

TRIBAL COURT-STATE COURT FORUM

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IN THE NEWS

Canada reaches \$31bn deal in indigenous child welfare case

BBC - January 04, 2022

Canada has announced C\$40bn (\$31bn; £23.6bn) in compensation for indigenous children and families harmed by the on-reserve child welfare system. It's the largest class-action settlement in Canadian history. The agreements-in-principle, announced on Tuesday, sets aside funds for both compensation and reforms.

Alert System Proposed for Missing Indigenous Women

Native News Online - January 4, 2022

Washington State's legislature is considering a bill that would create an a system for missing or endangered Indigenous women.

The bill, HB 1725, is being proposed by Washington Attorney General Bo Ferguson and State Representative Debra Lekanoff (D-Anacortes).

Canada Pledges \$31.5 Billion to Settle Fight Over Indigenous Child **Welfare System**

New York Times – January 4, 2022

The government agreed to a landmark settlement to repair the system and compensate those families harmed by it. It potentially ends many years of litigation.

As tribes wait for investigation to conclude, debate over Indian schools continues

Cronkite News – January 5, 2022

Tribes across the Southwest dread the possibility that thousands of unmarked graves might be uncovered by a federal investigation into abandoned Native American boarding schools expected to wrap up early year. The investigation, ordered by U.S. Interior Secretary Deb Haaland, came in the wake of the discovery this year of more than 1,200 unmarke graves at two long-shuttered boarding schools in Canada's British Colum and Saskatchewan provinces.

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JUDICIAL COUNCIL

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Tribal/State Programs Link:

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

FORUM LEGISLATIVE PROPOSALS

Visit forum's home page

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

Senators push act that seeks justice for Native survivors of sexual Violence

Mille Lacs Messenger – January 6, 2022

U.S. Senator Tina Smith (D-Minn.), a member of the Senate Indian Affairs Committee, and U.S. Rep. Gwen Moore (D-WI) are pushing to make it easier to address violence against Native peoples by expanding Tribal jurisdiction over crimes of sexual violence. The "Justice for Native Survivors of Sexual Violence Act" aims to get justice for survivors of sexual violence by restoring Tribal jurisdiction to prosecute cases of domestic and sexual assault, sex trafficking, stalking, and other related crimes committed by non-Native offenders on Tribal lands.

<u>Supreme Court Set to Decide Whether to Take Up Indian Child Welfare</u> Case

Imprint - January 06, 2022

The U.S. Supreme Court could decide by the end of the week whether to take up a case involving the rights of Indigenous tribes and families in child welfare cases - an area of law that was thrown into confusion when a federal appeals court invalidated several provisions of the Indian Child Welfare Act, or ICWA.

Canada's \$40 Billon Settlement with First Nations Groups Not Binding, Doesn't Change Children's Lives

Native News Online - January 06, 2022

Canada has tentatively agreed to a \$40 billion (Canadian dollars, about \$31 billion USD) settlement, to right its discriminatory child welfare system that disproportionately separates Indigenous youth from their families over the past three decades, then chronically underfundes the welfare programs meant to serve them. The non-binding principal settlement, announced on Tuesday and the largest in Canada's history, will allocate \$20 billion in payments to First Nations children who have been unnecessarily removed from their homes April 1991 through March 31, 2022.

Can Minnesota Deliver Change for Missing and Murdered Indigenous Women?

Talk Poverty – January 7, 2022

Until very recently, the epidemic of missing and murdered Indigenous women and relatives (MMIWR) has often been neglected by local police, the Department of Justice, and state institutions with the power to prevent further violence committed against Native and Indigenous women and girls. A new office in Minnesota seeks to address the MMIWR crisis by tackling a number of factors that create conditions of violence and precipitate the lack of institutional alarm, using a \$1 million budget to collaborate with the state's 11 tribes. The state joins New Mexico, Arizona, and Wisconsin where similar efforts are underway.

Thousands of Native children were adopted in the 1960s as a government plan of forced assimilation. This woman was one of them

Bakersfield.com - January 10, 2022

According to a 1969 report by the Association on American Indian Affairs, between 25% and 35% of all Native children were placed in adoptive homes, foster homes, or institutions; and about 90% of those children were being raised non-Natives.

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.

BIA launches site to aid cases involving Missing and Murdered Indigenous People

KPAX - January 10, 2022

The Bureau of Indian Affairs has launched a new website set to help cases involving indigenous people. Officials launched the <u>website</u> in December to connect those to the proper authorities who might have information about cases involving Missing and Murdered Indigenous People (MMIP).

<u>Views from NAU: Addressing the missing and murdered Indigenous people in the United States</u> NAU Review – January 10, 2022

The U.S. government's statistics show that, regardless of sex or gender, American Indians and Alaska Natives (Al/AN) are victims of violent crime at more than twice the rate of any other race in the United States. Indigenous women are victims of rape, domestic violence and other crimes at rates higher than any other race. Murder "is the third-leading cause of death for Al/AN women in the United States." In 2016, 5,712 cases of missing and murdered Indigenous women were reported in the United States. Non-Indians, primarily whites, commit most of the crimes against Native individuals.

Native America Calling: The Native political issues to watch (podcast)

Indianz.com – January 11, 2022

Native political watchers give their insights into the major issues likely to make waves in the coming year. Experts have their eyes on the future of the Indian Child Welfare Act, the jurisdiction questions unfolding in Oklahoma, rising Native political leaders and the back-and-forth over protecting important land.

Tribal court judge reflects on new Oregon law and equal justice

Oregon Public Broadcasting – January 12, 2022

An Oregon law that went into effect this month provides full faith and credit for tribal court judgments. This means that if a <u>judge</u> from a federally recognized tribe requires child support or grants a restraining order, those decisions will be better enforced off reservation as well. Chief Judge William Johnson of the Umatilla Tribal Court has been <u>working</u> toward this goal for years.

