

CALIFORNIA TRIBAL COURT–STATE COURT FORUM

Forum E-Update

April 2014

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HON. RICHARD C. BLAKE
Cochair

HON. DENNIS M. PERLUSS
Cochair

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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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FORUM PROPOSALS

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

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

AB 1618: Tribal Access to Confidential Juvenile Court Files:

On March 25, 2014, the Assembly Judiciary Committee voted by consent to move the bill to the floor

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. [AB 1618 Fact Sheet](#) and http://leginfo.ca.gov/pub/13-14/bill/asm/ab_1601-1650/ab_1618_bill_20140206_introduced.pdf

SB 940 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.

http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_0901-0950/sb_940_bill_20140310_amended_sen_v98.pdf

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/programs-tribal.htm>

EDUCATIONAL OPPORTUNITIES

Enhancing Judicial Skills in Domestic Violence Cases Workshop

April 27 - 30, 2014 (San Francisco, CA)

<https://www.njidv.org/education-opportunities/ejs-dv.html>

Domestic Violence Judicial Institute: An Orientation to Judicial Skills

May 19–22, 2014 (San Francisco, CA)

This program will focus on skills-building exercises and contains a pre-institute workshop on domestic violence law. All allowable expenses will be reimbursed by the AOC. Please see course [description](#) and [application](#). For more information, contact Penny Davis at 415-865-8815; penny.davis@jud.ca.gov.

21st Annual State Indian Child Welfare Act Conference

June 17-19, 2014 (Lemoore, CA)

Tachi Palace Hotel & Casino

For more information contact Theresa Sam 559.225.5000 x2107;

tsam@nfr-nsn.gov

Case Management Practices for Tribal Probation Personnel

June 17-19, 2014 (Fort Lauderdale, FL)

This training is sponsored by the American Probation & Parole Association, in partnership with the Center for Strength-Based Strategies and the Vera Institute of Justice. <https://www.surveymonkey.com/s/GZVLX65>

National Consortium on Racial and Ethnic Fairness in the Courts 26th Annual Meeting

June 25–28, 2014 (Cody & Heart Mountain, Wyoming)

http://www.heartmountain.org/national_consortium_21_2191737032.pdf

9th Annual Youth Court Summit-Best Practices for Positive Results

June 27 - 29, 2014 (Rohnert Park, California)

Sponsored by the California Association of Youth Courts, and Administrative Office of the Courts, Center for Families, Children & the Courts. For more information contact Jennifer Richards at jennifer@yvpc.org

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.

MORE EDUCATIONAL RESOURCES

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.

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](#).

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. The handbook is available to read here: <http://www.indianlaw.org/sites/default/files/IACHR-Handbook.pdf>

[Indian Child Welfare Act Facts & Fiction](#) (December 23, 2013) - The Tribal Judicial Leadership Group (comprised of tribal and state court judges), coordinated by the National Council of Juvenile and Family Court Judges (NCJFCJ) and Casey Family Programs identified the need to dispel common misconceptions and misunderstandings around the Indian Child Welfare Act. Included in this document are common misunderstandings, facts, recommended practices, and statutory references surrounding application, notice, membership, intervention, transfer, active efforts, best interests, qualified expert witnesses, and placement. This structure is meant to allow users to jump to issues of particular concern in their jurisdictions, but can also be reviewed as a whole. The goal of this publication is to improve compliance with ICWA and assist judges in fulfilling its mandates.

http://www.ncjfcj.org/sites/default/files/ICWA_Facts&Fiction_Final.pdf

Indian Child Welfare Act (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_vcvideos.html

GRANT OPPORTUNITIES

Grants Awarded: National Council of Juvenile and Family Court Judges (NCJFCJ) Selects 16 Court Sites to Participate in its School Pathways to the Juvenile Justice System Project Through March 2015

The Atlantic Philanthropies, in conjunction with Public Welfare Foundation and the Open Society Institute, awarded the NCJFCJ the School Pathways to the Juvenile Justice System Project. The Office of Juvenile Justice and Delinquency Prevention is funding an evaluation of the project. The NCJFCJ will provide training and technical assistance to help judicial leaders develop efforts to reduce referrals of youth to juvenile courts for school-based misbehaviors and to expand the use of positive disciplinary practices in schools. Of the 16 participating court sites, 3 are in California: Tehama County Superior Court; Hoopa Valley Tribal Court; and the Superior Court of Sacramento County.

