Forum E-Update

November 2015

TRIBAL COURT-STATE COURT FORUM

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IN THE NEWS

November is Native American Heritage Month

In order to make visible tribal justice in California and how tribal courts and state courts are working together, the forum initiated the idea for a documentary, which features forum cochair Judge Abby Abinanti, Chief Judge of the Yurok Tribal Court, and forum member Judge Claudette White, Chief Judge of the Quechan Tribal Court. To view recent footage from the documentary, directed and produced by Anne Makepeace, click here: Tribal Justice

NATIONAL

Native Lives Matter, Too

The New York Times - October 13, 2015

By Lydia Millet

Almost no attention is paid to this pattern of violence against already devastated peoples.

Justice Department Sues South Dakota State Agency for Discrimination Against Native American Job Applicants at Pine Ridge Reservation

Department of Justice - Office of Public Affairs November 3, 2015

Congress Should Bolster Jurisdiction of Tribal Courts Over Violence against Children

ABA Journal - November 1, 2015

By Rhonda McMillion

Implementing VAWA

The Ford Lawyer - October/November 2015 By M. Brent Leonhard

Ann Coulter Thinks She's Native Because She Descended **From Settlers**

By Christie Michelle Poitra, Indian Country Today-November 8, 2015

Obama Rejects Keystone XL: 'Does Not Serve National Interest'

Indian Country Today-November 6, 2015

Principal Removes Tobacco From Student's Sacred Medicine Pouch, Family Says

By Simon Moya-Smith, Indian Country Today-November 6, 2015

Warrior Down: Death and Dying in Indian Country

By Mike Meyers, Indian Country Today-November 6, 2015

JUDICIAL COUNCIL JUDICIAL COURT OPERATIONS SERVICES DIVISION CENTER FOR FAMILIES, CHILDREN & THE COURTS

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Tribal/State Programs Link: http://www.courts.ca.gov/programstribal.htm

FORUM LEGISLATIVE PROPOSALS Visit forum's home page

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

<u>Department of Justice Announces 10 Tribes to Participate in Initial Phase of Tribal Access Program to Improve Exchange of National Crime Information</u>

Justice News, Department of Justice-November 5, 2015
The Department of Justice announced today the first 10 tribes to participate in an initial User Feedback Phase of the Tribal Access Program for National Crime Information (TAP), a program to provide federally recognized tribes the ability to access and exchange data with national crime information databases for both civil and criminal purposes.

Tribes Awarded \$1.8M for Child Welfare and TANF Coordination

Press Release, Administration for Children & Families-October 22, 2015 HHS' Administration for Children and Families, Office of Family Assistance awarded \$1.8 million to eight tribes and tribal organizations in Alaska, Montana, California and Washington to help strengthen vulnerable families through the tribal Temporary Assistance for Needy Families (TANF) child welfare coordination grants. The grants fund tribes to demonstrate models of effective coordination between tribal TANF programs and child welfare services for low-income tribal families at risk of child abuse or neglect.

CALIFORNIA

In Humboldt County, Tribe Pushes for Bigger Law Enforcement Role on its Lands

Los Angeles Times - October 20, 2015 By Lee Romney

<u>CA: New Laws Strengthen Educational, Other Supports for Calif.</u> Foster Youth

Chronicle of Social Change - October 16, 2015

Calif. Governor Jerry Brown signed a raft of legislation aimed at improving the lives of children and youth in foster care. In addition to the package of bills designed to stem the overprescribing of psychotropic medication for foster youth, and AB 403 which will greatly reduce the number of youth placed in group homes, Brown signed several other significant foster care bills before last Sunday's midnight deadline.

Pala Band of Mission Indians Will be First Tribe to Protect Native

American Children in California's Welfare System

PRNewswire- October 12, 2015

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.

EDUCATION

New Publication

The Beginning and End of Rape

Confronting Sexual Violence in Native America Kirkus Reviews By Sarah Deer

State Judicial Branch Online Resources

Newslinks is a service that the Judicial Council's Communications Office puts together every day. If you would like to receive this service, please visit this <u>webpage</u>. There is a sign up link on the horizontal blue bar near the top of the page.