New Mexico needs to act to protect Native children (Opinion) (Includes video)

Santa Fe New Mexican - January 13, 2022

As governor of Tesuque Pueblo, I know firsthand how vitally important it is to keep Native children in Native communities. For generations, federal policies aimed at the erasure of Native culture focused on forcibly separating our children from their families and communities. These horrendous policies effectively disrupted the continuity of our Native culture by severing our connection to coming generations. Despite these attacks, our communities have resisted and fought to protect our children through the centuries; we are still here. This year we are hopeful the New Mexico Legislature will protect Native families and communities and correct these historic injustices by creating a New Mexico state Indian Child Welfare Act.

No money for law to help missing, murdered indigenous persons

Keloland - January 13, 2022

Each day there are about 30 to 40 missing indigenous persons on the South Dakota Attorney General's website, AG Jason Ravsnborg said during a Jan. 12 State Tribal Relations Committee meeting. He said his office has 100 to 120 missing persons listed on a missing persons website on any given day. NamUs, the National Missing and Unidentified Persons System said as of Aug. 1, 2021, South Dakota had 14 unsolved missing Native person cases.

Awareness Is Growing for Missing Indigenous Women and Girls

Verily - January 15, 2022

Indigenous women may be getting their own 'Amber Alert.'

Forced adoptions to promote assimilation decimated Indigenous families, left deep scars

Oregonian - January 16, 2022

Rose Anne, who would be raised by a Glenside, Pennsylvania, dentist and his wife, became a child of the country's American Indian adoption era, a decadeslong forced assimilation of Native children first established under the Indian Adoption Project, which started in 1958 and evolved to include 50 private and public placement agencies across the United States and Canada, where the so-called Sixties Scoop was coined to describe the mass removal of children from Native homes. During the next 20 years, almost 13,000 Native children would be adopted.

Justice for Native American victims of crime should not be the exception

Las Vegas Sun – January 16, 2022

To the families of two Nevada women who were killed in 2018 on the Fort McDermitt Shoshone Paiute tribal reservation, Tuesday's sentencing of the man found guilty of the slayings brought a long-needed moment of comfort amid years of sorrow and grieving.

Guest Column | NM's ICWA proposal born of tribes, Pueblos, nations (Opinion)

Navajo Times - January 17, 2022

Borrego Pass Trading Post, located in the Eastern Navajo Agency, posted its final sale in June 2021. Around the same time, I first heard of efforts to pass a New Mexico state Indian Child Welfare Act. At first, I felt uneasy because the bill brought back memories about how non-Indigenous people have looked at the Navajo Nation's ability to protect our own children. But I have since realized that ICWA is fundamental if we want to make sure every Indigenous child can have important and ongoing connections to their communities.

'This alert is her scream': new system would help locate missing Indigenous women

The Guardian – January 18, 2022

A program in Washington state is intended to trigger an effective search and raise awareness of the problem.

New alert system to help find missing Indigenous women

Desert News - January 19, 2022

Indigenous women going missing is a crisis that needed a serious solution and Rep. Debra Lenkanoff was adamant to help with just that.

Reducing Native overrepresentation in jails

Indian Country Today – January 19, 2022

Since 2000, the Native American jail population nationwide is up 85 percent, according to the Prison Policy Initiative.

NW tribes use DOJ grants to support teens, jail alternatives (Includes audio)

KUOW - January 20, 2022

Last month, the U.S. Justice Department awarded \$8.5 million in grants to eight Northwest tribes. Half the tribes got funding to focus on healing and support for their teenagers. And that's notable according to the U.S. Attorney for Western Washington, Nick Brown. These recipients include: the Confederated Tribes of the Chehalis Reservation; the Nooksack Tribe; the Port Gamble S'Klallam Tribe; the Puyallup Tribe; the Quinault Indian Nation; the Skokomish Tribe; the Squaxin Island Tribe; and the Tulalip Tribes. Brown said a number of the grants also fund alternatives to the traditional criminal justice system.

<u>Minnesota's Foster Care System Perpetuates the Legacy of Racist Boarding Schools, Native Mothers and Experts Say</u> (Includes audio)

Fuller Project & Mother Jones - January 21, 2022

Minnesota's history of separating Native children from their families through so-called "boarding schools" and mass adoptions weighs heavily in the minds of Native moms today, many of whom feel that history is repeating itself within today's child welfare system.

Also: Native communities say MN's foster care system as harmful as boarding schools of the past (Audio)

<u>US Supreme Court Will Not Consider Overturning McGirt Decision; Will Rule on Scope of the Landmark Ruling</u>

Native News Online - January 22, 2022

The U.S. Supreme Court announced on Friday it will review only one aspect of its 2020 <u>McGirt v.</u>

<u>Oklahoma</u> decision that <u>declared a swath</u> of eastern Oklahoma is on Indian reservation land. The highest court in the country rejected the state of Oklahoma's request to consider overturning the entire decision.

Red Lake Nation recognized for 'decolonized' approach to child and family services

MinnPost - January 24, 2022

Red Lake Nation, home of the Red Lake Band of Chippewa Indians, is taking a unique approach to the delivery of child and family services. Instead of referring to the people the tribe serves as "clients," it calls them "relatives." Foster parents are known as "relative care community service providers," and the process formerly known as child protection case management is now called "reunification services." Even the department, formerly known as Red Lake Family and Children's Services, has a new name: Ombimindwaa Gidinawemaaganinaadog: "Uplifting All of Our Relatives."

Native Women Face the Highest Rates of Stalking, and it Leads to 'Missing and Murdered'

Native News Online – January 25, 2022

Nearly half of Native women <u>experience stalking</u>, according to the National Institute of Justice. That's a <u>higher prevalence</u> than women of any other race or ethnicity. Stalking can include unwanted contact, calls, texts, gifts, surveillance and threats— anything that's directed toward a specific person and would cause a reasonable person to fear for their safety. It is abuse in itself, and it often <u>escalates to threats and physical violence</u>. Yet it's frequently minimized or overlooked in conversations about violence against Native people.

