



JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
forum@jud.ca.gov

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TRIBAL COURT-STATE COURT FORUM

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: October 11, 2018
Time: 12:15-1:15 p.m.
Public Call-in Number: 877-820-7831; Passcode; passcode 4133250 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to forum@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the August 16, 2018, Tribal Court-State Court Forum meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to forum@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Ann Gilmour. Only written comments received by 12:15 p.m. on October 10, 2018 will be provided to advisory body members prior to the start of the meeting.

III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Cochairs Report

- Approval of Minutes for August 16, 2018 Meeting
- Review 2018-2019 Forum Meeting Dates Schedule
- Update on Advisory Committee Representative Appointments
- Welcome New Members

Info 2

Update on the Work of the California Department of Social Services, Office of Tribal Affairs

Presenter: Heather Hostler, Director, California Department of Social Services' Office of Tribal Affairs

Info 3

Final Legislative and Rules Update

Presenters: Ann Gilmour, Attorney, Judicial Council Center for Families, Children & the Courts

Info 4

Youth Reinvestment Grants

Presenter: Kimberly Bushard, Field Representative, Corrections Planning & Grants Program Division, Board of State & Community Corrections

Info 5

Recent and Upcoming Conferences

Presenter: Vida Castaneda, Senior Analyst, Judicial Council Center for Families, Children & the Courts

IV. ADJOURNMENT

Adjourn



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MINUTES OF OPEN MEETING

August 16, 2018
12:15-1:15 p.m.

Advisory Body Members Present: *Hon. Abby Abinanti, Co-chair, Hon. Dennis M. Perluss, Co-chair, Hon. April Attebury, Hon. Richard Blake, Hon. Hilary A. Chittick, Hon. Leonard Edwards(Ret.), Ms. Heather Hostler, Hon. Lawrence C. King, Hon. Patricia Lenzi, Hon. Devon Lomayesva, Hon. Lester Marston, Hon. Mark Radoff, Hon. John Sugiyama, Hon. Sunshine Sykes, Hon. Juan Ulloa, Hon. Christine Williams, and Hon. Christopher Wilson, and Hon. Joseph Wiseman*

Advisory Body Members Absent: *Hon. Gail Dekreon, Hon. Kimberly Gaab, Hon. Mark Juhas, Hon. Susanne Kingsbury, Hon. William Kockenmeister, Hon. David Riemenschneider, and Hon. Claudette White*

Others Present: *Ms.Carolynn Bernabe, Ms. Vida Castaneda, Ms. Charlene Depner, Ms. Bonnie Hough, Ms. Caroline LaPorte, Ms. Andi Liebenbaum, and Ms. Joy Ricardo*

OPEN MEETING

Call to Order and Roll Call

The co-chairs called the meeting to order at 12:18 p.m.

Approval of Minutes

The Forum approved the June 7, 2018 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 1-6)

Info 1

Cochairs Report

Update on [nomination](#)/appointment process

Justice Perluss provided an update on the Forum appointments for new and returning members, and advisory committee membership to be effective September 15, 2018.

Info 2

StrongHearts Native Helpline

Presenter: Caroline LaPorte, Senior Native Affairs Policy Advisor for NIWRC/StrongHearts

The StrongHearts Native Helpline is a partnership project of the National Indigenous Women's Resource Center and the National Domestic Violence Hotline to create a helpline to respond to the high rates of violence in Native communities. Advocates who possess a strong knowledge and understanding of Native cultures and tradition offer support and resources in a safe, confidential and healing environment. To date, more than 850 calls have been received from victims, survivors, concerned family members and friends, service providers, and abusive partners, helping to fill a gap in critically needed support services for Native survivors of

domestic violence. Those reaching out to StrongHearts in its first year alone clearly demonstrate the need for culturally-rooted and tribally-run resources for Native people. At the end of last year, the StrongHearts team had completed a database project to identify culturally-specific and tribally-based resources for American Indians and Alaska Natives, a group that experiences high rates of violence and unique barriers to receiving justice and support. The database project confirmed that there is a severe gap in these specialized services for Native survivors in the aftermath of these crimes. There is a strong need for a national Helpline, such as StrongHearts.

More than 4 in 5 Native women and men have experienced violence in their lifetime, and more than 1 in 3 Native people have experienced violence within the past year, according to the National Institute of Justice. Of those who had experienced violence, more than 1 in 3 Native women and more than 1 in 6 Native men were unable to access the supportive services they needed. It's important to recognize that our people are more than just statistics. Behind these numbers are our relatives—Native women, men and families impacted by domestic violence and dating violence, and they need our support.

