

# CALIFORNIA TRIBAL COURT-STATE COURT FORUM

## Forum E-Update

JANUARY 2014

### CALIFORNIA TRIBAL COURT/STATE COURT FORUM

HON. RICHARD C. BLAKE  
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HON. DENNIS M. PERLUSS  
*Cochair*

*Hon. Abby Abinanti  
Hon. April E. Attebury  
Hon. Mitchell L. Beckloff  
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Hon. Anthony J. Brandenburg  
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Hon. Michael Golden  
Hon. Cynthia Gomez  
Mr. Olin Jones  
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Hon. James R. Lambden  
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Hon. Deborah L. Sanchez  
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Hon. Joseph J. Wiseman  
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### FORUM PROPOSALS

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

**Tribal Access to Confidential Juvenile Court Files:** The California Judicial Council approved sponsoring legislation to amend section 827 of the Welfare and Institutions Code to address the issue of tribal access to confidential juvenile court files involving tribal children. The proposed legislation seeks to ensure tribal access to juvenile court files involving tribal children consistent with the mandates of existing federal and state law. Both federal and state law mandate notice to tribes of all juvenile dependency and some juvenile delinquency matters involving tribal children and provide tribes with the right to participate in these proceedings. However, Welf. & Inst. Code § 827, which governs access to confidential juvenile court files, does not mention tribes.

**SB 406:** This bill will create the 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. In response to objections from organized labor, the bill was revised. The primary changes were to the scope of the bill and to more closely track the language of the Foreign-Country Money Judgment Act (the Act). The bill now is applicable only to money judgments and includes the Act's provisions relating to the grounds for a state court's refusal to enforce the judgment.

The bill will be heard by the Senate Judiciary Committee on January 14, 2014. [http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_0401-0450/sb\\_406\\_bill\\_20140106\\_amended\\_sen\\_v98.pdf](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0401-0450/sb_406_bill_20140106_amended_sen_v98.pdf)

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) Proposed for California:** Submitted comment on tentative recommendation of 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 California. The CLRC held a public hearing in San Diego on December 13, 2013. The primary focus of the hearing was the tribal issues in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act. Minutes can be found at: <http://www.clrc.ca.gov/pub/Minutes/Minutes2013-12.pdf>

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## JUDICIAL COUNCIL ADMINISTRATIVE OFFICE OF THE COURTS

### JUDICIAL COURT OPERATIONS

### SERVICES DIVISION

### CENTER FOR FAMILIES,

### CHILDREN & THE COURTS

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Tribal/State Programs Link:  
[http://www.courts.ca.gov/progr  
ams-tribal.htm](http://www.courts.ca.gov/progr<br/>ams-tribal.htm)

## FORUM EDUCATIONAL MEETING

**Next In-Person Forum Meeting, March 4, 2014:** This meeting will also serve as an educational session for forum members and invited judges. Topics include: Access to Justice- Promoting Structural Reforms and Exploring Racial Identity; P.L. 280 Session- Domestic Violence; Tribal-State Local Court Collaboration; Child Welfare; and the Tribal Law and Order Act (TLOA).

## PROPOSED NEW RULE

### **Invitation to Comment: Rule on Meetings of Judicial Council Advisory Bodies Comments due 5:00 p.m. February 7, 2014**

The proposed new rule would provide greater public access to meetings of the council's advisory bodies. It recognizes the importance of open public meetings, especially on matters concerning the judicial branch budget. It is intended to balance the importance of open meetings with significant judicial branch concerns, including ethical constraints on the judicial officers who participate on advisory bodies, staffing and other resource limitations, and the need to maintain an effective rule-making process.

<http://www.courts.ca.gov/policyadmin-invitationstocomment.htm>

## EDUCATIONAL OPPORTUNITIES

### **Training for Public Law 280 Tribes**

### **Federal Re-Assumption of Criminal Jurisdiction under the Tribal Law and Order Act: The White Earth Experience**

**January 31, 2014 8:30am–4:00pm | Catamaran Hotel, San Diego, CA**

This training will focus on the provisions of the Tribal Law and Order Act (TLOA) that allow tribes, under Public Law 280 jurisdiction, to request the federal government re-assume certain criminal jurisdiction on the tribe's reservation.

Register at: <http://regonline.com/tloa>

### **2014 Tribal Court Conference Tribal Law and Order Act Enhanced Sentencing Prosecuting DUI Offenders in Tribal Court January 30-31, 2013 | Catamaran Resort Hotel | San Diego, CA**

This event will address the many issues that relate to the planning and implementation of the TLOA enhanced sentencing provisions. There will also be a training track that specifically identifies the issues arising in DWI cases in tribal courts and the intersection of these cases with the TLOA.

Register and for more information: [www.law.und.edu/tji/events.cfm](http://www.law.und.edu/tji/events.cfm)

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.

## **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](#).

## **ICWA Educational Resource Video - Bringing Our Children Home: An Introduction to the Indian Child Welfare Act**

The video will be a companion to the National ICWA Judicial Curriculum currently in development, a resource designed for state court judges, courts, and judicial educators.