Supreme Court appointment could re-position tribal law (Includes video) (Commentary)

Indian Country Today - January 27, 2022

A history of the Supreme Court's role in Indian law offers an unsettling conclusion. "There is strong evidence that an institutional bias against tribal interests drives the current Supreme Court, writes Matthew L.M. Fletcher for the American Bar Association. "Even when the federal government sides with tribal interests, the Court is unimpressed. This institutional bias runs against the now settled national policy favoring tribal self-determination." Breyer is expected to retire over the summer. Indeed, he writes, "Justice Breyer's voting patterns are striking for one reason only - he rarely dissented from the Court's majority in the Indian law docket. He seems to have gone with the flow." That flow has a lot of implications for Indian Country. And this could be a significant shift in an upcoming judicial vote.

<u>Department of the Interior Publishes List of Indian Entities Recognized by and Eligible to Receive</u> Services from the United State Bureau of Indian Affairs.

Federal Register – January 28, 2022

This notice publishes the current list of 574 Tribal entities recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes.

PUBLICATIONS

<u>Sustaining Cultural Genocide--A Look at Indigenous Children in Non-Indigenous Placement and the Place of Judicial Decision Making--A Canadian Example.</u> Choate, Peter. Et al. MDPI. 2021 *Laws* 10(3)p. 59-78

Abstract: The Truth and Reconciliation Commission has called upon Canada to engage in a process of reconciliation with the Indigenous peoples of Canada. Child Welfare is a specific focus of their Calls to Action. In this article, we look at the methods in which discontinuing colonization means challenging legal precedents as well as the types of evidence presented. A prime example is the ongoing deference to the Supreme Court of Canada decision in Racine v Woods which imposes Euro-centric understandings of attachment theory, which is further entrenched through the neurobiological view of raising children. There are competing forces observed in the Ontario decision on the Sixties Scoop, Brown v Canada, which has detailed the harm inflicted when colonial focused assimilation is at the heart of child welfare practice. The carillon of change is also heard in a series of decisions from the Canadian Human Rights Tribunal in response to complaints from the First Nations Child and Family Caring Society of Canada and the Assembly of First Nations regarding systemic bias in child welfare services for First Nations children living on reserves. Canadian federal legislation Bill C-92, "An Act respecting First Nations, Inuit and Métis children, youth and families", brings in other possible avenues of change. We offer thoughts on manners decolonization might be approached while emphasizing that there is no pan-Indigenous solution. This article has implications for other former colonial countries and their child protection systems

The Children Parliament Left Behind: Examining The Inequity Of Funding In An Act Respecting First Nations, Inuit And Métis Children, Youth And Families (Article in Canadian Journal of Family Law). Garrett, Rachel. 2021 Canadian Journal of Family Law 34(1)p. 45-78

Abstract: An Act respecting First Nations, Inuit and Métis children, youth and families (the Act) came into force in January of 2020, containing many innovative provisions aimed at affirming the jurisdiction of Indigenous peoples and providing services for Indigenous families. Ground- breaking provisions within the Act create a positive obligation on the government to provide services to Indigenous children who otherwise would have been apprehended due to their socioeconomic status. However, the Act lacks a concrete funding provision. This legislative comment conducts an exercise in statutory interpretation to conclude that the current omission of a funding provision within the legislation is at odds with the nature, purposes, and context of the legislation. The Act leaves a gap in funding (through no fault of the child's community) for children living in communities that have assumed jurisdiction over their own child and family services without having signed a coordination agreement, as well as for children in communities that have not assumed jurisdiction. This gap results in an

inequitable funding distribution that helps some children out of poverty while leaving others behind, based on characteristics entirely out of the child's control. Knowledge of this dangerous gap is crucial in compelling legal actors to urgently push for legal solutions, so that no child is denied the protections offered in sections 15 and 15.1 of the *Act*.

American Indian Law Journal Volume 10, Issue 1 (2022)

Articles include:

Analyzing the Implications of the Supreme Court's Application of the Canons of Construction in Recent Federal Indian Law Cases Meredith Harris J.D.

Abstract: Federal Indian law in the United States has historically relied on application of the Indian Canons of Construction ("Canons"). The courts have relied on these principles since 1832. However, their application has not been consistent. Indeed, the Canons are discretionary which has led to judicial avoidance. Yet, recent Supreme Court opinions demonstrate a resurgence of the Canons and a trend towards a textualist approach, both of which involve greater deference to tribal understandings. Ultimately, the opinions in United States v. Washington, Washington State Dept. of Licensing v. Cougar Den, Herrera v. Wyoming, and McGirt v. Oklahoma, indicate the Supreme Court's intent to establish a strict framework for the application of the Canons to be used by all courts in this country going forward.

Emergency Rental Assistance among Indigenous Tribes: Findings from Tribal Grantees

National Low Income Housing Coalition

The report describes key characteristics and challenges of – as well as lessons learned from – emergency rental assistance programs administered by Indigenous Tribes or Tribally Designated Housing Entities (TDHEs).

ANNOUNCEMENTS

The California Indian Law Association - Pathway to Law Program

Pathway to Law Program. The California Indian Law Association, Inc. is now accepting applications to our annual Pathway to Law Program. The program is a two-day workshop available to Native college students, recent college graduates, master's students, or tribal leaders interested in going to law school. The program is free and will be held virtually March 18-19, 2022. More information can also be found on the homepage of CILA's website at https://www.calindianlaw.org/. Interested candidates should apply here by 5:00pm February 18th, 2022.

National Human Trafficking Prevention Month

Every January, the Nation commemorates <u>National Human Trafficking Prevention Month</u>. The Office for Victims of Crime has created an array of resources for children, youth, public awareness and featuring a national action plan to combat human trafficking.