For more information about the StrongHearts Native Helpline, pls. visit www.strongheartshelpline.org; call (844) 7NATIVE or 1 (844) 762-8483. Advocates are available Monday through Friday, 7 a.m. to 3:30 p.m. Pacific Time. Callers after hours may connect with the National Domestic Violence Hotline or call back the next business day. There is no cost to callers, and all calls remain anonymous and confidential.

Info 3
Peer Court

Presenter: Hon. Sunshine Sykes, Judge, Superior Court of California, County of Riverside
Hon. Devon Lomayesva, Chief Judge, Intertribal Court of Southern California

Judge Sykes and Judge Lomayesva reported on Riverside Peer/Youth court model designed to educate youth involvement in the peer/youth court as an alternative approach to the traditional juvenile justice system. Riverside is in partnership with UCLA to provide education credit to youth who participate in this program. A pilot program will be introduced in Spring 2019.

Info 4
VOCA Trainings

Presenter: Hon. Mark Radoff, Chief Judge, Chemehuevi Tribal Court

On June 22, 2018, Tribal Court Protective Orders Training was held at the Judicial Council Offices in San Francisco. Training covered drafting enforceable tribal court protective orders to ensure they meet the requirements for full faith and credit under state and federal law. Judge Radoff reported that the materials, fact scenarios exercises, drafting tips and fact patterns were helpful. Kelly Stoner was the trainer from the Tribal Law and Policy Institute.

Info 5
Legislative Update

Presenter: Andi Liebenbaum, Attorney, Judicial Council Governmental Affairs

AB 3047 (Daly): Waives pro hac vice fees for tribal attorneys appearing in California courts in ICWA cases— On the Senate's 3rd Reading file, could be voted on any day.

AB 3076 (Reyes): Dependent upon a budgetary grant of funding to the State Bar of California for \$1 million, this bill would require State Bar of California to make grants to tribal legal services programs participating ICWA cases. Held on suspense (dead).

AB 3176 (Waldron): Conforms CA law to updated Federal ICWA laws. Passed out of suspense as amended. Will now go to the Senate Floor.

Info 6

Recent and Upcoming Conferences

Presenter: Vida Castaneda

On September 12-14, 2018 at the California Collaborative Courts Conference (CACC), Judge Christine Williams, Judge Suzanne Kingsbury will present on joint court jurisdiction. Judge Abby Abinanti and Justice Dennis Perluss will present on the work of the Forum, and tribal justice documentary will be shown in the evening.

On September 21, 2018 at the UC Davis School of Law, the Tribal Justice Project will be hosting the Tribal Court Symposium. If you would like further information on the event, please contact [Judge Christine Williams](#) or [Vida Castaneda](#).

On September 28, 2018 at the California State Capitol in Sacramento, the Governor, the Northern California Tribal Chairmen's Association in partnership with the Southern California Tribal Chairmen's Association and the Central California Tribal Chairpersons' Association will be hosting the 51st Native American Day. This annual event will be held from 9am-3pm. It will feature resource information, traditional demonstrations or activities, great food, dynamic speakers, traditional dancing and singing and is open to the public to attend. Judicial Council Center for Families, Children & the Courts Tribal/State Programs' unit will attend the event and will have a resource table. If your department or an agency you know of would be interested in having a resource table or a traditional demonstration booth, or if you would like more information about the event, please contact Vida Castaneda at (415) 865-7874 or visit the [event website](#) or you can visit the event page on Facebook.

The 16th National Indian Nations Conference will be held in Coachella Valley, California by the Agua Caliente Band of Cahuilla Indians Reservation from December 5-7, 2018. Pre-Conference Institutes will be held on Tuesday, December 4, 2018. This national conference provides 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. For further information or if you have any questions, please visit the [conference website](#). The website also contains information on lodging, draft agenda and scholarships.

Next Forum call is October 11, 2018.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:13 p.m.

Pending approval by the advisory body on October 11, 2018.

TRIBAL COURT–STATE COURT FORUM MEETING SCHEDULE

2nd Thursday of every other month

2018-2019

Toll Free: (877) 820-7831
Passcode: To Be Provided
Time: 12:15–1:15 p.m.

