

# CALIFORNIA TRIBAL COURT–STATE COURT FORUM

## Forum E-Update

September 2014

TRIBAL COURT–STATE  
COURT FORUM

HON. RICHARD C. BLAKE  
*Cochair*

HON. DENNIS M. PERLUSS  
*Cochair*

*Hon. Abby Abinanti  
Hon. April E. Attebury  
Hon. Mitchell L. Beckloff  
Hon. Jerilyn L. Borack  
Hon. Leonard P. Edwards (Ret.)*

*Volunteer Mentor Judge  
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Hon. Michael Golden  
Hon. Cynthia Gomez  
Mr. Olin Jones  
Hon. Suzanne N. Kingsbury  
Hon. William Kockenmeister  
Hon. Anthony Lee  
Hon. John Madigan  
Hon. Lester J. Marston  
Hon. David E. Nelson  
Hon. Kimberly J. Nystrom-Geist  
Hon. Deborah A. Ryan  
Hon. Deborah L. Sanchez  
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Hon. Juan Ulloa  
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Hon. Christine Williams  
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Hon. Sarah S. Works*

### FORUM PROPOSALS

(To view these and past proposals, see forum home page  
<http://www.courts.ca.gov/3065.htm>)

**SB 406: Tribal Court Civil Money Judgment Act**, which will simplify and clarify the process by which tribal court civil money judgments are recognized and enforced in California. The Assembly and Senate passed the bill as amended, and it was signed by the Governor on August 22, 2014.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0401-0450/sb\\_406\\_bill\\_20140618\\_amended\\_asm\\_v96.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_406_bill_20140618_amended_asm_v96.pdf)

**AB 1618: Tribal Access to Confidential Juvenile Court Files**, which provides tribal entities and officials with access to confidential juvenile court files and records for children who are members of the tribe or eligible for membership in the tribe. By explicitly including tribes, tribal officials, and tribal entities within the exception to the confidentiality of juvenile court files, the bill will solve a conflict between federal and state law on one side, and juvenile courts on the other.

Chaptered as Stats. 2014, Ch. 37, effective January 1, 2015.

[http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab\\_1601-1650/ab\\_1618\\_bill\\_20140625\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1601-1650/ab_1618_bill_20140625_chaptered.pdf)

**SB 940 Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) Proposed for California:**

The California Judicial Council approved submission of comments to the California Law Revision Commission (CLRC) for adoption in California of a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to address issues involving conservatorships for members of Indian tribes located in California. After the summer legislative recess, this bill will be heard by the Assembly and is currently on the consent calendar. The California Judicial Council supports this bill. This bill is enrolled and before the Governor for signature.

[http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0901-0950/sb\\_940\\_bill\\_20140815\\_enrolled.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0901-0950/sb_940_bill_20140815_enrolled.pdf)

## 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/programs-tribal.htm>

## IN THE NEWS

### [SAMHSA Creates New Office of Tribal Affairs and Policy](#)

President Obama, accompanied by the First Lady, made a trip to Indian Country. During the trip, the President announced several initiatives that build on the significant progress the Administration has made in the government-to-government relationship with tribal nations, and he also acknowledged the work that remains. SAMHSA has an important responsibility to build on our good work to promote prosperous and resilient tribal nations.

### [Collaborative and Effective Evaluation in Tribal Communities: The Roles and Voices of Key Stakeholders](#)

This is a new publication. A Roadmap for Collaborative and Effective Evaluation in Tribal Communities, which promotes more collaborative and effective evaluation with tribal communities.

### [Rising Waters, Rising Threats: The Human Trafficking of Indigenous Women in the Circumpolar Region of the United States and Canada](#)

By Victory Sweet (February 20, 2014). MSU Legal Studies Research Paper No. 12-01. Abstract at link and paper available at SSRN: <http://ssrn.com/abstract=2399074>

### [Tribal Parole Pilot Program SWO chosen for Pilot Program](#)

Press Release: Desk of South Dakota Governor Dennis Daugaard Today, nearly 30 percent of the inmates in the South Dakota state prison system are Native American. More than half of parolees who abscond from the state parole supervision are Native Americans. In many of these cases, the absconders are returning to one of the reservations, where they often have homes and families. Unfortunately, because the state lacks jurisdiction on the reservations, state parole agents can no longer supervise parolees who return to a reservation. Under the South Dakota Public Safety Improvement Act, the state has established the state tribal parole pilot program to allow some Native American offenders to serve their parole supervision on the reservation. Seven tribes that expressed interest in participating in the pilot.