ONLINE RESOURCES

<u>Tribal Youth Resource Website</u> - OJJDP's Tribal Youth Resource Center website has relaunched with exciting new upgrades including an enhanced resource library and new program assessment tools. | <u>OJJDP</u>

<u>Links to State and Tribal Child Welfare Law and Policy</u> Find web addresses for state statutes that are accessible online and lists the parts of the code for each state and territory that contains the laws addressing child protection, adoption, child welfare, legal guardianship, and services for youth.

New Resources Posted by the JCC Tribal/State Programs Unit ICWA Education Distance Learning:

• Tribal Community Corrections and Fatherhood: A Modern Approach to Reducing Recidivism and Creating Healthy Communities (Live Webinar Held 10/27/2020)

This 1.5-hour training for judges, attorneys, and other juvenile court stakeholders explored the historical and societal perceptions of Native American men and fatherhood and how tribal government, judicial systems and corrections can impact recidivism rates and re-offending. It also discussed various program models that deter re-offending and recidivism and address harm in keeping families together.

Faculty: Kevin Poleyumptewa, Project Coordinator, National Criminal Justice Training Center of Fox Valley Technical College and Vida Castaneda, Senior Analyst, Judicial Council of California

Video & Transcript Materials

• Family Separation and the Indian Child Welfare Act (ICWA) (Live Webinar Held 11/10/2021)

This 1.5-hour training for judges, attorneys, and other juvenile court stakeholders provided an overview of contemporary and historic legal issues impacting Native American communities, how those led to the enactment of the Indian Child Welfare Act, and the Indian Child Welfare Act's ongoing focus on maintain family and tribal connections. Topics included the history of laws and policies of child and family separations in immigrant and indigenous communities, historical trauma and its implications when working with indigenous and immigrant families, and updates and discussion of ICWA related cases and decisions.

- Faculty: Hyun-mi Kim, Equal Justice Works Fellow at Asian Pacific Islander Legal Outreach (APILO)
- Transcript
- Materials
- Indian Child Welfare Act (ICWA) Inquiry in California Legal Update for 2021 (Live Webinar Held 12/4/2020)

This two-hour training for judges, attorneys, and other juvenile court stakeholders provided an overview of recent changes to federal and California law governing the inquiry requirements of the Indian Child Welfare Act. Topics covered included recent changes to federal regulations and California statutes and rules regarding inquiry under the Indian Child Welfare Act, the difference between "reason to believe" and "reason to know" under Welfare & Institutions Code 224.2, the requirements of "further inquiry" under Welfare & Institutions Code 224.2(e), when informal contact with a tribe by phone, fax, and email required and what this informal contact should include, and when formal ICWA Notice is required.

Faculty: Hon. Shawna M. Schwarz, Supervising Judge, Juvenile Dependency Division, Superior Court of California, County of Santa Clara, Hon. Sunshine S. Sykes, Judge of the Superior Court of California, County of Riverside, Hon. Michael E. Whitaker, Judge of the Superior Court of California, County of Los Angeles, and Mr. Christopher S. Costa, Deputy County Counsel, Sacramento County Counsel's Office.

- Transcript
- Materials
- Discretionary Tribal Participation in Juvenile Dependency and Delinquency Cases Involving Native American Children (Live Webinar Held 04/06/2021)

This 1.5 hour training for judges, attorneys, and other juvenile court stakeholders examined the issues of the legal and practical importance of a child and family's Native American identification when the child and family are involved in juvenile court proceedings, even if the Indian Child Welfare Act does not apply. When ICWA applies to a case, the tribe has a right to fully participate. When ICWA does not apply, there is often a misconception that the child and family's Native American identity has no bearing on the case. This webinar explored the law governing the proper exercise of the juvenile court's discretion to allow a tribe to participate in a juvenile case (both dependency and delinquency) involving a Native American child when the ICWA does not apply. A panel of legal experts will discuss the legal framework outside of ICWA and other factors that suggest that courts should exercise their discretion liberally in favor of allowing tribal participation in all juvenile cases when a tribe wishes to participate.

Faculty: Hon. Devon Lomayesva, Chief Judge of the Intertribal Court of Southern California; Hon. Dean Stout, Chief Judge of the Bishop Paiute Tribal Court, Judge of the Superior Court of California, County of Inyo (Ret.); Pamela Villasenor, Indian Child Welfare Act Representative, Fernandeno Tataviam Band of Mission Indians



Materials 3

• Active Efforts: What Judicial Officers and Counsel for Parents and Children Need to Know (Live Webinar Held 06/15/2021)

This one-hour training for judges, attorneys, and other juvenile court stakeholders examined the requirements of active efforts in cases governed by the Indian Child Welfare Act. In cases governed by ICWA children and parents are entitled to "active efforts" rather than reasonable services. This webinar examined how these two things are different, what judicial officers should be looking for in a case plan and report to ensure that an agency is providing active efforts in an ICWA case, what questions counsel for an Indian parent or child should be asking and what they should be demanding on behalf of their clients to ensure that active efforts are being provided. This webinar provided a close look at these questions and practical strategies for ensuring the active efforts requirement is being complied with.

Faculty: Hon. Leonard Edwards, Judge of the Superior Court of California, County of Santa Clara (Ret.); Antoinette Fabela (Ojibawa), MA, AMFT, ICWA Consultant/Trainer/QEW; David M. Meyers, COO Dependency Legal Services; and Jedd Parr, Directing Attorney, California Indian Legal Services

Videod Transcript

Materials

New Resources available on the Tribal/State Programs Family Violence Website

Murdered and Missing Indigenous People: What the State Court System Needs to Know (Podcast) Listen: 31:07 (Transcript)

(Transcript)

The United States, including California, is experiencing an epidemic of Murdered and Missing Indigenous People (MMIP) – part of the plague of violence affecting indigenous communities. For many years the problem has been obscured by the fact that limited data is available in law enforcement and justice system databases to identify and track the tribal identity and affiliation of victims. In this episode you will hear from Judge Abby Abinanti, Chief Judge of the Yurok Tribal Court, Chief Greg O'Rourke, Chief of the Yurok Tribal Police, and Humboldt County Sheriff William Honsal about the nature and extent of this issue and how and why state courts and police should be identifying indigenous victims and collaborating with tribes to address these issues.

