

CALIFORNIA TRIBAL COURT-STATE COURT FORUM

Forum E-Update

July 2016

TRIBAL COURT-STATE
COURT FORUM

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Hon. Leonard P. Edwards
(ret., advisory)

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Hon. Michael Golden
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Mr. Olin Jones (ex officio)
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IN THE NEWS

[ICWA Defense Project Memorandum](#)

June 25, 2016

The National Indian Child Welfare Association (NICWA), the Native American Rights Fund (NARF), the National Congress of American Indians (NCAI), and the ICWA Appellate Project at Michigan State University College of Law—collectively known as the ICWA Defense Project—are working collaboratively to defend ICWA and the long overdue reforms. This memorandum summarizes the pending litigation and describes some of the legal and communications strategies developed by these partner organizations to inform, advance, and unify a coordinated effort across Indian Country in response to these attacks.

[Tribal Child Custody Laws Neglected on Statewide Level](#)

Eureka Times-Standard- June 27, 2016

The Indian Child Welfare Act Compliance Task Force is calling on the state's top law enforcement office to begin investigating what it says are systematic shortfalls and violations of tribal civil rights relating to the Indian Child Welfare Act and is calling for sweeping reform at local, state and federal levels in order to ensure that tribes are fairly and adequately represented in child custody cases.



[Governor Mark Dayton Announced his Appointment of Judge Anne McKeig \(center\) to the Minnesota Supreme Court](#)

StarTribune- June 28, 2016

By Ricardo Lopez

Gov. Mark Dayton has selected Fourth Judicial District Judge Anne McKeig as the next Minnesota Supreme Court justice, giving the state's highest court its first American Indian jurist and its first female majority since 1991.

[A Letter From Leonard Peltier](#)

Indian Country Today- June 30, 2016

It's been 41 years since the conflict on the Pine Ridge Indian Reservation.

[California Court of Appeals Finds No Good Cause to Deviate from Placement Preferences in Alexandria P. Case](#)

Turtle Talk--July 8, 2016

By Kate Fort

JUDICIAL COUNCIL

JUDICIAL COURT OPERATIONS

SERVICES DIVISION

CENTER FOR FAMILIES,

CHILDREN & THE COURTS

455 Golden Gate Avenue

San Francisco, California 94102

Tribal/State Programs Staff:

Carolynn Bernabe,

Administrative Coordinator,

carolynn.bernabe@jud.ca.gov or

415-865-7556

Vida Castaneda, Senior Analyst,

vida.castaneda@jud.ca.gov or

415-865-7874

Ann Gilmour, Attorney,

ann.gilmour@jud.ca.gov or

415-865-4207

Jenny Walter, Supervising Attorney,

jennifer.walter@jud.ca.gov or

415-865-7687

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>

[CA: Court Rules for Choctaw Family in Adoption Case](#)

Courthouse News Service - July 14, 2016

A California court of appeals delivered a fresh blow to a foster family seeking custody of a 6-year-old Native American girl, finding it in her best interest to live with her extended family in Utah.

FORUM NEWS

2016 Tribal Court-State Court Forum Nominations

We are currently soliciting nominations to fill a vacancy on the Tribal Court-State Court Forum. The deadline for submitting a nomination is August 16, 2016.

- [Memo](#)
- [Nomination Form](#)

Survey on Tribal Court Civil Orders

The council's [Tribal Court-State Court Forum](#) asks state courts, tribal courts, and tribal practitioners to take an online to provide information on the recognition and enforcement of tribal court civil orders. Access surveys here: (1) [State Court Online Survey](#); (2) [Tribal Court Online Survey](#); and (3) [Tribal Practitioner Online Survey](#).

CASES

[U.S. Supreme Court: Dollar General](#) (Filed 6/23/16)

The Fifth Circuit's 2014 decision was upheld to allow the Mississippi Band of Choctaw Indians' jurisdiction over the Dollar General Corporation in a civil tort claim.

[In re Isaiah W.](#) (Filed 7/7/16)

The Supreme Court reversed the decision from the Superior Court of California, C of Los Angeles, 2nd Court of Appeals, holding (1) a parent may challenge a final ICWA's inapplicability in the course of appealing from a subsequent order terminating parental rights, even if the parent did not raise such a challenge in an appeal from initial order; and (2) in this case, the fact that Mother did not allege ICWA notice on an appeal from the original dispositional order did not preclude her from raising the issue in this appeal.