### [Child Abuse Prevention and Treatment Act \(CAPTA\): 40th Anniversary](#)

This publication, Safeguarding America's Children, was developed through the Children's Bureau's National Child Abuse and Neglect Training and Publications Project.

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.

## **APPA Announces Repository for Tribal Community Corrections Personnel**

The American Probation and Parole Association (APPA) is pleased to announce the release of the *Repository for Tribal Community Corrections Personnel* (developed with funding from the Bureau of Justice Assistance).

This Repository provides tribal community corrections personnel with access to information and resources to develop, grow, and enhance their pretrial, probation, reentry, and alternatives to incarceration programs including:

- Access to Tribal Probation Policies and Procedures that have been developed by other tribal probation programs to use as a foundation to build your own policies & procedures;
- Access to commonly used supervision forms to use as templates for developing your own forms;
- Access to publications, fact sheets, bulletins and other guidance documents specific to the unique needs and responsibilities of community corrections personnel working in Indian Country;
- Access to information about training opportunities specific to the unique needs and responsibilities of community corrections personnel working in Indian Country;
- Access to technical assistance opportunities related to pretrial, probation, reentry, alternatives to incarceration, and implementation of enhanced sentencing authority as provided under the Tribal Law & Order Act of 2010; and
- Information about the Tribal Issues Committee, a special issue committee of the American Probation & Parole Association designed to discuss issues specific to community corrections programs in Indian Country.

To access the Repository now, please click [here](#).

## **EDUCATIONAL OPPORTUNITIES**

### **New Website Launched—CJER Online**

CJER Online consolidates all CJER websites into a single site for easy access to distance education, calendars, and registration. The new site is more accessible, user-friendly, and allows users to easily search CJER publications and distance education materials or register for programs.

The California Judicial Council's Center for Judiciary Education and Research (CJER) and Information Technology Services Office (ITSO) have been working to redesign the education portions of the Court Extranet and integrate them with the other CJER websites--staff education website, the programs calendar, and the course registration site--to create a single site. The concept was to create a user-friendly, integrated website for judicial education. <http://www2.courtinfo.ca.gov/cjer/cjeronline.htm>

### **Court Extranet:**

The State Judicial Branch has a Court Extranet with educational and other resources for state court judges and tribal court judges. 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. It also offers both current news and archived resources. For more information, please contact Carolyn Bernabe at 415-865-7556 or [carolynn.bernabe@jud.ca.gov](mailto:carolynn.bernabe@jud.ca.gov).

### **California Dependency Online Guide (CalDOG):**

The State Judicial Branch has a Dependency Online Guide with dependency-related case law, legal materials, articles and other resources to California attorneys, judicial officers, social workers, tribal representatives, Court Appointed Special Advocates, and other child welfare professionals. This website contains up-to-date information for professionals working in child welfare, regardless of the size of the county, the employer, or the availability of legal and other resources in the local area. For more information, view the [CalDOG postcard](#). Subscriptions are free and available to professionals working in the field of juvenile dependency. [Log in or subscribe here](#).

