



JUDICIAL COUNCIL OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

www.courts.ca.gov/forum.htm
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TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

October 11, 2018
12:15-1:15 p.m.

Advisory Body Members Present: *Hon. Abby Abinanti, Co-chair*, Hon. Erin Alexander, Hon. April Attebury, Hon. Leonard Edwards(Ret.), Hon. Patricia Guerrero, Ms. Heather Hostler, Hon. Mark Juhas, Hon. Lester Marston, Hon. Mark Radoff, Hon. David Riemenschneider, Hon. Michael Sachs, Hon. Cindy Smith, Ms. Christina Snider, Hon. John Sugiyama, Hon. Sunshine Sykes, and Hon. Juan Ulloa

Advisory Body Members Absent: *Hon. Susanne Kingsbury, Co-chair*, Hon. Richard Blake, Hon. Hilary A. Chittick, Hon. Gail Dekreon, Hon. Kristina Kalka, Hon. Lawrence C. King, Hon. William Kockenmeister, Hon. Patricia Lenzi, Hon. Devon Lomayesva, Hon. Gilbert Ochoa, Hon. Robert Trentacosta, Hon. Claudette White, Hon. Christine Williams, and Hon. Joseph Wiseman

Others Present: Ms. Kimberly Bushard, Ms. Vida Castaneda, Ms. Charlene Depner, Ms. Ann Gilmour, 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 August 16, 2018 meeting minutes.

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Info 1

CoChairs Report

- *Review 2018-2019 Forum Meeting Dates Schedule*
The in-person Forum meeting will be held on February 28, 2019. Please reserve the date. Judicial Council staff will email a meeting reminder to all members.
- *Update on Advisory Committee Representative Appointments*
The Chief Justice approved all appointments for the state court judges and liaisons for committees identified per Rule 10.60. As a result, we have several new members joining the Forum.
- *Welcome New Members*
Judge Abinanti welcomes new and returning members. She remarks that the relationships between the tribal court and state courts systems has gotten stronger over the years and major accomplishments have been achieved.
Judge Suzanne Kingsbury, a longstanding member of the Forum, will serve as our new Forum cochair along with Judge Abinanti. Judge Kingsbury replaces Justice Perluss as

Forum cochair. Unfortunately, Judge Kingsbury could not attend this meeting due to a scheduling conflict.

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 (OTA)

Ms. Hostler provided information about her background and vast experience working with tribes prior to joining the Office of Tribal Affairs in July 2017. Her current staffing consists of two analysts, and a consultant who serves as a subject matter expert on tribal affairs. Ms. Hostler shared OTA's mission statement and explained that the OTA serves as an advisor to leadership throughout CDSS on the best practice strategies to use when working with tribal governments. The office will also coordinate the work of all divisions of CDSS and collaborate with counties on issues that affect tribes.

She and her staff are working on developing tribal engagement strategies, engagement of core stakeholders, ways to improve data collection and use it more effectively. Ms. Hostler has been meeting with tribes to identify their priorities and the level of engagement with county governments. The OTA participated in the tribal consultation summit this Summer and consulted on tribal engagement issues. The OTA is developing a tribal advisory committee which will meet at the end of November. Members of the committee will include tribal representatives, CDSS, agency partners, state and federal partners.

The OTA has been very involved in legislation that impacts tribes:

- AB3176 -This bill incorporates 2016 BIA regulations into California's statutory framework governing the ICWA.
- OTA supported a bill that would give CDSS the authority to provide startup money to tribes who participate in the Title IV-E programs

Regarding the recent decision in [Brackeen vs. Zinke](#) a US District court case ruling the ICWA unconstitutional, CDSS has issued a statement about this decision that is posted on the CDSS website. OTA will continue to monitor the case as it makes its way through the court system.

For more information on the work of OTA, visit the [website](#).

Info 3

Final Legislative and Rules Update

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

Staff provided an update on legislation and rules and forms of interest to the Forum:

AB 3176 was one of several bills related to the Indian Child Welfare Act (ICWA) that was supported by the Judicial Council on the recommendation of both the Forum and the Family and Juvenile Law Advisory Committee. This bill conforms the California Welfare and Institutions Code to the requirements of the federal regulations and guidelines concerning the ICWA. The bill was signed by the Governor on September 27, 2018.

AB 3047 was another ICWA related bill supported by the Council on the recommendation of the Forum and Fam/Juv. 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 ICWA from the \$500.00 court filing fee. This bill was signed by the Governor on September 14, 2018.

AB 3076 was the other ICWA related bill. This bill would have required the State Bar to make grants to tribal legal services programs to represent tribes in ICWA cases. This bill did not receive the appropriation that it needed, and it died.

AB 880 was not a bill that the Forum had previously considered. This bill, 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 ICWA and support of tribal courts.

Rules regarding *Remote Access to Electronic Records* was approved by the Judicial Council on September 20, 2018. This proposal originated from the Information Technology Advisory Committee. The Forum provided input on the treatment of tribes as governmental entities with a right of remote access.

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.

Info 4

Youth Reinvestment Grants

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

Ms. Bushard shared information about two grants that will be available early 2019. The first is the Title II Formula grant dedicated to Tribal Youth Programs. This grant provides support to programs operated by federally recognized tribal governments that serve at-risk youth. The second grant is the Youth Reinvestment Grant program. It was established in June 2018 and will award three percent of the entire \$35 million grant (\$1.1 million) to Indian tribes to support the implementation of diversion programs for Indian children, using trauma informed, community-based and health-based services. An advisory committee has been created to establish criteria for allocating funds to tribes over a three-year grant period.

Info 5

Recent and Upcoming Conferences

Presenter: Vida Castaneda, Senior Analyst, Judicial Council CFCC

- Vida thanked those who attended the annual Native American Day event held at the Capitol on September 28th. It was an exciting event that had an array of exhibitors, traditional demonstrations, dancing, singing and incredible speakers.
- The 16th National Indian Nations Conference will be held in Coachella Valley, California on the reservation of the Agua Caliente Band of Cahuilla Indians from December 5-7, 2018. Pre-Conference Institutes will be held on Tuesday, December 4, 2018. The theme is “**Braiding Strength, Hope, and Healing for the Path Forward.**” 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, registration, the agenda, and scholarships. Hotel rooms often run out quickly, so we urge you to reserve your rooms soon.

- For more information on upcoming webinars or out of state conferences, please refer to our most recent e-update newsletter or feel free to reach out to [Vida Castaneda](#) who would be happy to assist in locating for you.

Next Forum call is December 13, 2018.

A D J O U R N M E N T

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

Approved by the advisory body on December 13, 2018.