

# CALIFORNIA TRIBAL COURT/STATE COURT FORUM

## Forum E-Update

DECEMBER 2013

### CALIFORNIA 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. Anthony J. Brandenburg  
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  
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Hon. James R. Lambden  
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Hon. Kimberly J. Nystrom-Geist  
Hon. Deborah A. Ryan  
Hon. Deborah L. Sanchez  
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Hon. Christine Williams  
Hon. Christopher G. Wilson  
Hon. Joseph J. Wiseman  
Hon. Sarah S. Works

### 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 Judicial Council will consider the proposal to amend section 827 of the Welfare and Institutions Code. It is on the consent agenda for December 13, 2013. <http://www.courts.ca.gov/documents/jc-20131213-itemG.pdf>

**Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (UAGPPJA) proposed for California:** Submitted comments on tentative recommendation of the California Law Revision Commission 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. These comments included a new Article 6 be added to the proposed California UAGPPJA, consisting of new Probate Code sections 2041–2047, to deal specifically with interactions between California tribal courts and state courts in matters covered by UAGPPJA. The Commission has agreed to amend its recommendation to incorporate comments. See <http://www.courts.ca.gov/documents/Article6v8Proposal.pdf> to amend Commission draft of UAGPPJA to address issues involving conservatorships for members of Indian tribes located in California.

### Next In-Person Forum Meeting, March 4, 2014.

This meeting will also serve as an educational session for forum members and invited guests. 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).

### PUBLICATIONS

**Indian Law and Order Commission Report Released (November 2013)**  
**A Roadmap for Making Native America Safer— Report to the President and Congress of the United States-** Required by the Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA), this report is intended to make Native American and Alaska Native nations safer and more just for all U.S. citizens and to reduce the unacceptably high rates of violent crime that have plagued Indian country for decades. This report reflects one of the most comprehensive assessments ever undertaken of criminal justice systems servicing Native American and Alaska Native communities. <https://www.indianlawandordercommission.com/report>

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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)

### Federal Resources for Tribal Criminal Defense & Juvenile Delinquency

**Representation-** The Access to Justice Initiative of the U.S. Department of Justice has compiled this resource publication to provide an overview of grants, training, technical assistance, and other resources provided by the federal government that may be of particular interest to tribal criminal defense and delinquency representation providers. <http://turtletalk.files.wordpress.com/2013/12/final-tribal-defense-resource-guide.pdf>

### EDUCATIONAL OPPORTUNITIES

#### Webinar: Considerations for Implementing Enhanced Sentencing Authority

Wednesday, December 18, 2013 at 3:00-4:30 p.m. (eastern time)

This webinar will enable tribes (tribal leaders/tribal professionals/tribal attorneys) to evaluate the pros and cons of implementation of various aspects of the Tribal Law and Order Act (TLOA), including enhanced sentencing. The analysis will include a method to determine the pros and cons for each particular tribe; what general considerations the tribe may take into account including which crimes to pursue enhanced sentencing for; what, if any, additional costs the tribe may encounter and how to limit those additional costs; what portions of TLOA the tribe may wish to take advantage of if it chooses to implement enhanced sentencing; and/or other aspects of TLOA that may affect the tribe.

Register here: <http://tinyurl.com/mrs48z9>

#### 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 Angelica Souza at 415-865-7417 or [angelica.souza@jud.ca.gov](mailto:angelica.souza@jud.ca.gov).

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.

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## **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**

### **Surdna Foundation**

#### **Deadline: Open (Letters of Inquiry)**

The Thriving Cultures Program supports programs that successfully connect teens to artistically rigorous and culturally relevant programs that equip them with practical and life-enhancing skills. This foundation supports programs that prepare young, emerging artists to be creative and innovative leaders in their communities. <http://www.surdna.org>

### **Joint Jurisdictional Court Initiative**

#### **Deadline: December 20, 2013**

Bureau of Justice Assistance funded TEAM Project's training and technical assistance for tribal, state, and local governments to develop a collaborative joint jurisdictional court initiative. This is a wonderful opportunity to advance your existing local tribal/state court collaboration and learn from the first joint-jurisdictional court in the country: Leech Lake Band of Ojibwe Tribal Court and the Cass

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and Itasca County District Courts in Minnesota. The tribal and state court judges in these courts have successfully operated joint-jurisdiction Wellness Courts for the past seven years. Link to Request for Proposal <http://www.ohsu.edu/xd/research/centers-institutes/evidence-based-policy-center/stakeholder-engagement/upload/BJA-TEAM-Request-for-Proposals-FINAL.pdf> and link to application: <http://www.ohsu.edu/xd/research/centers-institutes/evidence-based-policy-center/stakeholder-engagement/upload/BJA-TEAM-Pilot-Site-Application-FINAL.pdf>.