## MORE EDUCATIONAL OPPORTUNITIES

### **2014 NATIVE AMERICAN DAY**

Friday, September 26, 2014

10:00 am – 2:00 pm

North Steps, State Capitol Building, Sacramento, California

### **Traditional Peacemaking: Exploring the Intersections Between Tribal Courts and Peacemaking, Including Alternatives to Detention**

October 6-7, 2014

8:30AM-5:00PM

Hard Rock Hotel - Catoosa, OK (Tulsa area). Owned by the Cherokee Nation of OK

The National American Indian Court Judges Association, along with its partners the Native American Rights Fund and Columbia University Law School, invite you to attend a training about Traditional Peacemaking. The purpose of this training is to introduce TCCLA grantees and other attendees to the various peacemaking models that are being used in tribal courts, including those that are being used as alternatives to detention. The goal of this training is to explore the ways in which tribal courts integrate traditional justice and community values into varied aspects of tribal civil and criminal justice, to provide experiential training and tips for accessing tribal judicial systems that utilize cultural forms of justice, and to provide explanation of how traditional peacemaking can unlock new approaches to provide effective representation of civil and criminal legal services clients, with special attention to indigent criminal defendants whenever appropriate.

The Training is free, but the participants must cover the cost of their travel, food, and lodging. For more information and to register for the Peacemaking Training visit: <http://www.naicja.org/peacemaking>

### **45th National Tribal Judicial and Court Clerks' Conference and Annual Meeting**

October 7 – 10, 2014

Tulsa, Oklahoma

### **14th National Indian Nations Conference-Justice for Victims of Crime Registration is Now Open**

December 11-13 2014

Agua Caliente Reservations, CA

## GRANT OPPORTUNITIES

### **National Indian Health Outreach and Education**

**Deadline by: September 25, 2014**

To be eligible for this "New/Competing Continuation Announcement," an eligible applicant must be a 501(c)(3) national Indian organization that has demonstrated expertise as follows: - Representing all Tribal governments and providing a variety of services to Tribes, Area Health Boards, Tribal organizations, and Federal agencies, and playing a major role in focusing attention on Indian health care needs, resulting in improved health outcomes for Tribes. - Promoting and supporting Indian education and coordinating efforts to inform AI/AN of Federal decisions that affect Tribal government interests including the improvement of Indian health care. - Administering national health policy and health programs. - Maintaining a national AI/AN constituency and clearly supporting critical services and activities within the IHS mission of improving the quality of health care for AI/AN people. - Supporting improved healthcare in Indian Country. - Applicants must provide proof of non-profit status with the application, e.g. 501(c)(3). The national Indian organization must have the infrastructure in place to accomplish the work under the proposed program.

<http://www.ihs.gov/dgm/documents/HHS-2014-IHS-NIHOE-0001.pdf>

## **National Indian Health Outreach and Education III**

**Deadline by: September 25, 2014**

The purpose of this Indian Health Service (IHS) cooperative agreement announcement is to encourage national Indian organizations, IHS, and Tribal partners to work together to conduct Affordable Care Act (ACA) / Indian Health Care Improvement Act (IHCIA) training and technical assistance throughout Indian Country. Under the Limited Competition National Indian Health Outreach and Education (NIHOE) III Cooperative Agreement program, the overall program objective is to improve Indian health care by conducting training and technical assistance across American Indian/Alaska Native (AI/AN) communities to ensure that the Indian health care system and all AI/ANs are prepared to take advantage of the new health insurance coverage options which will improve the quality of and access to health care services, and increase resources for AI/AN health care. The goal of this program announcement is to coordinate and conduct training and technical assistance on a national scale for the 566 Federally-recognized Tribes and Tribal organizations on the changes, improvements and authorities of the ACA and IHCIA and the health insurance options available to AI/AN through the Health Insurance Marketplace.