[In re Abigail A.](#) (Filed 7/14/16)

The California Supreme Court holds that rule 5.482(c) is invalid but upholds rule 5.484(c)(2) in this challenge to the validity of two Rules of Court that relate to the Indian Child Welfare Act (ICWA). Rule 5.482(c) states that if a tribe indicates a child is eligible for membership the court must treat the child like an Indian child and the agency must take steps to secure the child's enrollment in the tribe. Rule 5.484(c)(2), which requires the agency to take steps to enroll an Indian child in the tribe, the Court holds that it is valid because its provisions only apply to cases involving an Indian child as defined by law. As such, it is not inconsistent with state law implementing ICWA.

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

State Judicial Branch Online Resources

Newslinks

This 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 [webpage](#).

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

This website contains information relevant to all levels of judicial branch personnel and includes resources designed to meet education, facilities, financial, human resources, legal, special court projects, technology, and other informational needs. For more information, please contactCarolynn 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](#).

National Online Resources

[Tribal Access to Justice Innovation](#) is a new website highlighting innovative tribal justice programs from around the country. Developed by the Center for Court Innovation's Tribal Justice Exchange, the website seeks to provide ideas and inspiration to reformers looking to address common challenges like substance use, domestic violence, gang involvement, and juvenile delinquency.

[SAMHSA's Tribal Training and Technical Assistance 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.

Tribal Early Childhood Center's Webinars:

Self-Regulation and Intervention: Considerations for AIAN Children and Youth
July 21, 2016, at 12 p.m. Pacific/3-4:30 Eastern

Video: The Seventh Fire

When gang leader Rob Brown is sentenced to prison for a fifth time, he must confront his role in bringing violent drug culture into his beloved American Indian community in northern Minnesota. As Rob reckons with his past, his seventeen year old protégé, Kevin, dreams of the future: becoming the most powerful and feared Native gangster on the reservation. From executive producers Terrence Malick, Natalie Portman, and Chris Eyre comes this haunting and unflinching debut feature directed by Jack Pettibone Riccobono.

Publications

Enhanced Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases

The Enhanced Resource Guidelines was developed by a steering committee of the National Council of Juvenile and Family Court Judges (NCJFCJ) comprised of judicial officers, content experts, and the NCJFCJ staff dedicated to improving the lives of children and families involved in the child welfare system. This publication is recommended for use by judges and court professionals as a tool to enhance court practice in child abuse and neglect cases.

The State of American Indian & Alaska Native Education in California 2016 Download Today!

The 2016 report is the third and final publication supported by the San Manuel Band of Mission Indians. The report provides a case study of the implementation of the Native American (Tribal) Initiative at CSUSM as a

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21st Century model to recruit, retain, serve, and graduate American Indian students from a public university. In addition, the 2016 report updates all the important K-16 data we reported on in previous publications.

[Kids Count Databook: State Trends in Child Well-Being](#)

Published by the Annie E. Casey Foundation, this report explores national trends and state-level outcomes for children's well-being. Measuring economic well-being, education, health and family and community indicators, data demonstrate persistent disparities based on race and ethnicity. African American children were more likely than the average child to live in high-poverty neighborhoods, American Indian children were twice as likely to lack health insurance and Latino children were the most likely to not attend school when they were young.

Upcoming Conferences

[Implementing VAWA in California: Navigating Interjurisdictional Waters](#)

November 17-18, 2016, Klamath, CA

The Yurok Tribe is hosting this regional conference. Topics include: Violence Against Women Act (VAWA), Public Law 280 in California, Engaging Men and Boys to Stop the Cycle of Violence, Recognition and Enforcement of Tribal Protection Orders, Batterer Intervention Programs - Best Practices for Offender Accountability, Creating a Coordinated Community Response in Tribal Communities. Included in registration admission is a special live presentation of the acclaimed play, *Mary Kathryn Nagle's Sliver of a Full Moon*, depicting the historic passage of VAWA. For more information, see the Northern California Tribal Court Coalition's website: <http://nctcc.org/> or facebook page: <http://www.facebook.com/events/1739122973028450/>.

[15th National Indian Nations Conference December 8-10, 2016](#)

December 8-10, 2016, Agua Caliente, CA

The conference theme is "Harnessing our Collective Wisdom: Strengthening the Circle of Safety, Justice and Healing." This year's conference is once again coordinated by the Tribal Law and Policy Institute under a grant from OVC.