Court Extranet and 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 Carolynn Bernabe at 415-865-7556 or carolynn.bernabe@jud.ca.gov.

California Dependency Online Guide (CalDOG)

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.

Upcoming Conferences

Webinar by Grants Office

November 17, 2015 at 2:00pm EDT

In this one-hour Grantscast, we'll cover:

- > Technology-friendly grant programs that address data storage, access, and retention
- > Tips for developing fundable technology-enabled projects
- > The latest on technology to **enhance and support** your public safety organization's data management needs

Beyond the Bench 23: User Experience

December 2-4, 2015 - Anaheim, CA

Intertribal Friendship House (IFH) 60th Anniversary Event-

"Community is Good Medicine"

January 30, 2016, 3:00-6:00pm-Oakland, California

For more information, please contact Vida Castaneda at vida.castaneda@jud.ca.gov

FEDERAL LEGISLATION

The Alyce Spotted Bear and Walter Soboleff Commission on Native Children Act (S. 246) authorizes the establishment of a national commission that would study a broad range of issues affecting Al/AN children and families. Senator Heitkamp (D-ND) is the original co-sponsor. The bill has been reported out of committee and is now awaiting consideration by the full Senate. At a hearing in 2014, former Senator Byron Dorgan gave his support to the legislation, noting it is time that attention be brought to the challenges faced by Al/AN children, and that we work together to find solutions. Several members of SCIA also support this legislation. NICWA has endorsed this legislation and is working with Senator

Heitkamp to address some concerns within the bill. This bill was approved by the Senate committee and is now awaiting consideration by the full Senate.

The Native American Children's Safety Act (S. 184 and H.R. 1168) establishes new mandates for tribal licensing of foster care and adoptive homes. The original co-sponsor of the Senate legislation is Senator Hoeven (R-ND), and the House bill co-sponsor is Representative Kevin Cramer (R-ND). The Senate and House bills have been reported out of their committees and are now awaiting consideration by the full Senate and House. Both the House and Senate bills have cleared their committees and are now awaiting consideration by the full House and Senate.

Senator Wyden Solicits Comments on Child Welfare Reform Proposal to expand reimbursement under the title IV-E program to allow for funding of in-home and other types of prevention services that can keep children safely in their homes without having to remove them. This proposal would also provide approximately \$470 million to the title IV-B Promoting Safe and Stable Families program. The expansion of funding and services to help reduce the number of children in foster care is similar to a FY2016 budget proposal from President Obama and is widely viewed as necessary to bring balance into the child welfare system, which has far more funding for services that require a child be removed from the home before receiving reimbursement for services. Tribes are eligible to operate both the title IV-E and Title IV-B programs and are encouraged to carefully study Senator Wyden's proposal. Senator Wyden is asking for comments on his proposal by June 12.

GRANT OPPORTUNITIES

SAMHSA's Tribal Training and Technical Assistance Center

The Tribal TTA Center provides training and technical assistance (TTA) on mental and substance use disorders, suicide prevention, and the promotion of mental health. We offer Broad, Focused, and Intensive TTA to federally recognized tribes, other American Indian/Alaska Native (AI/AN) communities, SAMHSA tribal grantees, and organizations serving Indian Country.

New Federal Grants Available for Tribal-State ICWA Programs

Deadline: June 13, 2016

State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grants

Deadline: June 16, 2016

The purpose of this funding opportunity announcement is to support the creation of effective practice model partnerships between state courts and/or Court Improvement Program, state public child welfare agency and a tribe, group of tribes, or tribal consortia, including both the tribal child welfare agency and tribal court for effective implementation of the Indian Child Welfare Act (ICWA) of 1978 (Pub.L. 95-608).

Demonstration sites will be required to jointly develop protocols and practices to promote effective and timely:

- Identification of Indian children;
- Notice to tribes;
- Tribal participation as parties in hearings involving Indian children;
- Tribal intervention in dependency cases;
- Transfer of ICWA cases to tribal courts; and
- Placement of Indian children according to tribal preferences.