• Assisting Domestic Violence Victims in Tribal Courts

This three part webinar series is for attorneys who may not have experience in tribal communities or tribal courts who want to assist victims of domestic violence seeking protection through tribal court domestic violence protection orders.

The first webinar in the series, Nature of the Problem of Domestic Violence in Tribal Communities in California is presented by Bonnie Clairmont, Victim Advocacy Specialist at the Tribal Law and Policy Institute (TLPI). This webinar outlines the nature and scope of the problem of domestic violence, sexual assault, stalking, and trafficking in tribal communities, and the challenges in prosecuting crimes that occur on tribal lands in California due to jurisdictional issues. [Transcript & Powerpoint 1]

The third and final webinar in the series, Full Faith & Credit and Enforcement of Tribal Court

Protective Orders is presented by Kelly Stoner, Victim Advocacy Legal Specialist at the Tribal Law
and Policy Institute (TLPI). This webinar discusses issues of enforcement; legal requirements for full
faith and credit of tribal protection orders under federal law; and steps that should be taken to ensure
that victims are most effectively protected when a tribal court issues a protection order in
California. [Transcript & Powerpoint 1]

UPCOMING CONFERENCES, WEBINARS AND TRAININGS

ICWA Qualified Expert Witness: What Judges & Attorneys Need to Know

February 22, 2022 12:00 p.m. to 1:00 p.m. Presented by the Judicial Council of California The federal Indian Child Welfare Act and corresponding state law require the testimony of a Qualified Expert Witness (QEW) before a state court can order the foster care placement of, or termination of parental rights respecting an Indian Child. Federal regulations passed in 2016 have further clarified the nature and purpose of the QEW testimony as well as the required qualifications and characteristics to serve as a QEW. In this webinar our panel of experts will discuss what judicial officers and county counsel should be looking for from a QEW and what attorneys for parents, children and tribes should be ensuring that QEW testimony in a given case fulfills the mandates of ICWA. Speakers: Hon. Jerilyn Borack, Judge of the Superior Court of California, County of Sacramento; Elizabeth (Liz) Elgin DeRouen, Executive Director, Indian Child & Family Preservation Program, Santa Rosa, CA; Vevila Hussey ,Founder, Raven Consulting Solutions, Sacramento CA; Jeremy Meltzer, Deputy County Counsel, Mendocino County; Joanne Willis Newton, Attorney, Law Offices of Joanne Willis Newton, General Council to the Indian Child & Family Preservation Program; and Scott Castillo, Attorney, Law Office of N. Scott Castillo.

40th Annual Protecting Our Children Conference

National Indian Child Welfare Association (NICWA)

April 3-6, 2022

Location: Orlando, Florida Or Virtual Attendance

The conference will host more than fifty 90-minute presentations, which 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.

Bay Area ICWA Symposium Virtual Symposium April 7-8, 2022

**If you would like to submit a workshop proposal on one or more of the Symposium goals, please do so by *February 11, 2022* by completing the <u>Request for Workshop Proposal form</u>.

Symposium goals: •Build ICWA champions •Highlight ICWA best practices •Enhance skills to improve outcomes for Native American families •Strengthen relationships between tribes, urban American Indian/Alaska Native communities, courts, county child welfare agencies and schools of social work •Provide legal updates *If you have questions, comments or workshop ideas, please contact: Vida Castaneda at vida.castaneda@jud.ca.gov

International Conference on Sexual Assault, Domestic Violence, and Reimagining Justice

End Violence Against Women International Virtual & In-Person

April 19-21, 2022

Our annual conferences focus on sexual assault, intimate partner violence, stalking, human trafficking and elder abuse. We consistently bring together law enforcement personnel, prosecutors, victim advocates, judges, parole and probation officers, rape crisis workers, health care professionals, faith community members, educators, researchers and others in this three-day conference highlighting promising practices and emerging issues to effectively respond to these crimes in all of our communities.

34th Annual Indian Law Symposium: Restatement of the Law of American Indians-Part 2

University of Washington, School of Law

Virtual & In-Person

April 21-22, 2022

Part 2 will focus exclusively on the forthcoming Restatement of <u>The Law of American Indians</u>. The presenters will all be from the group of experts who participated in the drafting of the Restatement. The event will be cosponsored with the <u>Washington Law Review</u> and supported by the <u>American Law Institute</u>.

We will be requesting 13.5 Law & Legal CLE credits total for Part 2 of the 34th Annual Indian Law Symposium.

2022 California Foster Youth Education Summit

April 25-26, 2022 Hyatt Hotel Monterey

We are looking for workshops that can help create hope and resilience for our youth in foster care. Workshops are 90 minutes in length. If you would like to submit a workshop proposal, click here to complete the online form. Submissions are due by December 13, 2021.

4th Annual BAA Trauma Conference

Virtual Conference

April 27-28, 2022 & May 4-5, 2022

This conference will present innovations in resilience-building and understanding of the cultural impact of trauma and an examination of the Child Welfare System to promote improved outcomes. The conference aims to inspire and inform participants, from frontline workers to executive leadership, regarding trauma-informed services and strategies that promote resilience and whole-person approaches in public agencies that serve historically traumatized communities. **Deadline** for proposal submissions is Sunday, January 16, 2022, 11:59 pm PST.

17th National Indian Nations Conference

The Office for Victims of Crime

**Rescheduled Date to: December 6-9, 2022

Location: Aqua Caliente Band of Cahuilla Indians Reservation in California

OVC has rescheduled the 17th National Indian Nations Conference for December 6-9, 2022.

This conference will focus on the unique needs of American Indian and Alaska Native crime victims and provide training for victim service providers; law enforcement officials; prosecutors; judges; medical and mental health professionals; social workers; and victim advocates at the tribal, federal, state, and local levels. If you have questions, please email IndianNations2022@saxmanone.com.