Native American Indian Judges Association Annual Conference

October 18-21, 2016

Morongo, California

For more information, contact Nikki Borchardt Campbell at nikki@naicja.org

GRANT OPPORTUNITIES

[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](#)

[Quality Improvement Center on Child Welfare Involved Children and Families Experiencing Domestic Violence](#)

Deadline: July 22, 2016

The purpose of this funding opportunity announcement is to award a 5-year cooperative agreement to establish one Quality Improvement Center (QIC) to develop, implement and support innovative collaborative models, policies, procedures and interventions targeted toward improving the safety, permanency and well-being for families that are: (1) pregnant and/or have young children, (2) involved in the child welfare system, and (3) experiencing domestic violence. The QIC on Child Welfare Involved Children and Families Experiencing Domestic Violence will generate and nationally disseminate knowledge regarding best practices and effective policy and practice models for collaborative practices and interventions for these children and families.

[Native American Research Centers for Health \(NARCH\) \(S06\)](#)

Deadline: July 27, 2017

The purpose of this funding opportunity announcement (FOA) is to encourage grant applications for new or continued Native American Research Centers for Health (NARCH). The NARCH program supports opportunities for conducting research and career enhancement to meet the health needs of American Indian/Alaska Native (AI/AN) communities and the scientists conducting research on the health needs of these communities. This FOA is issued by the National Institute of General Medical Sciences in conjunction with the other Institutes/Centers of the National Institutes of Health (NIH) and the Indian Health Service (IHS).

[Standing Announcement for Tribal Title IV-E Plan Development Grants](#)

Deadline: July 28, 2016

The purpose of this funding opportunity announcement (FOA) is to solicit proposals for one-time grants to tribes, tribal organizations, or tribal consortia that are seeking to develop and, within 24 months of grant receipt, submit to the Department of Health and Human Services a plan to implement a title IV-E foster care, adoption assistance, and, at tribal option, guardianship assistance program. Grant funds under this FOA may be used for the cost of developing a title IV-E plan under section 471 of the Social Security Act (the Act) to carry out a program under section 479B of the Act. The grant may be used for costs relating to the development of case planning and case review systems, foster care licensing and standards for tribal foster homes and child care facilities, quality assurance systems, court structure and procedures, data collection systems, cost allocation methodology development, financial controls and financial management processes, or any other costs attributable to meeting any other requirement necessary for approval of a title IV-E plan.

[Outreach and Assistance for Socially Disadvantaged and Veteran Farmers and Ranchers Grant Program](#)

Deadline: July 29, 2016

The overall goal of this program is to assist socially disadvantaged and veteran farmers and ranchers in owning and operating farms and ranches while increasing their participation in agricultural programs and services provided by the U. S. Department of Agriculture (USDA). This program will assist eligible community-based and non-profit organizations, higher education institutions, and tribal entities in providing outreach and technical assistance to socially disadvantaged and veteran farmers and ranchers.

[Kenya Nicholas](#) Program Manager or call 202-720-6350.

[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.

[Division of Behavioral Health, Office of Clinical and Preventive Services, Methamphetamine and Suicide Prevention Initiative - Generation Indigenous \(Gen-I\) Initiative Support - New](#)

Deadline: August 1, 2016

The primary purpose of this Indian Health Service (IHS) grant is to focus on MSPI goal #6, "to promote positive AI/AN youth development and family engagement through the implementation of early intervention strategies to reduce risk factors for suicidal behavior and substance abuse." Projects will accomplish this by focusing specifically on MSPI Purpose Area #4: GEN-I Initiative Support.

[Division of Behavioral Health, Office of Clinical and Preventive Services, Methamphetamine and Suicide Prevention Initiative - Generation Indigenous \(Gen-I\) Initiative Support - Competing Supplement](#)

Deadline: August 1, 2016

The primary purpose of this grant is to focus "to promote positive AI/AN youth development and family engagement through the implementation of early intervention strategies to reduce risk factors for suicidal behavior and substance abuse." Applicants should show how they will work with Native youth up to and including age 24, on the following broad objectives: 1. Implement evidence-based and practice-based approaches to build resiliency, promote positive development, and increase self-sufficiency behaviors among Native youth; 2. Promote family engagement; 3. Increase access to prevention activities for youth to prevent methamphetamine use and other substance use disorders that contribute to suicidal behaviors, in culturally appropriate ways; and 4. Hire additional behavioral health staff (i.e., licensed behavioral health providers and paraprofessionals, including but not limited to peer specialists, mental health technicians, and community health aides) specializing

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in child, adolescent, and family services who will be responsible for implementing the project's activities that address all the broad objectives listed.