## **First Nations Development Institute**

For over 30 years, First Nations Development Institute has been providing technical assistance and grant funding to tribal communities in an effort to strengthen economic development and healthy living. Their programs include: [Financial & Investor Education](#) , [Combating Predatory Lending](#) , [Native American Business & Asset Development](#) , [Strengthening Native American Nonprofits](#) and [Native Foods & Health](#). You can sign up for their newsletter and list serve that provides information on upcoming grant funding. For more information visit: <http://www.firstnations.org/>

## **Secondary Analyses of Social and Behavioral Datasets in Aging (R03)**

**Due By: January 3, 2014 (letter of intent) & January 7, 2014 (application)**

The purpose of this FOA is to solicit R03 applications for up to two years for secondary analysis of data on aging in the areas of psychology, social epidemiology, economics, sociology, and demography. <http://grants.nih.gov/grants/guide/rfa-files/RFA-AG-14-008.html>

## **Research on the Health Determinants and Consequences of Violence and its Prevention, Particularly Firearm Violence**

**Due By: January 5, 2014**

This funding opportunity announcement (FOA) spans across the missions of several NIH Institutes and Centers (ICs) and Offices, and includes basic neuroscience and basic behavioral research, clinical and translational studies, intervention development at the individual, family and community level, efficacy trials of interventions based on evidence from basic and translational studies, and research to identify the best ways to disseminate and implement efficacious and evidence-based interventions in real-world settings. While this FOA covers all of the areas mentioned above, particular consideration will be given to applications that propose studies of the intersection that focus on the various types of violence (homicide, suicide, youth and gang-related, intimate partner) and firearms.

<http://grants.nih.gov/grants/guide/pa-files/PA-13-363.html>

## **Behavioral & Integrative Treatment Development Program (R03)**

**Due By: January 7, 2014**

The purpose of this FOA for R03s is to encourage investigators to propose discrete well-defined projects that can be completed within two years. Projects of interest fall within the research domain of behavioral or integrated (e.g., behavioral and pharmacological) interventions targeting: (a) drug abuse (including comorbidities); (b) prevention of acquisition or transmission of HIV infection among individuals in drug abuse treatment; (c) promotion of adherence to drug abuse treatment, HIV and addiction medications; and (d) chronic pain. Specific examples include, but are not limited to studies

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focusing on: 1) Stage I intervention generation; 2) Stage I pilot or feasibility – and both should include the development of putative moderators, mediators, and change mechanisms; (3) Stage I studies to generate or refine drug abuse treatment or adherence interventions for use in primary care; (4) Stage I research to boost effects and increase implementability of interventions with creative use of technology or through other means.

<http://grants.nih.gov/grants/guide/pa-files/PA-13-079.html>

## **Translational Research to Improve Diabetes and Obesity Outcomes (R01)**

**Due By: January 7, 2014**

This Funding Opportunity Announcement (FOA) encourages NIH Research Project Grants (R01) to test practical, sustainable, and cost efficient adaptations of efficacious strategies or approaches to prevent and treat diabetes and/or obesity. Research focused on the prevention or reversal of obesity, prevention of type 2 diabetes, improved care of type 1 and type 2 diabetes, or the prevention or delay of the complications of these conditions is encouraged. The approaches tested should have the potential for wide dissemination and implementation outside of an academic setting such as in routine clinical practice or communities at risk.

<http://grants.nih.gov/grants/guide/pa-files/PA-13-352.html>

## **AmeriCorps State and National Grant Competitions Corporation for National and Community Service**

**Due by: January 8, 2014**

Purpose of AmeriCorps funding AmeriCorps grants are awarded to eligible organizations proposing to engage AmeriCorps members in evidence-based or evidence-informed (e.g., based on proposed program's data or a similar program's data) 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 receive a Segal AmeriCorps Education Award from the National Service Trust. For two decades, the Corporation for National and Community Service (CNCS) has invested in community solutions across the nation -- working hand in hand with local partners to improve lives, expand economic opportunity, and engage millions of Americans in solving problems in their communities **(202) 606-7508 or search under grants.gov under: CNCS-GRANTS-09062013**. There is no direct link to the full announcement.

## **Transitional Living Program and Maternity Group Homes**

**Due By: January 15, 2014**

The Family and Youth Services Bureau (FYSB) through the Transitional Living Program (TLP) and for Maternity Group Homes (MGH) provide an alternative to involving RHY in the law enforcement, child welfare, mental health, and juvenile justice systems. Each TLP must provide a safe and appropriate shelter for up to 21 months of services with adult supervision, life and interpersonal skill building, career counseling and job skills, counseling, and medical care as appropriate. MGHs provide the same services as a TLP in addition to providing parenting instructions and child care. Other services that are offered include, but are not limited to, transportation, family planning, abstinence education and pregnancy prevention services.

