



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIBAL COURT-STATE COURT FORUM

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[forum@jud.ca.gov](mailto:forum@jud.ca.gov)

TRIBAL COURT-STATE COURT FORUM

MINUTES OF OPEN MEETING

April 14, 2022  
12:15-1:15 p.m.

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**Advisory Body Members Present:** *Hon. Abby Abinanti, Co-chair*, Hon. Erin Alexander, Hon. April Attebury, Hon. Richard Blake, Hon. Gregory Elvine-Kreis, Hon. Ana España, Mr. Christopher Haug, Hon. Joni Hiramoto, Hon. Lawrence King, Hon. Patricia Lenzi, Hon. Devon Lomayesva, Hon. Nicholas Mazanec, Hon. Victorio Shaw, Ms. Christina Snider, Hon. Dean Stout, Hon. Allen Sumner, Hon. Sunshine Sykes, Hon. Mark Vezzola, Hon. Christine Williams, Ms. Stephanie Weldon.

**Advisory Body Members Absent:** *Hon. Suzanne Kingsbury, Cochair*, Hon. Leona Colegrove, Hon. Gail Dekreon, Hon. Leonard Edwards (Ret.), Hon. Patricia Guerrero, Ms. Merri Lopez-Keifer, Hon. Gilbert Ochoa, Hon. Michael Sachs, Hon. Delia Sharpe, Hon. Juan Ulloa, Hon. Joseph Wiseman.

**Others Present:** Ms. Vida Castaneda, Mr. Marshall Galvan, Ms. Ann Gilmour, Ms. Anne Hadreas, Ms. Andi Liebenbaum, Ms. Amanda Morris.

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OPEN MEETING

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**Call to Order and Roll Call**

The co-chairs called the meeting to order at 12:19 p.m.

**Approval of Minutes**

The Forum approved the February 10, 2022, meeting minutes with the correction that Judge Mark Vezzola was present. Minutes approved by consensus.

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DISCUSSION AND ACTION ITEMS (ITEMS 1-5)

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**Item 1**

**Cochairs Report**

Judge Abinanti congratulates Justice Patricia Guerrero.

The in person Tribal Court – State Court Forum meeting is on October 19, 2022. Further information about travel arrangements will be forthcoming.

The Chief Justice is reviewing the submitted nominations and the co-chairs are awaiting further communication.

**Item 2**

**Report of the Ad Hoc Working Group on Options For Recognition and Enforcement of Tribal Court Child Custody Orders**

*Presenters: Judge Gregory J. Elvine-Kreis, Judge of the Superior Court of California, County of Humboldt; Judge Victorio L. Shaw Chief Judge of the Shingle Springs Band of Miwok Indians Tribal Court*

Forum members were briefed on progress made towards law enforcement recognizing tribal court orders. It was discussed that this may be a training and funding issue. Some forms revisions have been identified that could help. However further legislation and meetings directly with law enforcement are required to move forward.

**Item 3**

**Report of the Ad Hoc Working Group on Options to Create Uniform Standards for Discretionary Tribal Participation in Cases not Governed by the Indian Child Welfare Act**

*Presenters: Judge Ana L. España, Judge of the Superior Court of California, County of San Diego; Judge Dean T. Stout, Chief Judge of the Bishop Paiute Tribal Court*

Judge Ana España informed Forum members of the working group's proposal to modify Rule of Court 5.482 to add tribal participation.

Ann Gilmour added that the next step for this proposed modification will is to go before the Family and Juvenile Law Advisory Committee.

**Item 4**

**Report of the Ad Hoc Working Group On Options to Provide for Recognition and Enforcement of Tribal Court Orders Excluding Individuals from Tribal Lands**

*Presenters: Judge Lawrence C. King, Chief Judge of the Morongo Band of Mission Indians Tribal Court; Judge Allen H. Sumner, Judge of the Superior Court of California, County of Sacramento*

The Forum discussed solutions to the issue of law enforcement recognizing and enforcing exclusion orders on tribal land. One issue identified was a disconnect between state and tribal courts in recognizing tribal court orders without needing to co-sign them. Also, members decided law enforcement training and coordination would be useful. Members reviewed the updated guidance form the Attorney General's Office on this issue.

**Item 5**

**Options to improve ICWA Inquiry Procedures**

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

Ann Gilmour spoke to the committee about recent appellate decisions regarding ICWA inquiry and notice. Several years ago there were revisions to the Welfare and Institutions Code regarding this issue. The decisions indicate that agency and court practice did not immediately change notwithstanding changes to the rules and forms. Discussion about whether this is a training and best practices issue or whether additional rules and forms guidance would be helpful.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 1:17 p.m.

Approval by the advisory body on June 9, 2022.