Partnership models must be co-created by states and tribes, jointly implemented, and designed to generate and capture clear, measurable outcomes such as:

- Compliance with identification methods;
- The number of Indian children identified:
- Length of time from removal or petition filed until identification is made;
- Number of notices sent;
- Length of time from identification until notice sent (state measure)
- Number of notices received (tribal measure)
- Length of time for tribal intervention or participation; (tribal measure)

- Number of cases in which a tribe intervenes; (joint measure)
- Number of transfers; (joint measure); and
- Number of Indian children placed according to tribal placement preferences (joint measure).

U.S. Department of Justice Access to Justice Grant Information

Criminal - Grants | Training & Technical Assistance
Juvenile - Grants | Training & Technical Assistance
Civil - Grants | Training & Technical Assistance

Violence Against Women - Grants | Training & Technical Assistance

Victims of Crime - Grants | Training & Technical Assistance
Tribal Justice- Grants | Training & Technical Assistance

CAPSTONE Centers for Multidisciplinary Research and Training in Child Abuse and Neglect (P50) Deadline: November 19, 2015

This funding opportunity announcement (FOA) will use the specialized research center mechanism (P50) to call for multidisciplinary centers to serve as the CAPSTONE for research and education n child maltreatment and as a resource for the field. The Center(s) will conduct innovative and high quality research including: 1) trials testing the efficacy and effectiveness of clinical interventions; 2) longitudinal prospective studies examining the long term impact of specific and understudied types of maltreatment including abusive head trauma, medical neglect, sexual abuse; 3) studies examining the neurobiology of abuse and neglect and implications for health outcomes; and 4) studies testing the development of screening tools and clinical assessment measures for early identification and treatment of specific types of abuse and neglect to decrease morbidity and mortality and to identify potential comorbidities.

Sustaining Cultural Heritage Collections

Deadline: December 1, 2015

Sustaining Cultural Heritage Collections (SCHC) helps cultural institutions meet the complex challenge of preserving large and diverse holdings of humanities materials for future generations by supporting sustainable conservation measures that mitigate deterioration and prolong the useful life of collections. Libraries, archives, museums, and historical organizations across the country face an enormous challenge: to preserve collections that facilitate research, strengthen teaching, and provide opportunities for life-long learning in the humanities. Ensuring the preservation of books and manuscripts, photographs, sound recordings and moving images, archaeological and ethnographic artifacts, art, and historical objects requires institutions to implement measures that slow deterioration and prevent catastrophic loss. This work is best accomplished through preventive conservation, which encompasses managing relative humidity, temperature, light, and pollutants in collection spaces; providing protective storage enclosures and systems for collections; and safeguarding collections from theft and from natural and man-made disasters. As museums, libraries, archives, and other collecting institutions strive to be effective stewards of humanities collections, they must find ways to implement preventive conservation measures that are sustainable. This program therefore helps cultural repositories plan and implement preservation strategies that pragmatically balance effectiveness, cost, and environmental impact. Sustainable approaches to preservation can contribute to an institution's financial health, reduce its use of fossil fuels, and benefit its green initiatives, while ensuring that collections are well cared for and available for use in humanities programming, education, and research. All applicants, whether applying for planning or implementation projects, are required to focus on sustainable preventive conservation strategies.

Deployment of Clean Energy and Energy Efficiency Projects on Indian Lands - 2015

Deadline: December 15, 2015

Through this Funding Opportunity Announcement (FOA), the Department's Office of Indian Energy is soliciting applications from Indian tribes (including Alaska Native regional corporations, village corporations, tribal consortia, and tribal organizations) and Tribal Energy Resource Development Organizations to install (1) facility-scale clean energy and energy efficiency projects and (2) community-scale clean energy projects on Indian lands. The Funding Opportunity Announcement is soliciting applications under two Topic Areas: (1) Install clean energy and energy efficiency retrofit projects for tribal buildings (Topic Area 1); a. Clean Energy Systems (Topic Area 1.a.) b. "Deep Energy Retrofit" Energy Efficiency Measures (Topic Area 1.b.) And, (2) Deploy clean energy systems on a community-scale (