[American Indian and Alaska Native Early Head Start Expansion and Early Head Start-Child Care Partnerships](#)

Deadline: August 24, 2016

The Administration for Children and Families (ACF) announces the availability of approximately \$3.5 million to be competitively awarded for the purpose of expanding access to high-quality, comprehensive services to low-income American Indian/Alaska Native (AIAN) infants and toddlers and their families through Early Head Start-Child Care (EHS-CC) Partnerships, or through the expansion of Early Head Start services. ACF solicits applications from public entities, including states, or private non-profit organizations, including community-based or faith-based organizations, or for-profit agencies that meet eligibility for applying as stated in section 645A of the Head Start Act. Interested applicants may email EHS.CC Partnerships@acf.hhs.gov for additional information.

[Detecting and Preventing Suicide Behavior, Ideation and Self-Harm in Youth in Contact with the Juvenile Justice System](#)

Deadline: September 7, 2019

This initiative supports research to test the effectiveness of combined strategies to both detect and intervene to reduce the risk of suicide behavior, suicide ideation, and non-suicidal self-harm (NSSI) by youth in contact with the juvenile justice system. Opportunities for detection and prevention start at early points of contact (e.g., police interaction, the intake interview) and continue through many juvenile justice settings (e.g., pre-trial detention, juvenile or family court activities, court disposition, placement and on-going care in either residential or multiple community settings.) This FOA invites intervention strategies that are designed to be delivered in typical service settings using typically available personnel and resources, to enhance the implementation of interventions that prove effective, enhance their future uptake in diverse settings, and thereby reduce risk of suicide and self-harm in this population.

[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.

[Public Engagement with Historical Records](#)

Deadline: October 6, 2016

The National Historical Publications and Records Commission seeks projects that encourage public engagement with historical records, including the development of new tools that enable people to engage online. The NHPRC is looking for projects that create models and technologies that other institutions can freely adopt. In general, collaborations between archivists, documentary editors, historians, educators, and/or community-based individuals are more likely to create a competitive proposal. Projects might create and develop programs to engage people in the study and use of historical records for institutional, educational or personal reasons. For example, an applicant can:

- Enlist volunteer "citizen archivists" in projects to accelerate access to historical

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records, especially those online. This may include, but is not limited to, efforts to identify, tag, transcribe, annotate, or otherwise enhance digitized historical records. • Develop educational programs for K-16 students or community members that encourage them to engage with historical records already in repositories or that are collected as part of the project. For a comprehensive list of the Commission's limitations on funding, please see "What we do and do not fund" (<http://www.archives.gov/nhprc/apply/eligibility.html>). Applications that consist entirely of ineligible activities will not be considered. Award Information A grant normally is for one to three years. The Commission expects to make up to three grants of between \$50,000 and \$150,000. The total amount allocated for this program is up to \$275,000.

[Exploratory Clinical Trials of Novel Interventions for Mental Disorders \(R61/R33\)](#)

Deadline: October 14, 2016

The purpose of this grant is to support the efficient pilot testing of novel interventions for mental disorders in adults and children through an experimental therapeutics approach. Under this grant, 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.

[Community-Based Grants for the Prevention of Child Abuse and Neglect or Community-Based Child Abuse Prevention](#)

Deadline: October 31, 2017

In general, these funds should be used to support primary prevention (a.k.a., universal) programs and strategies which are available to all families, as well as secondary (a.k.a., targeted) prevention efforts, which target children and families at risk for abuse or neglect.

[Aidan's Red Envelope Foundation](#)

Deadline: Open

Families of a disabled child and organizations helping disabled children, can apply for grants from Aidan's Red Envelope Foundation. At this time, Aidan's Red Envelope Foundation can only consider applicant families in the Southern California area. Grant awards are limited to \$5000. Grant Applications will be reviewed on a rolling basis.

[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.

[Interventions for Health Promotion and Disease Prevention in Native American Populations](#)

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.

[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

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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.

Surdna Foundation- Teens' Artistic and Cultural Advancement

Deadline: Open

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.

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.