Call for Presentations

OVC is seeking subject matter experts to present at the conference. If interested, review the presentation quidelines and requirements and submit your proposal for consideration. All presentations will be considered for the rescheduled date.

Pre-Recorded Webinars:

Supporting Children, Youth and Their Caregivers with Crisis and Loss During the COVID-19 Pandemic This webinar featured David J Schonfeld, MD, FAAP, Director, National Center for School Crisis and Bereavement, Children's Hospital Los Angeles. The session provided practical advice to caregivers and others who support children and youth on how to help them cope with persistent adjustment difficulties and grief associated with the pandemic.

Webinar Recording: Understanding the Effects of the Pandemic for Domestic Violence Victims - The OVC and Office on Violence Against Women co-hosted webinar on Understanding the Effects of the Pandemic for Domestic Violence Victims is now available online. Hear from Federal Government representatives, researchers, and service providers about the impact of COVID-19 on the occurrence of domestic violence across the country. | OVC

COVID-19 SPECIFIC GRANT OPPORTUNITIES

American Rescue Plan Act Indigenous Communities Notice of Funding Opportunity

Department of Commerce

Economic Development Administration

EDA-2021-ARPAINDIGENOUS Deadline: September 30, 2022

EDA's American Rescue Plan Indigenous Communities NOFO is designed to support indigenous communities as they respond to, and recover from, the economic impacts of the coronavirus pandemic, including long-term recovery and resilience to future economic disasters. For additional information: http://www.eda.gov/

SARS-CoV-2 (COVID-19) Program Activities

Department of Health and Human Services Office of the Assistant Secretary for Health OS-PAW-20-001

Deadline: To be determined based on public health emergency needs.

The Office of the Assistant Secretary for Health (OASH) has established the Laboratory and Diagnostics Working Group (LDWG) seeking submissions to a Broad Agency Announcement (BAA) "to prevent, prepare for, and respond to coronavirus, domestically or internationally, for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID–19 tests to effectively monitor and suppress COVID–19..." (Paycheck Protection Program and Healthcare Enhancement Act (P.L. 116-139)). The primary areas of focus should specifically include (1) Scaling and Networking of Technologies, and (2) Testing Demonstrations & Technical Assistance. Specifically, OASH is interested in submissions that will substantially increase our testing capacity and quality in the near term, and do not fall within the scope of other HHS programs.

Please Contact:

Eric West Office of Grants & Acquisitions Management 240-453-8822

Office of Grants & Acquisitions Management

NCAI Financial Relief for Tribal Nations Affected by COVID-19

With the continued spread of the novel coronavirus (COVID-19), NCAI is committed to supporting Indian Country and lifting up our communities as we continue to combat this global pandemic. Keeping in mind the needs of our tribal nations. NCAI is awarding \$5,000 to various tribal nations that have been affected by this pandemic through NCAI's COVID-19 Response Fund for Indian Country.

Applications guidelines are located <u>here</u>. NCAI Contact: Christian Weaver, *Vice President of Development*, cweaver@ncai.org

Coronavirus (COVID-19): FEMA Assistance for Tribal Nations

On March 13, 2020, the President announced a nationwide emergency declaration in response to coronavirus (COVID-19). As a result, tribal nations have two options to receive funding under the Presidential declaration.

- FEMA assistance for tribal nations related to COVID-19, click here.
- What expenses qualify as Eligible Emergency Protective Measures, click here.
- An example of a Tribal Public Assistance Administrative plan, click here.
- FEMA regional tribal liaison and FEMA headquarters contact information, click <u>here</u>.
- FEMA resources located on NCAI's COVID-19 microsite, click <u>here</u>.

GOLDEN STATE GRANT PROGRAM

Attention CalWORKs families with an approved case status as of March 27 will receive a one-time Golden State Grant payment of \$600. The payment is to help families who may have been impacted by the COVID-19 pandemic. This payment is not a CalWORKs grant payment and not subject to hearing rights.

FEMA COVID-19 FUNERAL ASSISTANCE

If you've have lost someone to COVID-19, FEMA may be able to help with funeral expenses starting in April 2021.

Emergency Broadband Benefit

The Federal Communications Commission (FCC) has authorized a new Emergency Broadband Benefit. This benefit will provide a discount of \$50 per month for eligible low-income households or \$75 per month for households on Tribal lands to cover internet bills, as well as provide discounts on some devices. This program can also be combined with Lifeline benefits. The FCC has developed a consumer FAQ, which provides information about eligibility and program details.

NEW GRANT OPPORTUNITIES

Homeless Veterans' Reintegration Program (HVRP), Incarcerated Veterans' Transition Program (IVTP), and the Homeless Female Veterans' and Veterans' with Children Program (HFVVWC)

Department of Labor

Veterans Employment and Training Service

FOA-VETS-22-01

Deadline: February 23, 2022

The intent of the HVRP grant program is to obtain high-quality career outcomes for veterans experiencing homelessness. The Department encourages applicants to propose strategies to achieve economic opportunity, address historical inequities, and provide equitable access and outcomes to marginalized groups.

Justice for Families Program Solicitation

Department of Justice

Office on Violence Against Women

O-OVW-2022-171024 Deadline: March 7, 2022

The program supports the following activities for improving the capacity of courts and communities to respond to families affected by the targeted crimes: court-based and court-related programs; supervised visitation and safe exchange by and between parents; training for people who work with families in the court system; civil legal services; and the provision of resources in juvenile court matters.

Legal Assistance for Victims (LAV) Grant Program Solicitation

Department of Justice

Office on Violence Against Women

O-OVW-2022-171026 Deadline: March 10, 2022

This program is authorized by 34 U.S.C. § 20121. The LAV Grant Program (CFDA 16.524) is intended to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth (ages 11 and older) victims of domestic violence, dating violence, sexual assault, and stalking by providing funds for comprehensive direct legal services to victims in legal matters relating to or arising out of that abuse or violence.