<http://www.ihs.gov/dgm/documents/HHS-2014-IHS-NIHOE-0003.pdf>

## **National Maternal and Child Health Data Resource Center Cooperative Agreement Program**

**Deadline by: October 28, 2014**

This announcement solicits applications for the National Maternal and Child Health Data Resource Center Cooperative Agreement Program. The purpose of the National Maternal and Child Health Data Resource Center (DRC) Cooperative Agreement Program is to support a diverse population of stakeholders in the valid and standardized use of national, state, and community level data as it relates to the health of women, children and families. This cooperative agreement program will support the maintenance and expansion of a DRC that highlights, describes, and facilitates access to publicly available data with a focus on increasing access to and timely utilization of maternal and child health (MCH) data among state and local governments and non-governmental organizations, including HRSA grantees. Activities to increase both the availability of relevant data and the analytic capability of stakeholders will be done in a manner that aligns with and supports the Maternal and Child Health Bureau (MCHB) initiative to evaluate the effectiveness of MCH programming through the use of national and state-selected performance measures. For the 2015-2018 funding cycle, the objectives of this project are: 1) Continue a strategic expansion of the MCH-relevant datasets available on the DRC's website to support the changing analytic needs of MCH stakeholders. Specifically, this expansion will include state-level estimates for a selection of the newly specified national outcome and performance measures under the Title V MCH Services Block Grant. 2) Increase the number and diversity of stakeholders who utilize this resource while ensuring that the resource remains both scientifically-sound and user-friendly. 3) Support state and local MCH programs in the utilization of valid and standardized data to monitor and evaluate program effectiveness, including state-initiated tracking of real time data for high priority MCH indicators where feasible.

Department of Health and Human Services, Health Resources and Services Administration, HRSA Grants Application Center, 910 Clopper Road, Suite 155 South, Gaithersburg, MD, 20878

[rghandour@hrsa.gov](mailto:rghandour@hrsa.gov)

[Contact Reem M. Ghandour, DrPH, MPA at \(\(301\) -443- Ext. 3786 or email rgbandour@hrsa.gov](mailto:rghandour@hrsa.gov)

## **Partnership for State Title V Maternal and Child Health Leadership Community Cooperative Agreement**

**Deadline by: November 3, 2014**

This announcement solicits applications for the fiscal year (FY) 2015 Partnership for State Title V Maternal and Child Health (MCH) Leadership Community Cooperative Agreement. The purpose of this cooperative agreement is to support an organization focusing on MCH to improve public health programs and the delivery of MCH services and assure optimal alignment with the transformed Title V MCH Services Block Grant program. The awardee will support efforts of State Title V MCH programs, led by State MCH and Children with Special Health Care Needs (CSHCN) Directors, to improve the health of all mothers and children by assisting States in developing, implementing, and sustaining public health programs and a comprehensive system of care for the delivery of MCH services that are well aligned with the transformed Title V MCH Services Block Grant. In addition, the awardee will support efforts of State Title V MCH Services Block Grant programs related to the implementation of the Affordable Care Act

(ACA), including outreach and enrollment, tracking improvements from coverage to care to systems, and developing an early warning system for ACA-related issues in MCH. Applications for the Partnership for State Title V MCH Leadership Community Cooperative Agreement must address the following four goals: 1. Assist and support State MCH and CSHCN Directors in improving MCH outcomes; 2. Serve as an effective voice in communicating the importance of MCH issues; 3. Develop strong partnerships and collaborations with other national partners to advance MCH priorities; and 4. Facilitate development of a highly skilled MCH workforce, including State MCH leaders and staff, family leaders, and youth leaders. This funding will assist in providing an effective link between the Health Resources and Services Administration (HRSA) Maternal and Child Health Bureau (MCHB), State Title V MCH programs, and MCH-related organizations at the national level to improve each State's ability to demonstrate the impact and value of the Title V MCH Services Block Grant.

Department of Health and Human Services, Health Resources and Services Administration, HRSA Grants Application Center, 910 Clopper Road, Suite 155 South, Gaithersburg, MD, 20878  
[evolpe@hrsa.gov](mailto:evolpe@hrsa.gov); [Contact Ellen Volpe at \(301\)-44-3-63 Ext. 20](tel:30144363) or email [evolpe@hrsa.gov](mailto:evolpe@hrsa.gov)