AmeriCorps State and National Grants FY 2016

Deadline: January 27, 2016

AmeriCorps grants are awarded to eligible organizations proposing to engage AmeriCorps members in evidence-based or evidence-informed interventions to strengthen communities. An AmeriCorps member is an individual who engages in community service through an approved national service position. Members may receive a living allowance and other benefits while serving. Upon successful completion of their service, members earn a Segal AmeriCorps Education Award from the National Service Trust that members can use to pay for higher education expenses or apply to qualified student loans. Grant awards have two components: operating funds and AmeriCorps member positions. Grant award amounts vary – both in the level of operating funds and in the type and amount of AmeriCorps member positions. Unless otherwise specified, the grant generally covers a three-year project period. In approving a multi-year project period, CNCS generally makes an initial award for the first year of operation. In most cases, the application is submitted with a one-year budget. Continuation funding is not guaranteed. Contact: americorpsgrants@cns.gov 202-606-7508

<u>Grants to Tribes, Tribal Organizations, and Migrant Programs for Community-Based Child Abuse</u> Prevention Programs

Deadline: April 14, 2016

The primary purpose of this funding opportunity announcement is to provide financial support to selected tribes, tribal organizations, and migrant programs for child abuse prevention programs and activities that are consistent with the goals outlined by Title II of the Child Abuse Prevention and Treatment Act (CAPTA). The funds must support effective and comprehensive child abuse prevention activities and family support services that will enhance the lives and ensure the safety and well-being of migrant and Native American children and their families. Organizations should foster strong linkages with the State Lead Agency for the Community-Based Child Abuse Prevention Programs funded by Title II of the Child Abuse Prevention and Treatment Act. Some examples of programs that may be funded include, but are not limited to, voluntary home visiting, respite care, parenting education, family resource centers, domestic violence services, and other family support services. Grantees are strongly encouraged to implement evidence-based and evidence-informed programs and practices that reflect the unique cultural characteristics and needs of their communities. The funds must also be used to support an evaluation of the programs and services funded by the grant. Finally, programs funded should develop stronger linkages with the Community-Based Child Abuse Prevention Program (CBCAP) State Lead Agency funded under Title II of CAPTA. It is anticipated that three grants will be funded under this announcement. The funding period will be for 5 years.

Foster/Adoptive Parent Preparation, Training and Development Project

Deadline: May 27, 2016

The purpose of this funding opportunity announcement (FOA) is to award one cooperative agreement to an organization to develop a state-of-the-art foster/adoptive parent training program to include intensive preparation and development components that reflect the capacities required of successful foster/adoptive parents. This is intended to be a product that could be utilized by all states, tribes, and territories and consistently applied wherever implemented. Development of this program would include research on the common characteristics of individuals and their foster/adoptive families that have succeeded in terms of well-being and stability. Common characteristics of families that are more likely to foster and/or adopt harder to place children/youth and are successful and remain committed to the relationship will be identified and integrated into the program.

State and Tribal Indian Child Welfare Act (ICWA) Implementation Partnership Grants

Deadline: June 12, 2016

The purpose of this funding opportunity announcement is to support the creation of effective practice model partnerships between state courts and/or Court Improvement Program, state public child welfare agency and a tribe, group of tribes, or tribal consortia, including both the tribal child welfare agency and tribal court for effective implementation of the Indian Child Welfare Act (ICWA) of 1978 (Pub.L. 95-608).

Veterans Cemetery Grants

Deadline: July 31, 2016

Grants are available for states, territories and federally recognized tribal governments. This program is implemented in 38 Code of Federal Regulations Part 39.

