

CALIFORNIA TRIBAL COURT/STATE COURT FORUM

ANNOUNCEMENTS

Draft Tribal Court Civil Judgment Act, Submitted to the Judicial Council for its December 14, 2012 Meeting. The Policy Coordination and Liaison Committee, California Tribal Court/State Court Forum, Civil and Small Claims Advisory Committee, and Family and Juvenile Law Advisory Committee, jointly recommend that the Judicial Council sponsor legislation to clarify and simplify the process by which tribal court civil judgments will be recognized and enforced in California, in the form of the Tribal Court Civil Judgment Act. Currently, tribal court judgments may be recognized under the provisions of the Uniform Foreign-Country Money Judgments Recognition Act. (Code of Civ. Proc., §§ 1713-1724.) Proceedings to obtain enforcement under that act can be lengthy and costly. This proposal would provide a discrete procedure for recognizing and enforcing tribal court civil judgments, to provide swifter recognition of such judgments while continuing to apply the principles of comity appropriate to judgments of sovereign tribes.

Draft Tribal Customary Adoption Legislative Report, Submitted to the Judicial Council for its December 14, 2012 Meeting. Assembly Bill 1325 (Cook; Stats. 2009, ch.287) (AB 1325), which became effective July 1, 2010, was tribally initiated legislation which added a new permanency option for Indian children who are dependents of the California courts. This new permanency option known as tribal customary adoption (TCA) allows these children, with the involvement of their tribe, to be adopted by and through the laws, customs and traditions of their tribe without requiring termination of the parental rights of the Indian child's biological parents. Section 12 of AB 1325 (Codified as Welfare and Institutions Code section 366.24 (f)) required the Judicial Council to "...study California's tribal customary adoption provisions and their effects on children, birth parents, adoptive parents, Indian custodians, tribes, and the court, and shall report all of its findings to the Legislature. AOC staff has conducted research as required by the statute and the attached report sets out the findings of that research.

Draft Rule Proposal on Juvenile Law: Indian Child Welfare Act in Delinquency Cases, Submitted to the Judicial Council Rules and Projects Committee for its December 7, 2012 Meeting. The California Supreme Court's decision in *In re W.B. 55 Cal.4th 30*, issued August 6, 2012, requires revisions to the California Rules of Court governing the application of the Indian Child Welfare Act (ICWA) and corresponding provisions of the Welfare and Institutions Code in juvenile wardship proceedings. As currently drafted, the rules require compliance with all of the substantive ICWA requirements in any juvenile wardship proceeding when the child is in foster care or at risk of entering foster care. The California Supreme Court held in *W.B.* that this application of ICWA and state law is overbroad.

Forum E-Update

NOVEMBER 2012

CALIFORNIA TRIBAL COURT/STATE COURT FORUM

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JUDICIAL COUNCIL ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL COURT OPERATIONS
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Tribal Projects Link:
<http://www.courts.ca.gov/v/programs-tribal.htm>

New Tribal Communities and Domestic Violence Judicial Bench Guide

This bench guide will inform judicial officers about barriers, dispel myths about native victims, tribes, and the law, present a primer on federal Indian law, and highlight some of the interjurisdictional challenges state and tribal court judges face when recognizing and enforcing each other's protective orders. By understanding barriers facing native victims, delving into the complexities of federal Indian law, and uncovering the interjurisdictional challenges, courts will be better equipped to make rulings, avoid conflicting rulings, and engage native and non-native service providers and justice system professionals to better serve native victims. This bench guide is available at the State Judicial Branch Court Extranet.

New Administration for Children and Families' (ACF) website launched. The website includes The Family Room blog that discusses new initiatives at the agency, success stories and policy announcements. The blog topics include: Adoption; Affordable Care Act; Child Abuse & Neglect; Child Care; Child Support; Domestic Violence; Early Childhood Education; Emergency Response; Energy Assistance; Families; Fathers/ Fatherhood; Foster care; Head Start; Health Care; Health Profession Opportunity Grants; Human Trafficking; Jobs/ Employment; Marriage; Psychotropic Drugs; Refugees; Runaway & Homeless Youth; Temporary Assistance for Needy Families (TANF); Women's Issues; Youth. Visit The Family Room blog at <https://www.acf.hhs.gov/blog>

CONFERENCES

13th National Indian Nations Conference: Justice for Victims of Crime on December 6 — 8, 2012

Pre-Conference Institute on Tribal and State Court Collaboration will be held on Wednesday, December 5, 2012 (Deadline to Register: November 16)

This national conference will provide opportunities for tribal, state, and federal participants to share knowledge, experiences, and ideas for developing and improving strategies and programs that serve the unique needs of crime victims in Indian Country. To register follow this link: <http://www.ovcinc.org/>

The California Tribal Court/State Court Forum has been asked to send a delegation to the December 5th Pre-Conference Institute. For more information, contact Maureen White Eagle at mwhiteeagle@msn.com. If you are thinking you would like to attend as part of our forum delegation, please also contact Jenny Walter at jennifer.walter@jud.ca.gov.

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2012 Aranda Access to Justice Award

SAN FRANCISCO—Judge Juan Ulloa, of the Superior Court of Imperial County, was presented with the 2012 Aranda Access to Justice Award at the California State Bar Annual Meeting in Monterey today. Judge Ulloa was recognized for establishing a collaborative relationship with court and consulate officials from Mexico to better serve the legal needs of his community, as well as, for being a leader in court reform efforts and working to improve access to justice for all Imperial County residents. The award was presented to Judge Ulloa by Chief Justice Tani G. Cantil-Sakauye and Mr. Jon Streeter, President of the State Bar of California during the Bar’s 2012 Awards Reception.



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GRANT OPPORTUNITIES:

1. National Tribal Protection Order Registry Initiative Call for Concept Papers

Deadline: December 18, 2012

Title IX of the Violence Against Women Act of 2005 (VAWA 2005) includes a number of programs and initiatives that are specific to the unique needs of tribal governments. Section 905 of the Act authorizes the creation of a national tribal protection order registry that would contain “civil and criminal order of protection issued by Indian tribes and participating jurisdictions.” The statute also directs the Attorney General of the United States to “contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain” the registry. The goal of Section 905 is to provide Indian tribal governments with the ability to have timely access to accurate data related to individuals who are the subject of a criminal or civil protection order issued by tribal courts. The registry will also provide participating tribes with the opportunity to share information about alleged domestic violence offenders with other tribal jurisdictions nationwide. Tribes also need the ability to share information with non-tribal law enforcement agencies in order to help protect Indian women from violence. The goal of this initiative is to develop and implement a tribal protection order registry specified in Title IX of VAWA 2005 containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions, as well as to assist tribes with accessing the national criminal information databases. For more information see link: <http://www.ovw.usdoj.gov/docs/ntpori.pdf>

2. National Service Agency Announces AmeriCorps Funding Opportunities for Indian Tribes

Deadline: January 23, 2013

Indian Tribes and organizations that support Native American communities have been successfully drawing upon national service resources to meet family and community needs for more than 40 years. The Corporation for National and Community Service through its Senior Corps, AmeriCorps State and National, AmeriCorps VISTA, AmeriCorps National Civilian Community Corps (NCCC), and Learn and Serve America has a long-standing commitment to working with tribal nations on a government-to-government basis and is committed to enhancing the collaboration process across all programs to address critical issues affecting Native American communities. For more information see link: http://www.nationalservice.gov/about/newsroom/releases_detail.asp?tbl_pr_id=2127