## **FY 2015 Species Recovery Grants to Tribes**

### **Deadline by: November 7, 2014**

The National Marine Fisheries Service (NMFS) recognizes the unique importance of many protected species to tribes and values ongoing efforts by tribal nations to conserve and protect species under NMFS' jurisdiction. NMFS is authorized to provide Federal assistance to tribes to support conservation programs for marine and anadromous species under its jurisdiction. This assistance, provided in the form of grants, can be used to support conservation of endangered, threatened, and candidate or proposed species, as well as post-delisting monitoring of recovered species. Funded activities may include development and implementation of management plans, scientific research, and public education and outreach; proposals should address priority actions identified in an Endangered Species Act (ESA) Recovery Plan or address a NMFS-identified regional priority or need. Only federally recognized tribes and organizations of federally recognized tribes, such as the Alaska Eskimo Whaling Commission, that have delegated authority to represent a federally recognized tribe on matters relating to ESA listed, candidate, or proposed species, are eligible to apply. Proposals focusing on listed, candidate, or proposed species of Pacific salmon or steelhead will not be considered for funding under this grant program; such projects may be supported through the Pacific Coastal Salmon Recovery Fund. This document describes how to prepare and submit proposals for funding in fiscal year (FY) 2015 and how NMFS will determine which proposals will be funded; this document should be read in its entirety. Heather Coll; 1315 East-West Highway, Silver Spring MD 20910; Telephone: 301-427-8455; [Office](#)

## **Strengthen Evidence Base for Maternal and Child Health Programs**

### **Deadline by: November 10, 2014**

This announcement solicits applications for the Strengthen Evidence Base for Maternal and Child Health Programs cooperative agreement. The purpose of this program is to provide support and resources to assist State Title V Maternal and Child Health (MCH) programs in developing evidence-based or evidence-informed State Action Plans as well as in responding to the National Outcome Measures, National Performance Measures, State Performance Measures, and state-initiated Structural/Process Measures. This will facilitate the transformation of the MCH Title V Block Grant program. The activities funded under the cooperative agreement will aim to accomplish the following six goals: (1) Convene a Team of Experts who have specialty background and experience related to the topical areas addressed in the National Performance Measures such as medical home or children with special health care needs; (2) Provide a critical review of the evidence of effectiveness of possible strategies to address National Outcome Measures, National Performance Measures, State Performance Measures, and state-initiated Structural/Process Measures via the Team of Experts; (3) Provide ongoing consultation to state Title V MCH programs via the Team of Experts, to support the State's development of evidence-based or evidence-informed State Action Plans; (4) Develop web-based supports and resources for State Title V (MCH) programs; (5) Establish an online platform for sharing best practices called a Community of Practice, which will facilitate communication and information-sharing on topics regarding the emerging needs of Title V state and discretionary grantees for implementing the Title V MCH Block Grant Transformation process; and (6) Maintain and enhance a MCH digital library to facilitate access to

historical and current MCH documents from the establishment of the Children's Bureau in 1912 to the enactment of Title V of the Social Security Act in 1935 and other significant documents published thereafter.

Department of Health and Human Services, Health Resources and Services Administration, HRSA  
Grants Application Center, 910 Clopper Road, Suite 155 South, Gaithersburg, MD, 20878  
[ssosa@hrsa.gov](mailto:ssosa@hrsa.gov); [Contact Sylvia Sosa at \(301\)-44-3-22 Ext. 59](tel:(301)44-3-22) or email [ssosa@hrsa.gov](mailto:ssosa@hrsa.gov)

## **Sustaining Cultural Heritage Collections**

**Deadline by: December 3, 2014**

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 institutions 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.

<http://www.neh.gov/grants/preservation/sustaining-cultural-heritage-collections>

## **Tribal Court Improvement Program**

**Deadline by: January 28, 2015**

The Administration for Children and Families, Children's Bureau announces the availability of awards to provide tribes and tribal consortia the opportunity to compete for grants to enable tribal courts to:

[http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=70871](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=70871)

- (a) Conduct assessments of how tribal courts handle child welfare proceedings and to make improvements to court processes;
- (b) Implement improvements to provide for the safety, permanency and well-being of children as set forth in the Adoption and Safe Families Act of 1997 (Pub. L. 105-89) and increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption;
- (c) Ensure children's safety, permanence, and well-being needs are met in a timely and complete manner (through better collection and analysis of data); and
- (d) Provide for training of judges, attorneys, and other legal personnel in child welfare cases.