FY 2016 Land Buy-Back Program for Tribal Nations

Deadline: September 30, 2016

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program, Program) to implement the land consolidation provisions of the Cobell Settlement Agreement, which provided \$1.9 billion to consolidate fractional land interests across Indian country. The Buy-Back Program allows interested individual owners to sell their land for immediate transfer to the recognized tribe that exercises jurisdiction. This effort will strengthen tribal sovereignty and put decision-making in the hands of the tribal government, freeing up resources that have been locked-up as land interests that have fractionated over time. The Buy-Back Program has announced 42 locations where land consolidation activities such as planning, outreach, mapping, mineral evaluations, appraisals or acquisitions are scheduled to take place through the middle of 2017. The Buy-Back Program is interested in partnering with the eligible tribes that have jurisdiction over these 42 locations, as well as any locations that are added to the implementation schedule, to gain their direct participation in land consolidation efforts given tribes' unique qualifications to perform land consolidation activities for their reservations. Consequently, the Program intends to, whenever feasible and practical, enter into single source cooperative agreements with these eligible tribes to not only capitalize on their unique knowledge of their reservations but also to improve the overall effectiveness and efficiency of the Program. Eligible tribes will be given the opportunity to apply for a cooperative agreement, whenever feasible and practical, prior to the implementation of the Buy-Back Program at the location under their jurisdiction. The Buy-Back Program will continue to expand to other reservations over the next several years, and tribes with jurisdiction over locations not yet scheduled for implementation will receive information about how they can participate once their reservations are scheduled. Tribes are encouraged to contact Program staff for more information on developing the cooperative agreement application prior to submission. Tribes are not required to enter into cooperative agreements to participate in the Program. In certain cases, it may be unnecessary and other vehicles, such as memorandums of agreements, may be used. The Settlement Agreement limits the amount of funding that may be used for implementation costs associated with the Program (e.g., outreach, land research, and appraisals). Thus, to help ensure that it stays within the established limit on implementation costs, the Program will fund indirect costs through cooperative agreements equal to no more than 15% of the modified total direct costs. PLEASE NOTE: This is a 10vear program. The expiration on this posting reflects this current opportunity, and new opportunities will be posted over the duration of the Program. In addition, given that the Cobell Settlement specifically limits overall implementation costs for the duration of the Program, cooperative agreement awards are not intended to fund or support long-term, multi-year programs at each location or reservation. Most awards will provide funding for no longer than 1 year, and tribes are encouraged to utilize the award amount to work with existing tribal land offices and programs. Tribes are also encouraged to first review mapping and other information available from the Program and to work with Program staff in the development of the cooperative agreement application.

Exploratory Clinical Trials of Novel Interventions for Mental Disorders (R61/R33)

Deadline: October 14, 2016

The purpose of this Funding Opportunity Announcement (FOA) is to support the efficient pilot testing of novel interventions for mental disorders in adults and children through an experimental therapeutics approach. Under this FOA, trials must be designed so that results, whether positive or negative, will provide information of high scientific utility and will support go/no-go decisions about further development or testing of the intervention. Studies of novel interventions include, but are not limited to behavioral, pharmacological, biologics-based, cognitive, device-based, interpersonal, physiological, or combined approaches. Support will be provided for up to two years (R61 phase) for preliminary milestone-driven testing of the interventions engagement of the therapeutic target, possibly followed by up to 3 years of support (R33 phase) for studies to replicate target engagement and relate change in the intervention target to functional or clinical effects. Ultimately, this R61/R33 FOA is intended to speed the translation of emerging basic science findings of mechanisms and processes underlying mental disorders into novel interventions that can be efficiently tested for their promise in restoring function and reducing symptoms for those living with mental disorders.

Integrated Food Defense

Deadline: Open applications until April 2, 2019

The Integrated Food Defense & Emergency Response Cooperative Agreement Program (IFD&ER CAP) grant awards are designed to generate food defense tools and resources that are easily replicated and can complement, aid in the development of, and/or improve State, local, Tribal and territorial (SLTT) food defense programs through unique, innovative, and reproducible projects. The known overlap between food safety (unintentional contamination) and food defense (intentional contamination) is extensive. And the pools of resources available are vast and sometimes difficult to locate and implement. As the Food Safety Modernization Act (FSMA) recognizes the evolution of the relationship between food safety and food defense, it is critical that these programs be integrated to the maximum extent possible in order to ensure the most efficient use of resources, as well as to optimize responses to incidents and events.