<http://www.ncjfcj.org/ncjfcj-selects-16-court-sites-participate-its-school-pathways-juvenile-justice-system-project>

AmeriCorps Indian Tribes Grants FY 2014 Corporation for National and Community Service Due by: April 30, 2014

With the FY 2014 AmeriCorps Indian Tribes Notice of Funding Opportunity, the Corporation for National and Community Service (CNCS) seeks to prioritize the investment of national service resources in economic opportunity, education, veterans and military families, and disaster services in Native American communities. Through this grant competition, CNCS will continue to focus on national service programs that:

- Improve academic outcomes for children, youth, and young adults - reflecting the extensive experience and past success of national service programs in education;
- Serve veterans and military families or engage veterans and military families in service;
- Increase community resiliency through disaster preparation, response, recovery, and mitigation; and
- Increase economic opportunities for communities and AmeriCorps members.

Contact: AmeriCorpsGrants@cns.gov or call (202) 606-7508 <http://www.nationalservice.gov/build-your-capacity/grants/funding-opportunities/2014/ameri-corps-indian-tribes-grants-fy-2014>

Child Welfare — National Child Welfare Capacity Building Center for Tribal Child Welfare Due by: May 10, 2014

The purpose of this funding opportunity announcement is to establish by cooperative agreement a National Child Welfare Capacity Building Center for Tribes (CBCT). CBCT will work collaboratively with other Children's Bureau (CB) supported initiatives to improve child welfare systems and to support Tribes and States in achieving sustainable, systemic change that results in greater safety, permanency, and well-being for children, youth, and families. CBCT will serve as the focal point for coordinated and culturally competent training and technical assistance to title IV-B and title IV-E programs in American Indian and Alaska Native Nations. CBCT is intended to:

- Successfully engage Tribes and States, to be the primary provider of universal, targeted and intensive Tribal training and technical assistance;
- Facilitate peer-to-peer consultation between Tribes and States regarding child welfare issues;
- Enhance Tribal access to and utilization of CBCT support; and
- Increase cultural competence and sensitivity to Tribal voices in Tribal and State child welfare systems.

http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=67081

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>

OVC FY 14 Services for Victims of Human Trafficking

Due by: May 15, 2014

OVC will make awards ranging from \$200,000 to \$500,000 to organizations with a demonstrated history of providing either comprehensive or specialized services for victims of human trafficking within the United States. Funding also will support efforts to increase interagency collaboration and the coordinated community response to victims of human trafficking. OVC intends to dedicate a portion of the funding for specialized services for American Indian and/or Alaskan Native victims of human trafficking. http://ojp.gov/ovc/grants/pdf/txt/FY14_ServicesforVictims_HumanTrafficking.pdf

OJJDP FY 2014 Mentoring for Child Victims of Commercial Sexual Exploitation and Domestic Sex Trafficking Initiative

Due by: May 15, 2014

There are two categories of funding available under this solicitation. Category 1: Mentoring Project Sites. This program supports efforts of eligible applicant organizations to develop or enhance their mentoring capacity, facilitate outreach efforts, and increase the availability of direct services for child victims (younger than age 18) of commercial sexual exploitation (CSE) and domestic sex trafficking (DST), including children who are U.S. citizens or legal permanent residents. Category 2: Training and Technical Assistance. In addition to supporting program implementation and direct service activities, the initiative will fund a training and technical assistance provider to support the Category 1 project sites. This program is authorized by Paragraphs 2, and 6 under the Juvenile Justice heading, of the Department of Justice Appropriations Act, 2014, P.L. 113-76, 128 Stat. 5, 64-65.

<http://www.ojjdp.gov/grants/solicitations/FY2014/CVCSDESTMentoring.pdf>

Fiscal Year (FY) 2014 Tribal Homeland Security Grant Program (THSGP)

Department of Homeland Security - FEMA — Department of Homeland Security

Due by: May 23, 2014

The FY 2014 THSGP THSGP supports the building, sustainment and delivery of core capabilities to enable Tribes to strengthen their capacity to prevent, protect against, mitigate, respond to, and recover from potential terrorist attacks and other hazards. The anticipated effects of the proposed use of the THSGP grant funds are to increase the ability of Tribes to prevent, prepare for, protect against, and respond to acts of terrorism, to meet its capability targets, and to otherwise reduce the overall risk to Tribes, high-risk urban areas, States, and the Nation. www.grants.gov

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Building and Enhancing Criminal Justice Researcher-Practitioner Partnerships

Due by: May 28, 2014

National Institute of Justice (NIJ) is seeking proposals for multiple criminal justice research projects involving researcher-practitioner partnerships as well as capturing detailed descriptions of these collaborations. While other NIJ solicitations often encourage researcher-practitioner partnerships, this solicitation directly focuses on supporting criminal justice research and evaluation activities that include a researcher-practitioner partnership component. Within the context of the proposed research or evaluation project, the partnerships can be new or ongoing. NIJ intends to support criminal justice research in two areas related to new and ongoing researcher-practitioner collaborations. Proposals must fall under one of the following program areas: 1. Junior Faculty Grant Program to Promote Criminal Justice Researcher-Practitioner Partnerships. 2. Criminal Justice Researcher-Practitioner Fellowship Placement Program. Tribal and non-tribal entities may apply.

