

TRIBAL COURT—STATE COURT FORUM

An Advisory Committee of the Judicial Council of California

Forum E-Update

July 2024

TRIBAL COURT—STATE
COURT FORUM
An Advisory Committee of the
Judicial Council of California

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IN THE NEWS

[NVE Tribal Court offers new restorative justice options for Cordova](#)

Cordova Times - July 01, 2024

The Native Village of Eyak's Tribal Court is a restorative justice court system that gives the Tribe authority to implement traditional methods to resolve certain misdemeanor crime and civil cases. The Tribal Court utilizes traditional practices used for centuries and applies them to modern issues. The most commonly used form of the court is Traditional Peacekeeping Circles, or "Talking Circles," to address the root of issues rather than just the symptoms. The process involves the individual, their loved ones, a judge, the Circle Facilitator, community members, and victims when appropriate, coming together to participate in three rounds of conversation.

[California awards nearly \\$20 million in grants to tribes to support Missing and Murdered Indigenous People investigations](#) (Press release):

Lake County News - July 12, 2024

The state of California has awarded almost \$20 million in grants to 18 Native American tribes in California to support their efforts addressing the Missing and Murdered Indigenous People, or MMIP, crisis. The California Board of State and Community Corrections, or BSCC, approved a second round of awards under the MMIP Grant Program, established in the 2022 budget to provide competitive grants to California tribal nations. The grant cycle is from Aug. 1, 2024, to June 1, 2028. Lake County tribes including Robinson Rancheria and Scotts Valley are among the grantees. Grants focus on work such as developing culturally-based prevention strategies, strengthening responses to human trafficking, providing culturally appropriate support services to affected families and their communities, and improving cooperation and communication on jurisdictional issues between state, local, federal, and tribal law enforcement agencies.

[New documentary short delves into how Indian Child Welfare Act positively impacted a local woman](#) (Requires subscription)

Times Standard - July 14, 2024

A new documentary short film, "Place Where I Belong," tells the story of Wakara Scott, a Humboldt County woman, and former foster youth, who was positively impacted by the Indian Child Welfare Act. June marked the one-year anniversary of the Supreme Court upholding the Indian Child Welfare Act, enacted in 1978 to "protect the best interests of tribal children the child welfare system).

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Tribal/State Programs Link:

<http://www.courts.ca.gov/programs-tribal>

FORUM LEGISLATIVE PROPOSALS

Visit forum's home page

<http://www.courts.ca.gov/3065.htm>

'Historically left out,' a Wabanaki organization forges its own approach to addiction treatment (Includes video)

Maine Monitor - July 15, 2024

The Healing Lodge is one of several treatment and recovery facilities run by Wabanaki Public Health and Wellness (WPHW), an organization that works to provide culturally sensitive health care and social services to the federally recognized tribal nations in Maine: Houlton Band of Maliseet Indians, Mi'kmaq Nation, Penobscot Nation and the Passamaquoddy Tribe at Motahkomikuk (Indian Township) and Sipayik (Pleasant Point), which collectively form the Wabanaki Nations.

First Nations in Canada Achieve Historic Settlement to Reform Child Welfare

Imprint - July 15, 2024

Under a historic agreement reached last week between First Nations leaders and Canada, the government will pay out a record \$47.8 billion over 10 years for long-term reforms to Indigenous child and family services across the country. The landmark settlement was eight years in the making, and represents "a profound commitment to our future, rooted sovereignty," Ontario Regional Chief Abram Benedict said in a press statement. Funding for the First Nations Child and Family Services Program will cover a range of services, and include efforts to prevent child abuse and neglect, improve access to safe housing and provide support for young adults leaving the child welfare system.

Also: [Canada apologizes to nine First Nations for denying their Aboriginal status](#)

Tribal representation low at first Indian Child Welfare Advisory Council meeting

South Dakota Searchlight - July 18, 2024

The newly created Indian Child Welfare Advisory Council held its first meeting Thursday to discuss South Dakota's foster care process and how to improve communication and collaboration between the state and tribal governments. The Legislature and Gov. Kristi Noem approved legislation earlier this year establishing the advisory council to address the overrepresentation of Native American children in the state's foster care system. A 2023 joint investigation by South Dakota Searchlight and the Argus Leader found that Native American children accounted for nearly 74% of foster children in the system at the end of fiscal year 2023, despite making up 13% of the state's child population. However, only two tribal representatives -- from the Sisseton Wahpeton Oyate and Lower Brule Sioux Tribe -- attended the first meeting. There are nine tribal nations in South Dakota.