Tribal Practices for Wellness in Indian Country

Department of Health and Human Services Centers for Disease Control - NCCDPHP

CDC-RFA-DP22-2201 Deadline: March 16, 2022

The purpose of this funding opportunity is to improve cultural connectedness among American Indians and Alaska Natives. This funding opportunity offers support for the implementation of tribal practices and cultural traditions to build resiliency and connections to community and culture to improve physical, mental, emotional, and spiritual health and wellbeing.

Grants to Tribal Governments to Exercise Special Domestic Violence Criminal Jurisdiction

Department of Justice

Office on Violence Against Women

O-OVW-2022-171029 Deadline: March 22, 2022

The program encourages collaborations among tribal leadership, courts, prosecutors, attorneys, defense counsel, law enforcement, probation, victim service providers, and other partners to ensure that victims find safety and justice and that non-Indians who commit crimes of domestic violence, dating violence, and violations of protection orders in the Indian country of the participating tribe are held accountable.

Rigorous Evaluation of Community-Centered Approaches for the Prevention of Community Violence

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

RFA-CE-22-013

Deadline: March 22, 2022

The purpose of this announcement is to fund rigorous evaluation research projects that will expand the evidence base of proven prevention approaches for those most at risk of experiencing community violence, including youth, racial and ethnic minority groups, and disadvantaged or underserved groups.

<u>The CDC National Centers of Excellence in Youth Violence Prevention (YVPCs): Rigorous</u> Evaluation of Prevention Strategies to Prevent and Reduce Community Rates of Youth Violence

Department of Health and Human Services

Centers for Disease Control and Prevention - ERA

RFA-CE-22-012

Deadline: April 18, 2022

The purpose of this announcement is to fund the National Centers of Excellence in Youth Violence Prevention (Youth Violence Prevention Centers or YVPCs) to continue to build the evidence base for

violence prevention strategies and approaches that reduce community rates of youth violence within one or more geographically defined communities with rates of community violence that are higher than the national one.

Rural Communities Opioid Response Program - Behavioral Health Care Support

Department of Health and Human Services Health Resources and Services Administration HRSA-22-061

Deadline: April 19, 2022

The Rural Communities Opioid Response Program (RCORP) is a multi-year initiative by the Health Resources and Services Administration (HRSA) aimed at reducing the morbidity and mortality of substance use disorder (SUD), including opioid use disorder (OUD) in high-risk rural communities.

Tribal Long-Term Service and Support Resource Center

Department of Health and Human Services Administration for Community Living HHS-2022-ACL-AOA-IELT-0069 Deadline: April 27, 2022

This resource center will address the unmet needs of tribal-specific and culturally appropriate LTSS information and guidance to tribes. The outcomes of the FOA will be to; 1) to create a network of navigators through recruitment and training that will assist tribes in the development of appropriate LTSS in response to identified, tribe-specific needs; and 2) based on documented best practices, the resource center will develop a practical and hands on toolkit for tribes to assist in implementing LTSS in their individual tribal communities.

PREVIOUSLY REPORTED GRANT OPPORTUNITIES

Research Grants to Prevent Firearm-Related Violence and Injuries

Department of Health and Human Services Centers for Disease Control and Prevention - ERA RFA-CE-22-004

Deadline: February 4, 2022

For the purposes of this announcement, firearm-related injuries, deaths, and crime include mass shooting incidents, other firearm homicides/assaults, firearm suicides/self-harm, unintentional firearm deaths and injuries, and firearm-related crime. The intent of this announcement is to support research to help inform the development of innovative and promising opportunities to enhance safety and prevent firearm-related injuries, deaths, and crime, and to rigorously evaluate the effectiveness of innovative and promising strategies to keep individuals, families, schools, and communities safe from firearm-related injuries, deaths, and crime.

Tribal Self-Governance Planning Cooperative Agreement

Department of Health and Human Services Indian Health Service HHS-2022-IHS-TSGP-0001

HHS-2022-IHS-TSGP-0001
Deadline: February 10, 2022

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).

Enhanced Interpersonal Focused Strategies for Suicide Prevention Interventions

Department of Health and Human Services

National Institutes of Health

RFA-MH-22-125

Deadline: February 18, 2022

The intent of this initiative is to develop and/or utilize interpersonal treatment strategies that reduce risk by enhancing perceived social supports and connections that contribute to life-affirming beliefs, intentions, and behaviors, in ways consistent with conceptual models of suicide risk, to enhance the effectiveness of existing evidence-based treatments and develop new approaches, as indicated.

Rural eConnectivity Program

Department of Agriculture Rural Utilities Service RUS-REC-2022

Deadline: February 22, 2022

The Rural eConnectivity Program (ReConnect) Program provides loans, grants, and loan/grant combinations to facilitate broadband deployment in rural areas. In facilitating the expansion of broadband services and infrastructure, the program will fuel long-term economic development and opportunities in rural America.

Food Distribution Program on Indian Reservations Nutrition Education Grant

Department of Agriculture Food and Nutrition Service USDA-FNS-FDDPNE-2022 Deadline: March 1, 2022

The Food and Nutrition Act of 2008, as amended through Public Law 115-334, authorizes the Supplemental Nutrition Assistance Program (SNAP) and the Food Distribution Program on Indian Reservations (FDPIR) and provides for the provision of funds to State Agencies and Indian Tribal Organizations (ITOs) to conduct nutrition education activities.

Living Language Grant Program FY2022

Department of the Interior Bureau of Indian Affairs

LLGP-FY-2022

Deadline: March 7, 2022

The funding will focus on small or start-up programs whose objective is to document or build the capacity to preserve Native languages that are losing users, but which still have active users at the grandparent generation.

Rural Communities Opioid Response Program-Behavioral Health Care Technical Assistance

Department of Health and Human Services Health Resources and Services Administration HRSA-22-064

Deadline: March 9, 2022

The purpose of this cooperative agreement is to strengthen, through technical assistance (TA), rural organizations' capacity to develop multi-sector consortia that can plan, implement, and sustain programs that improve access to and quality of behavioral health care services, including substance use disorder (SUD)/opioid use disorder (OUD) services.