[http://courts.ms.gov/trialcourts/youthcourt/youthcourt\\_ycvideos.html](http://courts.ms.gov/trialcourts/youthcourt/youthcourt_ycvideos.html)

## **Inter-American Human Rights System Handbook - Combating Violence Against Native Women in the U.S**

A new handbook by the Indian Law Resource Center documents advocacy within the Inter-American Human Rights System to combat violence against Native women in the United States. NIWRC's Executive Director, Lucy Simpson, was Senior Staff Attorney with the Indian Law Resource Center when this work began, and co-drafted numerous briefs and reports to various tribunals within the Inter-American System on violence against Native women as a human rights crisis. NIWRC's Dorma Sahneyah and Lisa Brunner have also participated in this important work over the years. The Indian Law Resource Center, along with NIWRC, hopes this resource contributes to the hard work that remains to ensure that all indigenous peoples can fully enjoy their human rights. The handbook is available to read here:

<http://www.indianlaw.org/sites/default/files/IACHR-Handbook.pdf>

## **GRANT OPPORTUNITIES**

### **Pragmatic Research in Healthcare Settings to Improve Diabetes Prevention and Care (R18)**

**Due By: February 3, 2014**

The purpose of this Research Demonstration and Dissemination Projects (R18) Funding Opportunity Announcement (FOA) is to support research to test approaches to improve diabetes treatment and prevention in existing healthcare settings. Applications are sought that test practical and potentially sustainable strategies, delivered in routine clinical care settings, to improve processes of care and health outcomes of individuals who are at risk for or have diabetes. The goal is that the research results will improve routine clinical practice and inform policy in representative healthcare settings.

<http://grants.nih.gov/grants/guide/pa-files/PAR-13-366.html>

**OVW FY 2014 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program  
Office on Violence Against Women — Department of Justice**

**Due By: February 19, 2014**

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=249777>

**OVW FY 2014 Technical Assistance Program**

**Office on Violence Against Women — Department of Justice**

**Due By: March 6, 2014**

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=249860>

**Planning Grants for Expansion of the Comprehensive Community Mental Health Services for Children and their Families System of Care Expansion Planning Grants**

**Due by: March 19, 2014**

The Substance Abuse and Mental Health Services Administration, Center for Mental Health Services is accepting applications for fiscal year (FY) 2014 for Planning Grants for Expansion of the Comprehensive Community Mental Health Services for Children and their Families (System of Care Expansion Planning Grants). The purpose of this program is to develop a comprehensive strategic plan for improving, expanding and sustaining services provided through a system of care (SOC) approach for children and youth with serious emotional disturbances and their families.

The intent of the System of Care Expansion Planning Grants is to build and expand upon the progress achieved in the Comprehensive Community Mental Health for Children and Their Families Program (CMHI) by addressing the mental health needs of children, youth, and families/caregivers. SAMHSA expects that these grants will help facilitate state/tribal and territory wide adoption of SOC framework and increase state Medicaid and other third party reimbursement for the SOC spectrum of services and supports. Applicants are expected to create comprehensive and sustainable plans for infrastructure, services, and supports that are consistent with the requirements authorized under Section 561 of the Public Health Service Act, as amended. <http://beta.samhsa.gov/grants/grant-announcements/sm-14-001>

**FY 2014 U.S. Department of Justice Coordinated Tribal Assistance Solicitation**

**Due by: March 24, 2014**

<http://www.grants.gov/web/grants/view-opportunity.html?oppld=249265>

**National Quality Improvement Center for Adoption/Guardianship Support and Preservation**

**Due by: May 12, 2014**

The purpose of this funding opportunity is to establish, by awarding a cooperative agreement, one Quality Improvement Center (QIC) that will conduct 6-8 projects in partnership with state child welfare systems to produce a multi-faceted system of successful supports and interventions that support the permanency and stability of youth from the child welfare system in adoptive and guardianship homes. [http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=66876](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=66876)

## **Interventions for Health Promotion and Disease Prevention in Native American Populations**

**Due by: May 15, 2014**

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. <http://grants.nih.gov/grants/guide/pa-files/PAR-11-346.html>

## **Tribal Title IV-E Plan Development Grants HHS-2014-ACF-ACYF-CS-0800**

**Due by: June 4, 2014**

[http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff\\_grants\\_forecastInfoID=66879](http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=66879)

## **Tribal Historic Preservation Offices (THPO) Historic Preservation Fund Grants in Aid**

**Due by: September 30, 2014**

To provide formula grants to THPO for the identification, evaluation, and cultural and historical preservation by such means as survey, education, archeology, planning, and technical assistance. To assist THPOs in carrying out responsibilities as stated under the National Historic Preservation Act of 1966, as amended through 2006. [http://www.nps.gov/history/thpo/grant\\_application.html](http://www.nps.gov/history/thpo/grant_application.html)

## **Indian Community Development Block Grant (ICDBG) Program**

**Due by: Not specified**

The ICDBG Program provides eligible grantees with direct grants for use in developing viable Indian and Alaska Native Communities, including decent housing, a suitable living environment, and economic opportunities, primarily for low and moderate income persons. The ICDBG program can provide funding for recipients in the following categories: *Housing*: Housing rehabilitation, land acquisition to support new housing construction, and under limited circumstances, new housing construction. *Community Facilities*: Infrastructure construction, e.g., roads, water and sewer facilities; and, single or multipurpose community buildings. *Economic Development*: Wide variety of commercial, industrial, agricultural projects which may be recipient owned and operated or which may be owned and/or operated by a third party.

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/ih/grants/icdbg](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/icdbg)