidivism in the community and services available to individuals living in permanent supportive housing units.

[Office of Tribal Self-Governance Planning Cooperative Agreement](#)

Department of Health and Human Services

Indian Health Service

HHS-2019-IHS-TSGP-0001

Deadline: October 23, 2019

The purpose of this Planning Cooperative Agreement is to provide resources to Tribes interested in entering the Tribal Self-Governance Program (TSGP) and to existing Self-Governance Tribes interested in assuming new or expanded Programs, Services, Functions, and Activities (PSFAs). Title V of the Indian Self-Determination and Education Assistance Act (ISDEAA) requires a Tribe or Tribal organization to complete a planning phase to the satisfaction of the Tribe. The planning phase must include legal and budgetary research and internal Tribal government planning and organizational preparation relating to the administration of health care programs. See 25 U.S.C. § 5383(d).

[Specialized Housing and Services for Victims of Human Trafficking](#)

Department of Housing and Urban Development

FR-6300-N-45

Deadline: October 30, 2019

The U.S. Department of Justice (DOJ) and the U.S. Department of Housing and Urban Development (HUD) have partnered under this NOFA to address human trafficking that occurs within communities. The purpose of this program is to enhance the quality and quantity of safe housing and specialized services available to assist victims of human trafficking, as defined by the Trafficking Victims Protection Act (TVPA) of 2000, as amended. This includes specialized housing and services that are enhanced by a collaborative and coordinated community response that engages appropriate community resources. Organizations that demonstrate the ability to provide safe housing options and client-focused services for victims of human trafficking that result in obtaining and remaining in permanent housing situations with the necessary supportive services to ensure participant success for housing retention, that includes obtaining the necessary income to promote self-sufficiency, are encouraged to apply for this funding. Technical Assistance: This NOFA includes up to \$1 million for a technical assistance provider that has experience in assisting HUD-funded and DOJ-funded organizations in the areas of housing and services specifically for victims of human trafficking.

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[Tribal Access Program for National Crime Information \(TAP\)](#)

U.S. Department of Justice

Deadline: October 31, 2019

The U.S. Department of Justice (DOJ) launched the Tribal Access Program for National Crime Information (TAP) in August 2015 and has expanded yearly to provide Tribes access to [national crime information systems](#) for federally authorized criminal and non-criminal purposes. TAP allows selected federally-recognized Tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other [national crime information systems](#).

Given the funding sources, eligible tribes must have and agree to use TAP for:

- A sex offender registry authorized by the Adam Walsh Child Protection and Safety Act;
- A law enforcement agency that has arrest powers; or
- Any use that provides services to victims of crime, such as a Tribal Court which issues orders of protection

[Rural Assistance Center](#)

Department of Health and Human Services

Health Resources and Services Administration

HRSA-20-024

Deadline: December 2, 2019

The Rural Assistance Center (RAC) serves as a national clearinghouse for information on rural health to support access to healthcare and improve population health in rural communities.

[Research Grants for Preventing Violence and Violence Related Injury \(R01\)](#)

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

RFA-CE-20-003

Deadline: December 16, 2019

The Centers for Disease Control and Prevention's National Center for Injury Prevention and Control (NCIPC) is soliciting investigator-initiated research that will help expand and advance our understanding about what works to prevent violence that impacts children and youth, collectively referred to as Adverse Childhood Experiences (ACEs), including child abuse and neglect, teen dating violence, sexual violence, youth violence, youth/parent suicidal behavior, and exposure to adult intimate partner violence. This initiative is intended to support the evaluation of primary prevention programs, practices or policies that target universal or selected high-risk populations (i.e., populations that have one or more risk factors that place them at heightened risk for violence). Funds are available to conduct such studies focused on preventing child abuse and neglect and at least one other form of violence affecting children and youth, including teen dating violence, sexual violence, youth violence, and exposure to adult intimate partner violence.

[FY 2019 EDA Disaster Supplemental](#)

Department of Commerce

Economic Development Administration

EDA-2019-DISASTER

Deadline: None

EDA announces general policies and application procedures for the Disaster Supplemental NOFO. Subject to the availability of funds, this investment assistance will help communities and regions devise and implement long-term economic recovery strategies through a variety of non-construction and construction projects, as appropriate, to address economic challenges in areas where a Presidential declaration of a major disaster was issued under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5121 et seq.) (Stafford Act) "as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes and other natural disasters occurring in calendar year 2018, and tornadoes and floods occurring in calendar year 2019...". To be competitive, applications must clearly incorporate principles for enhancing the resilience (as defined under Section A.4, below) of the relevant community/region or demonstrate the integration of resilience principles into the investment project itself. Resilience is an essential component of any strategy for mitigating the potential for future disaster-related losses and adverse economic impacts for

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communities. Therefore, inclusion of resilience principles in the project is a necessary step to improve the capacity of the region to recover more quickly from future disaster events. Applicants must include a narrative attachment as a part of their application materials, describing in detail the nexus between their proposed project scope of work and disaster recovery and resilience efforts. The strength of the nexus to the disaster is drawn from the consequences of the relevant disaster(s) and the intended project outcomes that fulfill the community's specific post-disaster needs.

SAVE THE DATE

OCTOBER 23-25, 2019

Tribal Court Child Advocacy Training
Healdsburg, CA

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For more information:
advocacytraining@earthlink.net