U.S. Department of Justice Coordinated Tribal Assistance Solicitation Fiscal year 2022

Competitive Grant Announcement Department of Justice Bureau of Justice Assistance O-BJA-2022-171017

Deadline: March 10, 2022

CTAS combines many of the Department of Justice's (DOJ's) existing tribal government-specific competitive solicitations into a single solicitation requiring only one application from each tribe or tribal consortium. This approach reduces the number of applications required to access funds and provides federally recognized tribes, tribal consortia, and tribal designees the opportunity to develop a comprehensive approach to public safety and victimization issues.

MCH Adolescent and Young Adult Health Research Network

Department of Health and Human Services Health Resources and Services Administration

HRSA-22-077

Deadline: March 15, 2022

The purpose of this program is to grow and extend a national, multi-site, collaborative Research Network that will accelerate the translation of research into Maternal and Child Health (MCH) AYA practice;

promote scientific collaboration; and develop additional research capacity in the AYA health field (serving adolescents and young adults ages 10–25).

Tribal Practices for Wellness in Indian Country

Department of Health and Human Services
Centers for Disease Control - NCCDPHP

CDC-RFA-DP22-2201 Deadline: March 16, 2022

The purpose of this funding opportunity is to improve cultural connectedness among American Indians and Alaska Natives. This funding opportunity offers support for the implementation of tribal practices and cultural traditions to build resiliency and connections to community and culture to improve physical, mental, emotional, and spiritual health and wellbeing.

Local Food Purchase Assistance Program

Department of Agriculture Agricultural Marketing Service USDA-AMS-10182-LFPA0000-22-0001

Deadline: April 5, 2022

The Agricultural Marketing Service (AMS) will establish cooperative agreements with state and Tribal governments for the purpose of supporting local, regional, and socially disadvantaged farmers/producers through food purchasing under the "Build Back Better Initiative."

<u>Tribal Maternal, Infant, and Early Childhood Home Visiting Program: Development and Implementation Grants</u>

Department of Health and Human Services Administration for Children and Families - OCC HHS-2022-ACF-OCC-TH-0074

Deadline: April 15, 2022

Funds will support 63-month grants (cooperative agreements) between ACF and federally-recognized Indian tribes (or a consortium of Indian tribes), tribal organizations, or urban Indian organizations to: conduct community needs assessments; develop the infrastructure needed for widespread planning, adopting, implementing, expanding, enhancing, and sustaining of evidence-based maternal, infant, and early childhood home visiting programs; and provide high-quality evidence-based home visiting services to pregnant women and families with young children aged birth to kindergarten entry.

<u>Victims of Human Trafficking Services and Outreach Program – (VHT-SO) Pacific Region</u> Demonstration Program

Department of Health and Human Services
Administration for Children and Families-IOAS-OTIP
HHS-2022-ACF-IOAS-OTIP-ZV-0038

Deadline: April 18, 2022

Under the VHT-SO Pacific Region Demonstration Program the following activities are required: a) provision of comprehensive, culturally and linguistically responsive, case management to foreign nationals who have experienced sex and labor trafficking; 2) outreach efforts to increase identification of foreign nationals who have experienced sex and labor trafficking; 3) training to service providers and community partners.

AmeriCorps State and National Tribal Grants

AmeriCorps AC-09-15-21

Deadline: May 4, 2022

AmeriCorps members and AmeriCorps Seniors volunteers serve with organizations dedicated to the improvement of communities.

Risk and Protective Factors of Family Health and Family Level Interventions

Department of Health and Human Services National Institutes of Health

PAR-21-358

Deadline: May 7, 2025

The purpose of this initiative is to advance the science of minority health and health disparities by supporting research on family health and well-being and resilience. The NIMHD Research Framework recognizes family health, family well-being, and family resilience as critically important areas of research.

Trafficking Victim Assistance Program

Department of Health and Human Services
Administration for Children and Families-IOAS-OTIP
HHS-2022-ACF-IOAS-OTIP-ZV-0150

Deadline: May 19, 2022

The Office on Trafficking in Persons (OTIP) within the Administration for Children and Families (ACF) is announcing funds for the Trafficking Victim Assistance Program (TVAP). TVAP's goal is to directly fund time-limited comprehensive case management services to foreign national adult confirmed and potential victims of a severe form of human trafficking, as defined by the Trafficking Victims Protection Act (TVPA) of 2000, as amended, who are seeking or have received Health and Human Services (HHS) certification. TVAP must also establish local regional presence to coordinate project activities and direct services.

Victims of Human Trafficking in Native Communities (VHT-NC) Demonstration Program

Department of Health and Human Services Administration for Children and Families-IOAS-OTIP HHS-2022-ACF-IOAS-OTIP-TV-0035

Deadline: May 19, 2022

Under the VHT-NC Demonstration Program the following activities are required: 1) provision of comprehensive, culturally and linguistically responsive, case management to Native Americans who have experienced sex and labor trafficking; 2) outreach efforts to increase identification of Native Americans who have experienced sex and labor trafficking; and 3) training to service providers and community partners.

<u>Disaster Assistance for State Units on Aging (SUAs) and Tribal Organizations in Major Disasters</u> Declared by the President

Department of Health and Human Services Administration for Community Living HHS-2022-ACL-AOA-DASG-0068 Deadline: September 6, 2022

Grants awarded under this announcement are to provide disaster reimbursement and assistance funds to those State Units on Aging (SUAs), and federally recognized Tribal Organizations who are currently receiving a grant under Title VI of the Older Americans Act (OAA), as amended. These funds only become available when the President declares a Major Disaster under the Robert T. Relief and Emergency Assistance Act and may only be used in those areas designated in the Disaster Declaration issued by the President of the United States under the Robert T. Stafford Relief and Emergency Assistance Act.

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.