



JUDICIAL COUNCIL
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

February 10, 2022
12:15-1:15 p.m.

Advisory Body Members Present: *Hon. Abby Abinanti, Co-chair, Hon. Suzanne Kingsbury, Cochair, Hon. April Attebury, Hon. Leonard Edwards (Ret.), Hon. Ana España, Hon. Patricia Guerrero, Mr. Christopher Haug, Hon. Lawrence King, Hon. Devon Lomayesva, Ms. Merri Lopez-Keifer, Hon. Nicholas Mazanec, Hon. Victorio Shaw, Hon. Dean Stout, Hon. Sunshine Sykes, Hon. Mark Vezzola, Hon. Christine Williams, Hon. Joseph Wiseman.*

Advisory Body Members Absent: *Hon. Erin Alexander, Hon. Richard Blake, Hon. Leona Colegrove, Hon. Gail Dekreon, Hon. Gregory Elvine-Kreis, Hon. Joni Hiramoto, Hon. Patricia Lenzi, Hon. Gilbert Ochoa, Hon. Michael Sachs, Hon. Delia Sharpe, Ms. Christina Snider, Hon. Allen Sumner, Hon. Juan Ulloa.*

Others Present: *Ms. Dorothy Alther, Ms. Vida Castaneda, Ms. Charli Depner, Ms. Audrey Fancy, Mr. Marshall Galvan, Ms. Ann Gilmour, Ms. Sharon Hopkins-Bright, Ms. Andi Liebenbaum, Ms. Amanda Morris, Mr. Corby Sturges.*

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 December 9, 2021 meeting minutes. Motion to approve by Judge Sunshine Sykes and seconded by Judge Lawrence King.

DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

Item 1

Cochairs Report

Judge Abinanti informed the Forum about upcoming events of interest to the members.

Item 2

Rules and Forms - Implementation of AB 627

Presenter: Ann Gilmour, Attorney, Center for Families, Children & the Courts, Judicial Council of California

The Forum reviewed forms created in to implement AB 627 which created a specific process to recognize tribal court divorce or dissolution orders dividing pension or other deferred compensation assets. There were several revisions to the forms from the last time the committee reviewed due to comments from the family and juvenile law advisory committee. Forms were changed from the civil series to the family series and slight adjustments to language were made. Motion to approve forms, modified as suggested by Ann Gilmour, to move forward to circulation and comment by Judge Ana España and seconded by Judge Lawrence King.

Info 3

Public Safety and Enforcement of Tribal Exclusion Orders

Presenter: Hon. Lawrence King, Chief Judge of the Morongo Tribal Court

Judge Lawrence King opened a discussion with the forum members regarding what changes can be made for state courts to recognize tribal court exclusion orders. Members discussed past instances of exclusion orders not enforced or prosecuted on tribal property and the public safety issues that can arise as a result. A working group was formed to address this issue.

Info 4

Discretionary Tribal Participation in Non-ICWA Juvenile Cases

Presenters: Hon. Dean Stout, Chief Judge of the Bishop Paiute Tribal Court; Ann Gilmour, Attorney, Center for Families, Children & the Courts, Judicial Council of California

Forum members discussed potential legislation or rule of court to address issues of disparity across county courts in permitting tribal representatives to participate in court cases that involve tribal children, but where ICWA may not apply. Under WIC 306.6 and other statutory authority judges have discretion to allow participation, but currently there is no guidance on how tribes can make this application and what principles the court should apply in exercising their discretion. Members leaned in favor of a new rule of court to be created to address this issue. Emphasis was made that state courts and tribal courts should have a partnership to bring the most resources for the best interest tribal children. Ann Gilmour will reach out to the Family and Juvenile Law Advisory Committee to address this issue in a future meeting.

Info 5

Procedures for Recognition of Tribal Court Child Custody Orders

Presenters: Hon. Victorio Shaw, Chief Judge of the Shingle Springs Rancheria Tribal Court; Ann Gilmour, Attorney, CFCC

Judge Victorio Shaw opened a discussion with forum members about dangerous situations tribal children are subject to when counties do not recognize tribal court child custody orders. It was identified that form FL-580 has contradictory language that leaves gaps in enforceability and puts burdens on tribal members to file that should be shared with the tribal court. It was decided that this reoccurring issue should be brought to the Family and Juvenile Law Advisory Committee for further discussions on how to fix this issue.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:18 p.m.

Approved by the advisory body on April 14, 2022.