<https://ncjrs.gov/pdffiles1/nij/sl001104.pdf>

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

HHFKA Demonstration Projects to End Childhood Hunger FY2015

Food and Nutrition Service — Department of Agriculture

Due by: July 7, 2014

FundingThe RFA is for a new, one-time initiative. Approximately \$30 million will be awarded for up to five demonstration projects in the form of cooperative agreements between USDA-FNS and grantees. The remaining funds will be used for independent evaluations of each project. Depending on the nature of the proposals submitted, up to five (5) applicants may be awarded grants, with no single project exceeding \$10,000,000. Applicants that commit matching resources, including in-kind resources, to the project will receive competitive priority. The cooperative agreements will provide for an implementation phase of up to 12 months and the demonstration projects will operate for at least 12 months, but no more than 24 months. Limitation on Number of Applications Each Applicant Can Submit FNS will consider only one application from each State, U.S. Territory, District of Columbia or Indian Tribal Organization (ITO). FNS will consider applications from both a State and an ITO with different proposed project sites in the same State.

<http://www.fns.usda.gov/demonstration-projects-end-childhood-hunger>

Grants to Address Trafficking within the Child Welfare Population

Due by: July 15, 2014

The purpose of this Funding Opportunity Announcement (FOA) is to solicit proposals for 60 month projects that will address trafficking within the child welfare population by implementing existing recommendations to prevent, identify, and serve victims of trafficking. This funding is designed to continue the development of child welfare systems' response to trafficking through infrastructure building, and to create an evidence base of effective interventions and practices that promote better outcomes for children involved in the child welfare system. Funded projects will be required to use a multi-system approach and coordinate with local law enforcement, juvenile justice, courts systems, runaway and homeless youth programs, Children's Justice Act grantees, child advocacy centers, and other necessary service providers.

http://www.acf.hhs.gov/hhsgrantsforecast/index.cfm?switch=grant.view&gff_grants_forecastInfoID=67402

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

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

OTHER NEWS

Native American Children's Safety Act

Senate Bill 2160 (also called the Native American Child Safety Act) would amend the Indian Child Protection and Family Violence Prevention Act to require background checks before foster care placements are ordered in tribal court proceedings.

Highlights of the legislation:

- Applies to tribal foster care placement of Native American children for the purpose of ensuring the safety and wellbeing of those children
- Requires that all prospective foster care parents and adults living in the home undergo a background check prior to the placement of a Native American foster care child
- Requires that background checks include checking for criminal activity as well as checking child abuse and neglect registries
- Requires that adults who join the household after the foster care child has been placed there also undergo background checks
- Requires that foster care homes undergo recertification periodically, to ensure they remain safe for foster care children
- The bill sets out that the Department of Interior will work with Tribes, as well as Indian Country, to establish necessary procedures to ensure that these safety standards for foster care children are established
- The bill requires the Bureau of Indian Affairs, which currently does not conduct these background checks in every case when placing Native American foster care children in foster care homes, follow these same requirements when acting on behalf of the Tribes

<http://www.gpo.gov/fdsys/pkg/BILLS-113s2160is/pdf/BILLS-113s2160is.pdf>

ICWA/Title IV-E Report: Survey Report and Analysis of Select Title IV-E Tribal-State Agreements

The Social Security Act's Title IV-E provides funding to states and tribes for foster care and adoption services. One method for tribes to obtain this funding is by entering into an intergovernmental agreement with the state. This survey and analysis summarizes these intergovernmental agreements and the many ways tribes across the country have utilized these agreements to access funding to protect and support tribal children and families.

http://icwa.narf.org/wordpress/wp-content/uploads/2014/03/20140320_title_iv-e_report.pdf

South Dakota: Circuit judges Accused of Ignoring Federal Judge's Order in Suit Over Native Children Custody Hearings

A federal judge has given four Seventh Circuit judges and one former circuit judge two weeks to either abide by his orders or explain why they won't order transcripts of custody hearings involving Native American children.

http://rapidcityjournal.com/news/local/circuit-judges-accused-of-ignoring-federal-judge-s-order-in/article_0353cbe8-a623-57fc-a61d-88d776414920.html