1. December 13, 2018
- 2. February 28, 2019 (in-person in San Francisco)**
3. April 11, 2019
4. June 13, 2019
5. August 8, 2019
6. October 10, 2019
7. December 12, 2019

Legislative and Rules and Forms Updates:

Assembly Bill No. 3176 - Indian Children was signed by the Governor on September 27, 2018. This Bill conforms the California Welfare and Institutions Code to the requirements of the federal regulations and guidelines concerning the Indian Child Welfare Act. The text of that bill can be found at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3176

Assembly Bill No. 3047- Court fees: waiver: Indian Child Welfare Act was signed by the Governor on September 14, 2018. This bill amends section 70617 of the Government Code to exempt out of state attorneys wishing to appear pro hac vice to represent tribes in cases governed by the Indian Child Welfare Act from the \$500.00 court filing fee. The text of that bill can be found at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB3047

Assembly Bill 880 – The Tribal Nation Grant Fund was signed by the Governor on September 27, 2018. This bill will establish the Office of the Governor’s Tribal Advisor within the office of the Governor. This bill will also establish a fund from which grants will be made to eligible federally recognized tribes in California for self-governance purposes including supporting for compliance with the Indian Child Welfare Act and support of tribal courts. The text of that bill can be found at:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB880

Rules regarding Remote Access to Electronic Records – approved by the Judicial Council on September 20, 2018. This proposal originated from the Information Technology Advisory Committee:

The Information Technology Advisory Committee recommends that the Judicial Council adopt a new set of rules of court governing remote access to electronic records by parties, parties’ attorneys, court-appointed persons, legal organizations, qualified legal services projects, and government entities. This proposal advances a major initiative of the judicial branch’s Tactical Plan for Technology 2017–2018 to develop rules “for online access to court records for parties and justice partners.” These changes will facilitate the trial courts’ existing relationships with these persons and entities, and will provide clear authority for the trial courts to provide them with remote access to electronic court records. The committee also recommends limited amendments to the existing public access rules to bring them into conformance with the new rules.

Of specific interest to the Forum are the following:

Article 4. Remote Access by Government Entities Article 4 contains new rules to cover remote access by persons authorized by government entities for legitimate governmental purposes. Under the definitions in amended rule 2.502, “government entity” means “a legal entity organized to carry on some function of the State of California or a political subdivision of the State of California. A government entity is also a federally recognized Indian tribe or a reservation, department, subdivision, or court of a federally recognized Indian tribe.” (page 9; see definition at page 19 of proposal)

The entire proposal is available at:

<https://jcc.legistar.com/View.ashx?M=F&ID=6613671&GUID=DA39F21F-B0F6-464E-8E33-1A771C41B679>

Amendment to California Rules of Court, Rule 9.40. was approved by the California Supreme Court on September 26, 2018. It will become effective January 1, 2019. A copy of the order is attached.

OCT - 1 2018

ADMINISTRATIVE ORDER 2018-09-26-02

Jorge Navarrete Clerk

Deputy

IN THE SUPREME COURT OF CALIFORNIA

EN BANC

ORDER RE REQUEST FOR APPROVAL OF PROPOSED AMENDMENT TO
RULE 9.40 OF THE CALIFORNIA RULES OF COURT

On September 12, 2018, the Judicial Council Tribal Court-State Court Forum presented a request that the court approve a proposed amendment to rule 9.40 of the California Rules of Court. The request is granted. The text of the amendment is set forth in the attachment to this order. The approved amendment is effective January 1, 2019.

It is so ordered.

CANTIL-SAKAUYE

Chief Justice

CHIN, J.

Associate Justice

CORRIGAN, J.

Associate Justice

LIU, J.

Associate Justice

CUÉLLAR, J.

Associate Justice

KRUGER, J.

Associate Justice

Associate Justice

ATTACHMENT

Rule 9.40. Counsel *pro hac vice*

(a)-(f) * * *

(g) Representation in cases governed by the Indian Child Welfare Act (25 U.S.C. § 1903 et seq.)

- (1) The requirement in (a) that the applicant associate with an active licensee of the State Bar of California does not apply to an applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act; and
- (2) An applicant seeking to appear in a California court to represent an Indian tribe in a child custody proceeding governed by the Indian Child Welfare Act constitutes a special circumstance for the purposes of the restriction in (b) that an application may be denied because of repeated appearances.