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.

PUBLICATIONS

Tribal Law and Policy Institute VAWA 2022 Tribal Criminal Jurisdiction Series:

1. Judicial Qualifications for Tribal Court Judges: VAWA 2022 Tribal Criminal Jurisdiction Series

The [Tribal Law and Order Act of 2010](#) (TLOA) and the [Violence Against Women Reauthorization Act of 2013](#) (VAWA 2013) amended the [Indian Civil Rights Act](#) (ICRA) to impose qualification requirements on tribal court judges presiding over the prosecution and sentencing of certain cases. In two circumstances this exists: (1) when a tribal court prosecutes a non-Indian defendant (under [VAWA 2022's Special Tribal Criminal Jurisdiction](#)) and the defendant faces the possibility of incarceration or (2) when a tribal court sentences any defendant to greater than one year imprisonment (under TLOA's Enhanced Sentencing Authority), the presiding judge must meet two requirements proscribed by Federal law:

- (1) have “sufficient legal training to preside over [a] criminal proceeding[],” and
- (2) be “licensed to practice law by any jurisdiction in the United States.”

This publication focuses on the first requirement, that a judge presiding over a criminal case involving a non-Indian defendant (or presiding over a TLOA Enhanced Sentencing Authority case) have “sufficient legal training to preside over criminal proceedings.”

2. Victim's Rights: VAWA 2022 Tribal Criminal Jurisdiction Series

This publication explains the importance of crime victim's rights codes, the key rights that are often included, and provides some examples of existing Tribal code provisions. The [Tribal Law and Order Act of 2010](#) (TLOA) and the [Violence Against Women Reauthorization Act of 2013](#) (VAWA 2013) and [2022](#) (VAWA 2022) focus on the scope of Tribal jurisdiction and require certain [due process protections](#) for defendants in Tribal courts. Even though it is not required by Federal law, Tribes who are implementing these laws should also consider enacting Tribal laws that protect and provide a voice to victims of crime in Tribal communities if these laws are not already in place.

3. Fair Cross Section and Tribal Jury Composition: VAWA 2022 Tribal Criminal Jurisdiction Series

This publication explores the origins and implications of the fair cross-section requirement, drawing on relevant Federal jurisprudence, particularly the landmark U.S. Supreme Court case [Duren v. Missouri](#). It also addresses some of the practical challenges tribes face in defining their communities and assembling representative jury pools. By examining these legal frameworks and practical considerations, this publication provides guidance to Tribal governments about how they can effectively implement the jury provisions of VAWA 2013 while maintaining fairness and upholding community values.

Behavioral Health Impacts of Long COVID - Policy to Action

Substance Abuse Mental Health Services Administration (SAMHSA)

July 9, 2024

In May 2023, the federal [COVID-19 Public Health Emergency](#) ended – reflecting a long-awaited return to normalcy across the United States. However, this has not been the case for millions of Americans who continue to struggle with the economic and social effects of the pandemic, including disruptions to daily life, loss, and grief. For some, physical and mental health effects from the virus continue to persist long after the period of initial infection. These lingering effects of a previous COVID-19 infection are most commonly known as [Long COVID](#).

The Impact of COVID-19 on the Nation's Juvenile Court Caseload

Office of Juvenile Justice and Delinquency Prevention Publication, June 2024

NCJ Number 309221, Authors: Sarah Hockenberry and Charles Puzzanchera

In this publication, researchers from the National Center for Juvenile Justice (NCJJ) discuss data submitted to the National Juvenile Court Data Archive project (Archive) and use it to illustrate and assess the impact of COVID-19 on juvenile court caseloads.

ANNOUNCEMENTS

California's CSEC Action Team Welcomes the Fourth Advisory Board Cohort

National Center for Youth Law

The Board, provides technical assistance on efforts to combat the commercial sexual exploitation of children and to support survivors.

Call for Presenters for the 31st Annual California ICWA Conference Areas of interest include but not limited to: Culture; ICWA Education; California Native History; Legal –Boarding School Era; Justice System; Post Tribal Customary Adoption; County Agency Collaborations (MOU); Tribal Service Providers; Domestic Violence.

If you would like to be considered as a presenter, please send your submission to icwaconf@nfr-nsn.gov or if you have questions contact Tawny Lavell at 1-(559) 877-5555.