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<http://www.acf.hhs.gov/grants/open/foa/view/HHS-2014-ACF-ACYF-CX-0567>

## **Nutrition and Alcohol-Related Health Outcomes (R03)**

**Due By: January 16, 2014**

This Funding Opportunity Announcement (FOA) encourages applications that propose to examine associations between nutrition and alcohol-related health outcomes in humans and animal models. The goal of this FOA is to stimulate a broad range of research on the role of nutrition in the development, prevention, and treatment of a variety of alcohol-related health outcomes including alcohol use disorder and chronic disease.

<http://grants.nih.gov/grants/guide/pa-files/PA-13-360.html>

## **Healthy Start Initiative: Eliminating Disparities in Perinatal Health**

**Health Resources & Services Administration — Department of Health and Human Services**

**Due By: January 17, 2014**

This announcement solicits applications for the Healthy Start Initiative: Eliminating Disparities in Perinatal Health program. The Healthy Start (HS) program aims to reduce disparities in infant mortality and adverse perinatal outcomes by: 1) improving women's health, 2) promoting quality services, 3) strengthening family resilience, 4) achieving collective impact, and 5) increasing accountability through quality improvement, performance monitoring, and evaluation. HS grants are provided to communities with rates of infant mortality at least 1½ times the U.S. national average and high rates for other adverse perinatal outcomes (e.g., low birthweight, preterm birth, maternal morbidity and mortality) in order to address the needs of high-risk women and their families before, during, and after pregnancy. HS works to reduce the disparity in health status between the general population and individuals who are members of racial or ethnic minority groups. 42 U.S.C. § 254 c-8(e)(2)(B). HS services begin in the prenatal period and follow the woman and child through two years after the end of the pregnancy

<http://www.grants.gov/web/grants/search-grants.html>

## **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/PA-13-366.html>

## **Women's Mental Health During Pregnancy and the Postpartum Period (R01)**

**Due By: Applications accepted now and closes by May 8, 2015**

The purpose of this Funding Opportunity Announcement (FOA) is to outline priority areas for research related to women's mental health during pregnancy and the postpartum period. Priority areas include basic and clinical neuroscience, studies of clinical course, epidemiological factors and

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risk factors, as well as interventions and services research. The NIMH, NICHD, and NIDA are committed to supporting research that will increase scientific understanding of and treatments for mental disorders experienced by women during and following pregnancy. Reduction of the public health burden of mental disorders during this perinatal period will improve the health and well-being of new mothers, their children and families.

<http://grants.nih.gov/grants/guide/pa-files/PA-12-216.html>

## **Research on Autism Spectrum Disorders (R03)**

**Due By: Applications accepted now and closes by May 8, 2016**

This Funding Opportunity Announcement (FOA) encourages research grant applications to support research designed to elucidate the etiology, epidemiology, diagnosis, treatment, and optimal means of service delivery in relation to autism spectrum disorders (ASD). Basic, clinical, and applied studies are encouraged. The R03 award mechanism supports different types of projects including pilot and feasibility studies; secondary analysis of existing data; small, self-contained research projects; development of research methodology; and development of new research technology. The R03 is intended to support small research projects that can be carried out in a short period of time with limited resources.

<http://grants.nih.gov/grants/guide/pa-files/PA-13-218.html>

## **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/PA-11-346.html>

## **Behavioral and Social Genomics of Aging: Opportunities in the Health and Retirement Study**

**Due by: September 7, 2014**

The Health and Retirement Study (HRS) is a longitudinal, nationally representative sample of the US population aged 50 years and older (plus spouses) with an oversample of African and Hispanic Americans and a total sample size of over 20,000. Using funds from the American Reinvestment and Recovery Act, the HRS is currently conducting genome-wide scans of DNA samples from approximately 20,000 participants, using the Illumina HumanOmni 2.5 Quad chip. It is anticipated that the genotype data for the first 13,000 subjects will be released to the public via dbGaP in the Fall of 2011, with data from the remaining participants to be released by the end of 2012. This FOA encourages applications taking advantage of the newly available genetic data to advance our understanding of how genetic, behavioral, and psychosocial factors

affect the health and well-being of older Americans. For more information visit this link:

<http://grants.nih.gov/grants/guide/pa-files/PA-11-318.html>

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## **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)

## **Recovery Act - American Recovery and Reinvestment Act (ARRA): Tribal Transit Program**

**Due by: "to be determined"**

The Federal Transit Administration (FTA) will be accepting discretionary applications for funds made available under the "American Recovery and Reinvestment Act, 2009" (Pub. L. 111-5; "ARRA") to the Public Transportation on Indian Reservations Program (Tribal Transit Program). The ARRA was signed into law by President Barack Obama on February 17, 2009. Goals of the statute include the preservation and creation of jobs and promotion of an economic recovery, as well as the investment in transportation, environmental protection, and other infrastructure providing long-term economic benefits. The ARRA, Tribal Transit program purpose is to provide funding to federally recognized Indian Tribes for public transportation capital projects for use in public transportation. Under ARRA, \$17 million is available for discretionary award.

<http://www.gpo.gov/fdsys/pkg/FR-2009-03-23/html/E9-6271.htm>