(g) (h) * * *



SIERRA HEALTH
FOUNDATION



A Win for California's Youth: \$37.3 Million for the Youth Reinvestment Fund

June 29, 2018

In a win for California's youth, including boys and men of color, Gov. Jerry Brown signed a 2018-2019 budget that includes \$37.3 million for the Youth Reinvestment Fund.

The Youth Reinvestment Fund is the first-ever state fund specifically dedicated to keeping young people out of the justice system and in the care of community organizations that are best able to provide guidance and support. The fund will help improve the outcomes of vulnerable youth populations by using trauma-informed community and health-based interventions in lieu of arrest, detention and incarceration. More than \$1 million will be allocated to Native American Tribes for youth diversion programs.

California Funders for Boys and Men of Color members joined with advocates, Assemblymember Reggie Jones-Sawyer and young people to call for the Youth Reinvestment Fund in the California State budget.

Communities are safer when young people are thriving. Currently, youth of color make up a disproportionate number of the children in California's youth prisons, and nearly all young people who end up in the justice system are survivors of trauma. Arresting and incarcerating youth for minor offenses leaves them less likely to graduate or pursue education, more likely to suffer additional trauma and negative health outcomes, and more likely to re-offend.

Since 2015, California Funders for Boys and Men of Color members collectively have invested \$149 million annually to support better outcomes for boys and men of color and remove barriers to opportunity, including reforms to the juvenile justice system. Earlier this year, our Southern California Regional Action Committee announced an initial investment of \$200,000 to support the coordination of efforts to reduce youth incarceration and reform the youth justice system in Los Angeles County.

Learn more on the [California Funders for Boys and Men of Color web page](#).

Executive Steering Committee (ESC) Seeking Membership

Youth Reinvestment Grant

This ESC will develop a Request for Proposals, read and rate applications, and develop grant award recommendations for the BSCC. This grant program is aimed at diverting low-level offenders from initial contact with the juvenile justice system using approaches that are evidence-based, culturally relevant, trauma-informed, and developmentally appropriate. Grant funds will be used to target underserved communities with high rates of juvenile arrests and high rates of racial/ethnic disproportionality within those juvenile arrests. Applicant local governments will be required to pass through 90 percent of awarded funds to community-based organizations. Applicant jurisdictions will be required to designate a "lead public agency" responsible for coordinating with local law enforcement agencies, social service agencies, and nonprofit organizations to implement the local grant program. Community-based organizations that receive these funds must provide diversion- and alternative-sanction programs, academic- and vocational-education services, mentoring, behavioral health services, and mental health services.

In addition, funds from the Youth Reinvestment Grant Program have been specifically set aside for Indian tribes for the purpose of implementing diversion programs for Indian children that use trauma-informed, community-based, and health-based interventions. Funding priority shall be given to diversion programs that address the needs of Indian children who experience high rates of juvenile arrests, high rates of suicide, high rates of alcohol and substance abuse, and low high school graduation rates.

Interested in participating on the Youth Reinvestment Grant ESC?

The BSCC is looking for people who have expertise in one or more of the areas noted as relevant to this grant including but not limited to diversion, alternatives to incarceration, the juvenile justice system, trauma-informed care, tribal communities, disproportionate minority contact, education, mentoring, behavioral health, and mental health. In addition, ESC members should reflect California's diverse population in terms of perspectives, backgrounds, professional expertise, life experiences, and geographical representation.

There are important responsibilities and considerations that you must review before you determine whether you can serve on this ESC. Please review this information by clicking on the hyperlink here: http://www.bscc.ca.gov/s_bsccexecutivesteeringcommittees.php

If after having reviewed this information, you have determined that you would be able to serve on the Youth Reinvestment Grant ESC, please submit your name, geographical part of California you represent, the name of your organization (if any) and your statement of interest that indicates how your participation will contribute to the development of this grant. Please submit this information to BSCC Youth Reinvestment Grant at: YouthReinvestmentGrant@bscc.ca.gov. You will then receive an automatic reply acknowledging receipt of submission. If you do not receive an automatic reply, that means your submission was not received by the BSCC. Please try again. If again you do not receive an automatic reply, please contact Kimberly Bushard at kimberly.bushard@bscc.ca.gov for assistance. Please be sure to include the following information in your submittal:

E-mail Subject: Youth Reinvestment Grant

E-mail Body:

Your Name:

The Organization you represent, if any:

Geographical part of California you represent:

Your statement of interest that indicates how your participation will contribute to the development of this grant:

Final date to indicate your interest in being considered for this ESC is 5 pm August 17, 2018.