ONLINE RESOURCES

[**National Native Children's Trauma Center** \[Website\].](#)

University of Montana, Phyllis J. Washington College of Education

We provide training in evidence-based and promising practices as well as technical assistance in trauma-informed systems change across all tribal child-serving systems, including schools, behavioral health providers, child welfare agencies, and juvenile justice systems. We also assist in the cultural adaptation of evidence-based and promising practices and develop products and practices intended for use in Native communities.

[**Data Snapshot Reveals Alarming Depression Rates Among Youth**](#)

Office of Juvenile Justice and Delinquency Prevention

The data show one in five youth ages 12–17 experienced an MDE in 2022. Among youth who had experienced an MDE in 2022, nearly half received treatment for depression. The data also show that more than 8 in 10 youth who experienced an MDE in 2022 perceived the COVID–19 pandemic as having a negative impact on their emotional or mental health.

- [Data from the National Survey on Drug Use and Health provide insight on depression among youth ages 12–17](#)
- [Statistical Briefing Book & New Resources](#)

[**Data Snapshots Highlight Youth Placements, Court Cases Judicially Waived**](#)

Office of Juvenile Justice and Delinquency Prevention

- [Highlights from the 2022 Juvenile Residential Facility Census](#) presents findings from OJJDP's biennial Juvenile Residential Facility Census.
- [Characteristics of Cases Judicially Waived from Juvenile Court to Criminal Court](#) draws on data from OJJDP's [National Juvenile Court Data Archive](#).

UPCOMING CONFERENCES, WEBINARS AND TRAININGS

August 18-21, 2024 (Denver, CO)

[**National Association for Presiding Judges and Court Executive Officers 2024 NAPCO Conference**](#)

September 18-20, 2024 (Phoenix, Arizona)

[**2024 Tribal Healing to Wellness Court Implementation and Enhancement Training**](#)

October 1-3, 2024 (Friant, CA-Table Mountain Casino Resort)

[**31st Annual California State ICWA Conference – Harmony in Culture – Strength in Resilience**](#)

October 22-24, 2024 (Las Vegas, Nevada)

[**55th Annual National Tribal Judicial and Court Personnel Conference**](#)

November 19-21, 2024 (Washington, DC)

[**2024 OJJDP National Conference on Youth Justice: Shaping the Next 50 Years**](#)

December 10-13, 2024 (Agua Caliente Band of Cahuilla Indians Reservation, CA)

[**18th Indian Nations Conference**](#)

COVID-19 SPECIFIC GRANT OPPORTUNITIES

[**FEMA COVID-19 FUNERAL ASSISTANCE**](#)

FEMA will continue to provide funeral assistance until Sept. 30, 2025, to those who have lost loved ones due to this pandemic.

NEW GRANT OPPORTUNITIES

[Tribal Sexual Assault Services Program](#)

U.S. Department of Justice

Office on Violence Against Women (OVW)

O-OVW-2024-172046

Deadline to submit SF-424 and SF-LLL in Grants.gov: August 13, 2024, the SF-424 and SF-LLL must be submitted in Grants.gov.

Deadline to submit full application in JustGrants: August 15, 2024, the full application must be submitted in JustGrants.

The Tribal Sexual Assault Services Program (TSASP) (CFDA # 16.024) supports efforts to Indian Tribes, Tribal organizations, and Tribal nonprofit organizations for the operation of sexual assault programs or projects in Indian Tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault. TSASP supported projects provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, or police departments), support services, and related assistance for adult, youth, and child victims of sexual assault, non-offending family, and household members of victims, and those collaterally affected by the sexual assault.

[Grants to Tribal Governments Victim Service Providers for Financial Assistance to Victims of Sexual Assault and Domestic Violence Special Initiative](#)

U.S. Department of Justice

Office on Violence Against Women (OVW)

O-OVW-2024-172129

Deadline to submit SF-424 and SF-LLL in Grants.gov: August 20, 2024

Deadline to submit full application in JustGrants: August 22, 2024

The Grants to Tribal Governments Victim Service Providers for Financial Assistance to Victims of Sexual Assault and Domestic Violence Special Initiative (Tribal Financial Assistance Initiative) (CFDA 16.029) supports flexible financial assistance to survivors of domestic violence, dating violence, sexual assault, stalking, and sex trafficking by established tribal victim service providers.

[YouthBuild](#)

Department of Labor

Employment and Training Administration

FOA-ETA-24-53

Deadline: September 16, 2024

The Department of Labor (DOL) will award grants through a competitive process to organizations providing pre-apprenticeship services that support education, occupational skills training, and employment services to opportunity youth, ages 16 to 24, who are performing meaningful work and service to their communities.