<u>Healthy Habits: Timing for Developing Sustainable Healthy Behaviors in Children and Adolescents</u> Deadline: Open

This Funding Opportunity Announcement (FOA) seeks to encourage applications that employ innovative research to identify mechanisms of influence and/or promote positive sustainable health behavior(s) in children and youth (birth to age 21). Applications to promote positive health behavior(s) should target social and cultural factors, including, but not limited to: schools, families, communities, population, food industry, age-appropriate learning tools and games, social media, social networking, technology and mass media. Topics to be addressed in this announcement include: effective, sustainable processes for influencing young people to make healthy behavior choices; identification of the appropriate stage of influence for learning sustainable lifelong health behaviors; the role of technology and new media in promoting healthy behavior; identification of factors that support healthy behavior development in vulnerable populations, identification of barriers to healthy behaviors; and, identification of mechanisms and mediators that are common to the development of a range of habitual health behaviors. Given the many factors involved in developing sustainable health behaviors, applications from multidisciplinary teams are strongly encouraged. The ultimate goal of this FOA is to promote research that identifies and enhances processes that promote sustainable positive behavior or changes social and cultural norms that influence health and future health behaviors.

<u>Interventions for Health Promotion and Disease Prevention in Native American Populations</u> Deadline: Open

The purpose of this funding opportunity announcement (FOA) is to develop, adapt, and test the effectiveness of health promotion and disease prevention interventions in Native American (NA) populations. NA populations are exposed to considerable risk factors that significantly increase their likelihood of chronic disease, substance abuse, mental illness, oral diseases, and HIV-infection. The intervention program should be culturally appropriate and promote the adoption of healthy lifestyles, improve behaviors and social conditions and/or improve environmental conditions related to chronic diseases, the consumption of tobacco, alcohol and other drugs, mental illness, oral disease, or HIV-infection. The intervention program should be designed so that it could be sustained within the entire community within existing resources, and, if successful, disseminated in other Native American communities. The long-term goal of this FOA is to reduce mortality and morbidity in NA communities. For the purposes of this FOA Native Americans include the following populations: Alaska Native, American Indian, and Native Hawaiian. The term Native Hawaiian means any individual any of whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

California Wellness Foundation

Deadline: Open

The mission of The California Wellness Foundation is to improve the health of the people of California by making grants for health promotion, wellness education and disease prevention. Since its founding in 1992, Cal Wellness has awarded 7,690 grants totaling more than \$912 million.

Lannan Indigenous Communities Program

Deadline: Open

The Indigenous Communities Program (ICP) supports the resolve of Native Americans to renew their communities through their own institutions and traditions. Funding priority is given to rural indigenous projects that are consistent with traditional values in the areas of education, Native cultures, the revival and preservation of languages, legal rights, and environmental protection. At this time the foundation only accepts new grant requests from United States federally recognized tribes or Native controlled 501(c)(3) organizations whose work is solely focused in the United States.

Tribal Justice Support Directorate

Deadline: Open

Tribal Justice Support provides funding guidance, technical support, and advisory services to tribal courts and the Courts of Indian Offenses. This includes providing funding to tribal courts, training directed to specific needs of tribal court personnel, promoting cooperation and coordination among tribal justice systems and Federal and state judiciary systems, and providing oversight for the continuing operations for the Courts of Indian Offenses. The Division also works with tribes to conduct tribal court reviews which are conducted using a modified model of the Tribal Court Performance Standards (TCPS). The TCPS assists tribal courts in identifying existing problems and formulating strategies for improvement of tribal courts and provides an outcome-oriented conceptual framework of tribal court performance areas, standards, and measures.

Surdna Foundation- Teens' Artistic and Cultural Advancement

Deadline: Open (Letters of Inquiry) http://www.surdna.org

This foundation seeks organizations that have a proven and longstanding commitment to serving teens and that emphasize skill building. This funding is designed to:

- Provide high quality arts training that integrate life skills. These skills include: written and oral communication, problem-solving, critical thinking, and leadership development;
- Encourage teens to connect to their cultural identity through art-making;
- Provide young people with a well-developed, sequential curriculum that meets the increasing skills of participants;
- Foster strong mentoring opportunities for artists with teens;
- Employ accomplished faculty and guest artists who engage teens in art forms that reflect their cultural interests and community;
- Use research and evaluation tools to track the progress of teens' success over time;
- Share best practices in regards to training and evaluation in order to strengthen the field of youth arts training.