[Digital Equity Competitive Grant Program Notice of Funding Opportunity](#)

U.S. Department of Commerce, NTIA

NTIA-DECGP-2024

Deadline: September 23, 2024

The Digital Equity Act authorizes funds to be used for the development and implementation of digital inclusion activities that benefit the Covered Populations; programs that facilitate the adoption of broadband by Covered Populations to provide educational and employment opportunities; training programs that cover basic, advanced, and applied skills; workforce development programs; access to equipment, instrumentation, networking capability, hardware and software, or digital network technology for broadband services at low or no cost; and the construction or operation of public access computing centers for Covered Populations.

PREVIOUSLY REPORTED GRANT OPPORTUNITIES

[Engaging Survivors of Sexual Violence and Trafficking in HIV and Substance Use Disorder Services](#)

Department of Health and Human Services

National Institutes of Health

RFA-DA-25-018

Deadline: August 5, 2024

The goal of this concept is to support exploratory research and preliminary interventions to address the interrelated and compounding contextual factors that contribute to substance use and HIV risk among sexual trafficking survivors. This would be accomplished through research that builds new interventions and models of care that can effectively engage ST survivors in care for SUD, HIV, trauma, and other mental health outcomes and addresses key structural and social determinants of health that contribute to risk for ST as well as barriers to and facilitators of escaping continued exploitation.

Law Enforcement Training and Technical Assistance

U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

O-BJA-2024-172189

Step 1: Application Grants.gov Deadline: August 5, 2024

Step 2: Application JustGrants Deadline: August 12, 2024

BJA seeks to fund four national training and technical assistance (TTA) programs to support law enforcement and criminal justice stakeholders in Task Force Leadership, Operations and Management (Category 1), Specialized Units TTA (Category 2), Crime Gun Intelligence Center TTA (Category 3) and Police Recruiting and Retention Among Underrepresented Groups (Category 4).

Harold Rogers Prescription Drug Monitoring Program (PDMP)

Department of Justice

Bureau of Justice Assistance

O-BJA-2024-172184

Step 1: Application Grants.gov Deadline: August 9, 2024

Step 2: Application JustGrants Deadline: August 16, 2024

BJA seeks to enhance the capacity of regulatory and law enforcement agencies and public health officials to collect and analyze controlled substance prescription data and other scheduled chemical products through a centralized database administered by an authorized agency.

Broadband Technical Assistance

Department of Agriculture

Rural Utilities Service

RUS-BTA-2024

Deadline: August 20, 2024

Program funds must be used to support broadband technical assistance activities that promote the expansion of broadband into rural areas. Examples of broadband technical assistance projects may include conducting feasibility studies, completing network designs, and developing broadband financial assistance applications.

Eviction Protection Grant Program

Department of Housing and Urban Development

Department of Housing and Urban Development

FR-6800-N-79

Deadline: August 20, 2024

The Eviction Protection Grant Program (EPGP) through this NOFO will fund nonprofit organizations and government entities to provide no cost legal assistance to low-income tenants at risk or subject to eviction.

Indian Housing Block Grant (IHBG) Competitive Grant Program

Department of Housing and Urban Development

Department of Housing and Urban Development

FR-6800-N-48

Deadline: August 29, 2024

Grant funds may be used to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas and carry out other affordable housing activities. Grant funds must be used to primarily benefit low-income Indian families.

NIDA Research Center of Excellence Grant Program

Department of Health and Human Services

National Institutes of Health

PAR-23-076

Open Date (Earliest Submission Date): August 25, 2023

Deadline: November 18, 2025

This Funding Opportunity Announcement (FOA) is to provide support for research Centers that (1) conduct substance use and addiction research in any area of NIDA's mission, including the intersection of substance use/addiction and HIV, (2) foster outstanding innovative science, (3) are multidisciplinary, thematically integrated, and synergistic, and (4) serve as national resource(s) to provide educational and outreach activities to relevant research communities, educational organizations, the general public, and policy makers.

HEAL Initiative: Research to Increase Implementation of Substance Use Preventive Services

Department of Health and Human Services

National Institutes of Health

RFA-DA-24-066

Earliest Submission Date: December 17, 2023

Expiration Date: January 17, 2026

The goal of this initiative is to support research that can improve public health and respond to the opioid crisis by increasing knowledge pertaining to the delivery and sustainability of prevention services. This notice of funding opportunity (NOFO) solicits applications to address understudied areas of opportunity that, if researched, could create the foundation needed to inform a prevention infrastructure for ongoing delivery and sustainment of interventions to prevent opioid and other substance misuse and use disorders.